Planning and Environment Act 1987

Tranche 2 Report

Government Land Standing Advisory Committee

FT08: 95 Station Road and 814 Ballarat Road, Deer Park
FT10: 27 Driscolls Road, Kealba
FT12: 32A Green Gully Road, Keilor
FT13: Eliza Street, Keilor Park
FT36: 18-24 Robertsons Road and 16-28 McCubbin Drive, Taylors Lakes
FT49: 31 Radford Road, Reservoir
FT50: 74-76 Glasgow Avenue, Reservoir
FT09: 430 Blackshaws Road, Altona North
~~**FT11:** 103A Grieve Parade, Altona~~

29 July 2016

Redacted version 10 May 2017

VICTORIA State Government | Planning Panels Victoria

Planning and Environment Act 1987

Government Land Standing Advisory Committee

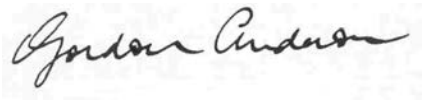
Tranche 2 Report under Section 151 of the Act

This version of the report has the Committee's advice on 103A Grieve Parade redacted.
The Committee's discussion on this 103A Grieve Parade, Altona has been redacted to facilitate the release of this report before a decision has been made in relation to this site

29 July 2016

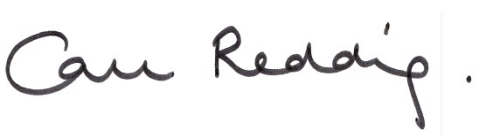
Lester Townsend, Chair

Brett Davis, Deputy Chair

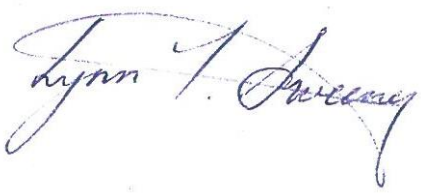


Gordon Anderson, Member

Mandy Elliott, Member



Cazz Redding, Member



Lynn Sweeney, Member

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List of Abbreviations

AAV	Office of Aboriginal Affairs Victoria
ANEF	Australian Noise Exposure Forecast
DCPO	Development Contributions Plan Overlay
DDO	Design and Development Overlay
DET	Department of Education and Training
DPO	Development Plan Overlay
EMO	Erosion Management Overlay
ESO	Environmental Significance Overlay
FTGL Service	Fast Track Government Land Service
GRZ	General Residential Zone
LSIO	Land Subject to Inundation Overlay
MAEO	Melbourne Airport Environs Overlay
MSS	Municipal Strategic Statement
NASF	National Aviation Safeguarding Framework
NRZ	Neighbourhood Residential Zone
PPRZ	Public Park and Recreation Zone
PUZ	Public Use Zone
RGZ	Residential Growth Zone
SDA	Sustainable Development Assessment
SIA	Social Impact Assessment
SPPF	State Planning Policy Framework
the Airport	Australian Pacific Airports (Melbourne) Pty Ltd
VPP	Victoria Planning Provisions

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. As part of this process the Minister for Planning, in July 2015, approved Terms of Reference (Appendix A) to establish the Government Land Standing Advisory Committee (the Committee) under Part 7, section 151 of the *Planning and Environment Act 1987.*

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 has dealt with a number of government owned sites in this tranche. Rezoning proposals were prepared for each site, and sites were then referred to the Committee.

A public notice and exhibition process gave opportunity for people who may be affected to make submissions to be considered by the Committee and present at the Committee Hearings.

All referred sites have been declared surplus to the needs of the government agency that manages the land (the site owner). There is clear policy[1] that government agencies must only hold land or an interest in land where state ownership of that land contributes directly to current or future service delivery outcomes expected of agencies.

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 Elissa Bell, Senior Project Manager 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.*

[1] Victorian Government Landholding Policy and Guidelines 2015.

- *A list of persons who made submissions considered by the Standing Advisory Committee.*
- *A list of persons consulted or heard.*

This is the Committee's Tranche 2 Report for the Minister for Planning.

Executive Summary

On 6 March 2016 the Minister for Planning referred the following sites to the Committee:

- 95 Station Road and 814 Ballarat Road, Deer Park (former Deer Park Primary School)
- 27 Driscolls Road, Kealba (former Kealba Secondary College)
- 32A Green Gully Road, Keilor (former Calder Rise Primary School)
- 46 Eliza Street, Keilor Park (former Keilor Park Primary School)
- 18-24 Robertsons Road and 16-28 McCubbin Drive, Taylors Lakes (undeveloped school site)
- 31 Radford Road, Reservoir
- 74-76 Glasgow Avenue, Reservoir (former Ruthven Primary School)
- 430 Blackshaws Road, Altona North (former Altona Gate Primary School)
- 103A Grieve Parade, Altona (former Altona West Primary School).

The proposed zoning for each site is provided in the table below.

Table E-1: Tranche 2 Current and proposed controls

Current planning scheme controls	Proposed planning scheme controls	Committee Recommendation
95 Station Road and 814 Ballarat Road, Deer Park (former Deer Park Primary School)		
Public Use Zone – Education Heritage Overlay (HO84)	Residential Growth Zone Development Plan Overlay Heritage Overlay (HO84)	Residential Growth Zone and Schedule 1 Development Plan Overlay as shown in Appendix C
27 Driscolls Road, Kealba (former Kealba Secondary College)		
Public Use Zone – Education	General Residential Zone Development Plan Overlay	General Residential Zone, Schedule 1 Development Plan Overlay as shown in Appendix C

Current planning scheme controls	Proposed planning scheme controls	Committee Recommendation
32A Green Gully Road, Keilor (former Calder Rise Primary School)		
Public Use Zone – Education	General Residential Zone Development Plan Overlay	Current amendment not be progressed. In absence of a specific development proposal, a planning scheme amendment be prepared and approved to: a) Rezone the bulk of the site to Commercial 2 Zone. b) Rezone the small western portion in VicRoads ownership to Public Use Zone 4 – Transport
Melbourne Airport Environs Overlay (MAEO2)	Melbourne Airport Environs Overlay (MAEO2)	Melbourne Airport Environs Overlay (MAEO2)
46 Eliza Street, Keilor Park (former Keilor Park Primary School)		
Public Use Zone – Education	General Residential Zone Development Plan Overlay	Neighbourhood Residential Zone Schedule 1 Section 173 agreement
Melbourne Airports Environs Overlay (MAEO2) over part of the site	Melbourne Airports Environs Overlay (MAEO2) over part of the site	Melbourne Airports Environs Overlay (MAEO2) over part of the site
18-24 Robertsons Road and 16-28 McCubbin Drive, Taylors Lakes (undeveloped school site)		
Public Use Zone – Education	General Residential Zone Development Plan Overlay	General Residential Zone Schedule 1 Development Plan Overlay as shown in Appendix C
31 Radford Road, Reservoir		
Public Use Zone – Education	Industrial 1 Zone	Industrial 1 Zone Development Plan Overlay that provides for: • Protection of the Merri Creek environs • Prevents development within the area abutting Merri Creek (approximately 1.9 hectares)

Current planning scheme controls	Proposed planning scheme controls	Committee Recommendation
Development Contribution Plan Overlay Environmental Significance Overlay Erosion Management Overlay Land Subject to Inundation Overlay	Development Contribution Plan Overlay Environmental Significance Overlay Erosion Management Overlay Land Subject to Inundation Overlay	Development Contribution Plan Overlay Environmental Significance Overlay Erosion Management Overlay Land Subject to Inundation Overlay
74-76 Glasgow Avenue, Reservoir (former Ruthven Primary School)		
Public Use Zone – Education	General Residential Zone Development Plan Overlay	General Residential Zone Schedule 1 Development Plan Overlay as shown in Appendix C
Development Contribution Plan Overlay	Development Contribution Plan Overlay	Development Contribution Plan Overlay
430 Blackshaws Road, Altona North (former Altona Gate Primary School)		
Public Use Zone – Education	Residential Growth Zone Development Plan Overlay	General Residential Zone Schedule 4 Development Plan Overlay as shown in Appendix C
103A Grieve Parade, Altona (former Altona West Primary School)		
		[Redacted]

These sites raised a number of issues.

First was the criteria and methodology for identifying which residential zone and which schedule in the zone should apply. The Committee has applied the criteria from Planning Practice Note 78.

The Committee's assessment recognises that against a number of the criteria more than one zone could be justified. This is important. The material presented by the site owner identified a recommended zone for each criterion based on the Planning Practice Note. This is not how the Planning Practice Note is constructed and for some criteria two possible zones are indicated and there is nothing in the Planning Practice Note to suggest only one of these should be the preferred zone.

Second, a number of issues were raised in relation to the proposed Development Plan Overlay (DPO). The Committee generally supports the application of the DPO but has recommended a number of drafting refinements in response to submissions, these are shown in Appendix C.

Third, the issue of rezoning land alongside the Merri Creek was relevant to one of the sites (31 Radford Road, Reservoir). The Committee concluded that a portion of the site should not be rezoned without the appropriate mechanisms to protect that portion of the site from development. Development of this land (if indeed practical) would be clearly inconsistent with state and local planning policies that urge the protection of Melbourne's waterways, in particular the Merri Creek corridor.

Fourth, issues were raised about the desirability of retaining one of the sites as open space (74-76 Glasgow Avenue, Reservoir). The Committee notes that its role is to determine an appropriate zoning based on the presumption that the land will not be given over as open space.

Fifth, two of the sites are affected by the Melbourne Airports Environmental Overlay (MAEO) (32A Green Gully Road, Keilor and 46 Eliza Street, Keilor Park). Consistent with the Committee's recommendations from Tranche 1, residential development on the Keilor site has been rejected and a commercial zone is recommended. On the Keilor Park site residential is the only feasible use for the small portion covered by the MAEO but the Committee recommends that restrictions be placed on the site to limit development to one dwelling.

The Committee recommends:

1. For 95 Station Road and 814 Ballarat Road, Deer Park:

A planning scheme amendment be prepared and approved to:

a) Rezone the site to the Residential Growth Zone and apply the existing Schedule 1.

b) Apply a Development Plan Overlay as shown in Appendix C.

c) Reduce the area of the Heritage Overlay as exhibited.

2. Consider preparing an amendment to rezone the Council owned land at 812 Ballarat Road from Public Use Zone 2 – Education to Public Use Zone 6 – Local Government to reflect its ownership and use.

3. For 27 Driscolls Road, Kealba:
A planning scheme amendment be prepared and approved to:

a) Rezone the site to the General Residential Zone, Schedule 1

b) Apply a Development Plan Overlay as shown in Appendix C

4. **For 8–20 and part 22 Phillip Street, Dallas, the proposed rezoning to Mixed Use Zone, introduction of an Incorporated Plan under Clause 52.03 and application of the Development Plan Overlay not be progressed.**

5. For 32A Green Gully Road, Keilor:

The proposed rezoning to General Residential Zone, and introduction of a Development Plan Overlay not be progressed.

In the absence of a specific development proposal for the subject site, a planning scheme amendment be prepared and approved to:

a) **Rezone the bulk of the site currently in the site owner ownership to the Commercial 2 Zone.**

b) **Rezone the small part of the site to the west in VicRoads ownership to Road Zone 1.**

6, **For 46 Eliza Street, Keilor Park:**

A planning scheme amendment be prepared and approved to:

a) **Rezone the site to the Neighbourhood Residential Zone, Schedule 1**

b) **Require current and future owners enter into a Section 173 Agreement to:**

- **Require any dwellings constructed be compliant with AS2021-2015 – Acoustic – Aircraft Noise Intrusion – Building Siting and Construction.**
- **Specify that the land is subject to aircraft noise.**
- **Consolidate the three lots on the southwestern corner of the site, comprising the following parcels Vol 8689 Fol 984 Lot No 40 LP77823; Vol 8689 Fol 985 Lot No 41 LP77823; and Vol 8689 Fol 986 Lot No 42 LP77823 and specify a minimum lot size of 1,800 square metres on the consolidated lot.**
- **Specify a minimum lot size of 300 square metres per lot on all other lots.**

7. **For 18-24 Robertsons Road and 16-28 McCubbin Drive, Taylors Lakes:**

A planning scheme amendment be prepared and approved to:

a) **Rezone the site to the General Residential Zone, Schedule 1**

b) **Apply a Development Plan Overlay as shown in Appendix C.**

8. **For 31 Radford Road, Reservoir:**

A planning scheme amendment be prepared and approved to:

a) **Rezone the site to the Industrial 1 Zone**

b) **Apply a Development Plan Overlay that provides for:**

- **Protection of the Merri Creek environs**
- **Prevents development within the area abutting Merri Creek (approximately 1.9 hectares).**

9. **For 74-76 Glasgow Avenue, Reservoir:**

A planning scheme amendment be prepared and approved to:

a) **Rezone the site to the General Residential Zone Schedule 1**

b) **Apply a Development Plan Overlay as shown in Appendix C.**

10. **For 430 Blackshaws Road, Altona North:**

A planning scheme amendment be prepared and approved to:

a) **Rezone the site to the General Residential Zone Schedule 4, (as exhibited for 103A Grieve Parade)**

b) **Apply a Development Plan Overlay as shown in Appendix C.**

~~**11, For 103A Grieve Parade, Altona:**~~

1 Tranche 2 issues

1.1 Criteria for identifying appropriate residential zoning

A number of sites in this Tranche raise issues about the application of the residential zones.

1.1.1 Is there a default residential zone?

A critical shift in thinking evidenced in the current suite of residential zones in the metropolitan planning strategy *Plan Melbourne* is that decisions about the intensity of development will be driven more by the characteristics of the area and less by the characteristics of the site, although whether a site is a 'strategic redevelopment site' will still be relevant. Simply having a large site does not imply a policy position for more intensive growth than the surrounding area if there are site constraints, or the site is not strategically well located.

The Committee believes that the starting point for the application of a residential zone should be the criteria for applying the Neighbourhood Residential Zone (NRZ), General Residential Zone (GRZ) and Residential Growth Zone (RGZ) outlined in Table 2 of Planning Practice Note 78.

The Committee's assessment recognises that against a number of the criteria more than one zone could be justified. This is important. The material presented by the site owner identified a recommended zone for each criterion. This is not how the Planning Practice Note is constructed. For example if the response to the criterion 'Identified areas for growth and change' is 'no', then either a NRZ or a GRZ is suggested by the Planning Practice Note. Table 1-1 identifies the criteria for applying the NRZ, GRZ and RGZ as per the Planning Practice Note.

Table 1-1: Criteria for applying the NRZ, GRZ and RGZ

Criteria	Neighbourhood Residential Zone	General Residential Zone	Residential Growth Zone
Retention of identified neighbourhood character (such as evidenced through HO, NCO, DDO, significant intactness)	Yes	Yes	No
Identified areas for growth and change (such as evidenced through DDO or similar)	No	No	Yes
Existing landscape or environmental character/ constraints (evidenced through SLO, ESO, local policy)	Yes	Yes	No
Risk associated with known hazard (evidenced through BMO, LSIO or EMO for fire, flood and landslip or other constraints identified through EPA hazard buffers or similar)	High	Low	Low
Level of development activity (existing or desired)	Low	Low or Moderate	High
Brownfield/urban renewal site/area	No	No	Yes
Adopted housing and development strategy (not required for conversion only to GRZ)	Yes	No	Yes
Identified in Activities Area structure plan/policy	No	No	Yes
Commercial or industrial land for redevelopment not located in an Activities Area (strategic justification for rezoning required)	No	Yes	Yes
Good access to employment options	No	No	Yes
Good access to local shopping	No	No	Yes
Good access to local community services	No	No	Yes
Good access to transport choices (including walkability, public transport, cycling, road access etc.)	No	No	Yes

Source: Planning Practice Note 78, Table 2. Note: Criteria 12 removed as it is not relevant to non-residential heritage.

(i) Observations on the Planning Practice Note criteria

The Committee makes the following observations on the criteria based on the sites it has considered. To assist in presenting its findings, the Committee has presented the criteria in Planning Practice Note 78 as questions in the body of the report.

Retention of identified neighbourhood character (such as evidenced through HO, NCO, DDO, significant intactness)

This is relatively straightforward to assess if controls have been applied to the surrounding area. Less straight forward is where the surrounding area is in the NRZ. Certainly in this case development at the edges of the site need to respect the existing character, but there may be scope for a more intense, or different character in the centre of the site. Whether this is achievable will depend on the size and shape of the site in question.

Identified areas for growth and change (such as evidenced through identification as a strategic development site, DDO or similar)

Difficulties arise where sites are identified in general terms in policy documents but not mapped.

Existing landscape or environmental character/ constraints (evidenced through SLO, ESO, local policy)

This is relatively straightforward to assess.

Risk associated with known hazard (evidenced through BMO, LSIO or EMO for fire, flood and landslip or other constraints identified through EPA hazard buffers or similar)

Some of these are mapped in the planning scheme, however the Committee is reliant on the site owners and Council identifying hazards that are not mapped in the planning scheme, such as EPA hazard buffers.

Level of development activity (existing or desired)

Because this criterion can cover existing or desired level of development, and desired development can refer to the size of the site. Assessment against this criterion involves balancing a range of policy objectives unless a housing strategy clearly specifies the site for strategic redevelopment.

Brownfield/urban renewal site/area

The criterion is ambiguous and the Committee's interpretation is that it refers to the area that the site is in, not the site itself. Surplus school sites are not automatically included as a renewal site.

Adopted housing and development strategy (not required for conversion only to GRZ)

This is relatively straightforward to assess.

Identified in Activities Area structure plan/policy

This is relatively straightforward to assess.

Commercial or industrial land for redevelopment not in Activities Area

This is a confusing criterion because it refers to two attributes of the site: its use (whether it is commercial or industrial land) and its location (whether it is in an Activities Area). This criterion might be thought only to apply to commercial or industrial land, not residential or public land, but this approach gives a perverse result: commercial land in an Activities Area would be recommended for the Neighbourhood Residential Zone. This criterion only makes sense if it is applied only to land not in an Activity Area. If this approach is taken the criterion is straight forward to assess and Planning Practice Note 78 'makes sense'.

Good access to employment options

In the absence of any defined metric this involves a degree of subjective assessment.

Good access to local shopping

In the absence of any defined metric this involves a degree of subjective assessment.

Good access to local community services

In the absence of any defined metric this involves a degree of subjective assessment.

Good access to transport choices (including walkability, public transport, cycling, road access etc.)

In the absence of any defined metric this involves a degree of subjective assessment. The Committee does not see that all options have to be equally good. If a site has high walkability it may not need good road access.

(ii) Assessing sites against the criteria

Assessing the sites against the criteria should not be considered a definitive process. There will always be a range of judgements about how the criteria apply and whether a 'weighting' should apply. The use of the criteria does provide a mechanism for consistent application across different sites and for different processes. It also provides a 'check' for intuitive judgements on the best zone for the sites.

The Committee has reached a definitive conclusion for each criterion in Planning Practice Note 78 and then applied it to identify which zones might apply to each site. The Committee has tallied a score for each zone to give a broad indication as to the zone(s) the Planning Practice Note indicates is appropriate for a site. Given the subjective assessment involved in assessing each site the numerical score should be treated with a degree of caution, but it does give a clear indication of those sites where a Residential Growth Zone might be appropriate.

1.1.2 Is the land a strategic development site?

Clause 16.01-3 of the State Planning Policy Framework (SPPF) provides guidance as to how to define strategic development sites. The objective relates to Metropolitan Melbourne, but the Committee considers the principles can be applied to all areas in the state.

Under the clause, strategic redevelopment sites should meet the following criteria:

- in and around Central Activities Districts
- in or within easy walking distance of Principal or Major Activity Centres

- in or beside Neighbourhood Activity Centres that are served by public transport
- on or abutting tram, train, light rail and bus routes that are part of the Principal Public Transport Network and close to employment corridors, Central Activities districts, Principal or Major Activity Centres
- in or near major model public transport interchanges that are not in Principal or Major Activity Centres
- able to provide ten or more dwellings, close to activity centres and well served by public transport.

The SPPF does not provide a weighting for these criteria.

Clause 9.01 of the SPPF requires that, where relevant, planning and responsible authorities must apply the strategy *Plan Melbourne: Metropolitan Planning Strategy* (Department of Transport, Planning and Local Infrastructure, 2014).

Plan Melbourne does not specifically refer to strategic redevelopment sites, but it does contain the following guidance as to where high levels of residential growth will be supported.

At page 63 *Plan Melbourne: Metropolitan Planning Strategy* says (bold emphasis added):

> *Accommodating growth will focus on the continued development of Melbourne's growth areas and targeted medium- and high-density development within defined residential change areas including:*
> - *…*
> - *urban-renewal precincts (existing and to-be-identified)*
> - ***areas identified by local governments for applying the new Residential Growth Zone***
> - *…*

At page 67 *Plan Melbourne: Metropolitan Planning Strategy* says (bold emphasis added):

> *The reformed residential zones provide vastly improved planning tools to enable local governments to direct residential change to specific areas and constrain change in other areas. With this significantly increased power is an equal responsibility that the decisions by local governments about how land is zoned are based on a robust rationale that:*
> - ***accounts for the directions of Planning Practice Note 78 which instruct local governments to apply the zones to protect areas of well-defined character while also providing ongoing housing opportunity***
> - *ensures defined housing change areas and* ***known major redevelopment sites are zoned to support long-term housing growth, choice and diversity***
> - ***is consistent with a current local housing strategy or equivalent established residential development policy***
> - ***assists to create a spectrum of minimal, incremental and high-change residential areas that balance the need to protect residential areas with the need to ensure choice and growth in housing markets locally, regionally and across the metropolitan area.***

At page 68 *Plan Melbourne: Metropolitan Planning Strategy* says under 'Initiative 2.1.2 Prepare a Metropolitan Housing Map' (bold emphasis added):

> *Initiative 2.1.2 – Prepare a Metropolitan Housing Map*
>
> *In Melbourne's established areas, high levels of residential growth will be supported in:*
> - *urban-renewal locations*
> - *The Central Subregion*
> - *metropolitan activity centres*
> - *areas in proximity to high employment clusters*
> - *areas in proximity to high-frequency public transport routes*
> - ***high-change residential areas, as identified in local planning schemes.***

Plan Melbourne requires that known major redevelopment sites be zoned to support long-term housing growth, choice and diversity.

Not all Councils address potentially surplus government land in their housing strategies or planning scheme. This can be for a variety of reasons, including that the Council may not be aware the land is potentially surplus to government requirements, or the Council may have limited their assessment to land currently zoned for residential and commercial purposes.

If a Council has not assessed whether potentially surplus government land is suitable for housing opportunities, then the Committee may need to make an assessment as to whether this land may be a major redevelopment site.

This will then complement the application of the directions of Planning Practice Note 78.

For the purposes of the assessment, the criteria identified in Clause 16.01-3 for strategic redevelopment sites have been merged into four separate criterion as follows:

- in and around Central Activities Districts
- in or within easy walking distance of Principal or Major Activity Centres OR in or beside Neighbourhood Activity Centres that are served by public transport
- on or abutting tram, train, light rail and bus routes that are part of the Principal Public Transport Network and close to employment corridors, Central Activities districts, Principal or Major Activity Centres OR in or near major model public transport interchanges that are not in Principal or Major Activity Centres
- able to provide ten or more dwellings, close to activity centres and well served by public transport.

This allows 'either or' criterion to be treated as one (i.e. the site is close to a Principal or Major Activity Centre or in or beside Neighbourhood Activity Centres that are served by public transport). The Committee has taken the view that any site may be one or the other and each have the same value.

1.1.3 What zone schedule should apply

The site owner proposed the application of a new Schedule 2 to the Residential Growth Zone or General Residential Zone to apply to sites in Brimbank.

Brimbank City Council submitted there was no need for 'site specific' schedules for the Brimbank school sites, and separate schedules would be contrary to orderly planning:

> *Through Amendment C166 (which underwent full public notice and Planning Panel scrutiny), Council has settled on its schedules to its RGZ, GRZ and NRZ.*
>
> *As the Panel in Am C166 noted, the adopted schedules have a direct link to Council's MSS. … The Panel … found that the schedules are 'strategically justified, are aligned with the purpose of their respective zones and achieve the objectives within the Planning Scheme and the Housing Strategy'.*

The Committee has reviewed both Schedule 1 and the proposed Schedule 2 to the Residential Growth Zone and General Residential Zone. Schedule 1 includes a range of variations to the ResCode controls that have been consistently applied to all land zoned Residential Growth Zone or General Residential Zone in the municipality. The proposed Schedule 2 does not include any variations.

The Committee agrees with Council there is no justification for introduction of 'site specific' schedules given Council has already undertaken the work through its Housing Strategy to identify the controls that should apply consistently throughout the municipality. This work has been scrutinised and now forms parts of the Planning Scheme. The Committee cannot identify there will be any conflict between the proposed Development Plan Overlay and Schedule 1 to the Residential Growth Zone or General Residential Zone in the case of the Brimbank site. The Committee therefore supports Council's position that the Schedule 1 to the Residential Growth Zone and General Residential Zone should be applied and has taken the same approach with the application of Schedule 1 to the Neighbourhood Residential Zone for the 46 Eliza Street site.

In Hobsons Bay, while the site owner proposed 430 Blackshaws Road for Residential Growth Zone, the Committee recommends that the new schedule, General Residential Zone - Schedule 4 (GRZ4) (as exhibited for Grieve Parade) and a DPO are appropriate to apply to both sites as they better reflect the development potential of the sites. GRZ4 applies a maximum building height of 13.5 metres. On inspection of the site and surrounding neighbourhood the Committee notes that, due to the island nature of the site, a master planned development with some higher forms could be appropriate without compromising the amenity of the surrounding one and two storey neighbourhood.

In Darebin the Committee has accepted that 31 Radford Road be rezoned to Industrial 1 Zone, however recommends that a Development Plan Overlay apply to the site that provides for:

- Protection of the Merri Creek environs
- Prevents development within the area abutting Merri Creek (approximately 1.9 hectares).

The Committee agrees with the site owner that the former Ruthven Primary school site at 74-76 Glasgow Avenue be rezoned to General Residential Zone Schedule 1 with a DPO subject to the modifications proposed by the Committee in Appendix C.

1.2 Setting development controls

1.2.1 Master planning the sites

A Development Plan Overlay was proposed for the sites to provide a mechanism for the responsible authority to approve an overall plan for the site before permits are applied for.

The SPPF provides guidance on the development of land.

Clause 15 relating to the **built environment and heritage** seeks to ensure that new land use and development appropriately responds to its contextual setting including landscape and built form character and contributes positively to the quality of the built environment. The policy includes emphasis on safety, liveability, sustainable form of development and integration with sense of place of existing urban areas where redevelopment may be proposed.

Some specific strategies under **Clause 15.01-1** for **Urban design** relevant to the former school sites include:

> *Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living environments, accessibility and inclusiveness and environmental sustainability.*
>
> *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*
>
> *Require development to include a site analysis and descriptive statement explaining how the proposed development responds to the site and its context.*
>
> *Encourage retention of existing vegetation as part of subdivision and development proposals.*

Clause 15.01-3 includes relevant strategies for **neighbourhood and subdivision design** that include creating liveable and walkable communities and provide a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.

Most of the sites are relatively large and may require new roads, or benefit from new pedestrian links. If a use other than residential development is proposed a range of other issues might be raised. Master planning the sites is clearly desirable and would be expected to be a logical stage in the development of the sites. The Committee considers for most sites formal approval of such a master plan by the responsible authority would be desirable. This supports the use of the DPO or a similar tool.

(i) The Development Plan Overlay

The purpose of the Development Plan Overlay (DPO) is to identify areas that require the planning of future use or development to be shown on a plan before a permit can be granted and allows strategic master planning to occur upfront.

The DPO is a flexible tool that can be used to implement a plan to guide the future development of the land such as an outline development plan, detailed development plan or master plan. The Overlay has two purposes:

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

The DPO would provide a mechanism for 'master planning' the sites – potentially involving the local community – before permits are applied for.

(ii) The Design and Development Overlay

A Design and Development Overlay (DDO) would allow for parameters to be specified over new development on the sites. The Overlay does not require that an overall plan for the land be developed. The use of the DDO would increase the need for a strategic framework because it applies requirements on development (rather than on the development of a master plan as the DPO does) and these requirements would need to be justified.

Hobsons Bay Council submitted that the application of a DDO rather than DPO over their two sites was appropriate to respect the existing neighbourhood character and maintain third party appeal rights. Council submitted that the Hobsons Bay community:

> *… may not fully understand this rezoning process or the planning controls proposed. Members of the community may think that they'll have the opportunity to comment on detailed plans and appeal any decision during the planning permit stage – this will not occur if the DPO is applied.*

The Committee does not accept this argument. Any DDO schedule would require strategic justification for the requirements it imposed, and this work has not been done.

1.2.2 Changes to the Development Plan Overlay

(i) What is proposed

The site owner proposed the application of a Development Plan Overlay for all the sites. The site owner submitted that the Schedule to the DPO has been drafted to achieve a more intensive urban density on the sites than is found within the surrounding low-density context and that this is strategically justified.

The site owner explained in its submissions to the Committee that the exhibited DPO Schedule seeks a number of matters be addressed in preparation of the development plan, including:

- *A range of dwelling types to cater to a variety of housing needs.*
- *Sustainable design features.*
- *A requirement for three dimensional building envelopes.*
- *Variation to building forms across the site.*
- *A maximum of two storey building height 'adjacent to or opposite any existing single storey residential development'. In response to submissions, it is recommended that this be amended to apply also opposite existing two storey residential development.*

- *Taller built form that is graduated in height and considers the impacts or shadow, amenity and character of the area.*
- *New local street networks or improved cycle links as appropriate.*
- *Opportunities to retain vegetation where appropriate.*
- *A traffic management report and car parking plan.*
- *An arboricultural assessment of any significant vegetation on the land,*
- *A landscape concept plan.*

(ii) Proposed changes

From considerations to outcomes

Darebin City Council submitted that the Committee should consider changing the language in the requirements for a development plan section from 'considering' to 'must be included'.

The Committee understands the issues with making some elements of a development plan mandatory, but provided 'should' is used, the Committee thinks it is better to set a clear policy direction by specifying the outcome rather than just what needs to be considered. This would require a shift in drafting from what the development plan 'should achieve' as opposed to what it 'should consider'. The Committee has made the following change to the DPO:

> *In preparing a development plan or an amendment to a development plan, the following ~~matters should be considered~~ should be achieved:*

Height controls

Darebin City Council submitted:

- *The maximum building height in the proposed Schedule to the Development Plan Overlay is vague and uncertain*
- *… the 13.5 metre maximum building height will allow up to 4 storeys to be constructed on the land in an area where the Housing Strategy seeks minimal change…*
- *… consideration should be given to:*
  - *including a 'mud map' outlining the location of intended built form and nominating maximum building heights of 2 storeys*
  - *including requirements for planning permits that limit maximum building heights on the land to 2 storey and impose minimum street setbacks.*

In response to submissions regarding the DPO height control, the site owner has amended the DPO Schedule to apply the requirement for a maximum of two-storey built form adjacent to or opposite existing single-storey residential development so that it also applies adjacent to two-storey development. This revision is suggested as follows:

> *The amenity of adjoining sites by providing for a maximum of two-storey built form adjacent to or opposite any existing single OR two-storey residential development.*

The site owner stated that the exhibited DPO "*seeks to provide the balance between providing a broad master plan for the site whilst not needing to go to levels of detail already required at the permit stage via existing controls in the Scheme*"".

The Committee supports the proposed changes by the site owner as they also reflect Council's concerns regarding the amenity of adjoining sites. The Committee does not support the inclusion for the requirement of a 'mud map' proposed by Darebin as the master planning process for the site has yet to occur.

Brimbank sites

Brimbank City Council supported the application of the DPO to sites in Brimbank but requested a number of changes to it. These are summarised as follows:

- Redrafting of the content generally in accordance with the Brimbank DPOs already in the Brimbank Planning Scheme.
- The introduction of local policy content, including the objectives from the *Urban Forest Strategy 2016* and the Municipal Strategic Statement, relating to environmental sustainability design requirements, flora and fauna retention and improved built form outcomes.
- Amended requirements for the consideration of the retention of existing canopy trees consistent with the *Urban Forest Strategy 2016*.
- Specific consideration of integrating built form on the edge of the site with adjoining existing development.
- Integration with surrounding community facilities (where they exist).
- Streamlining and brevity improvements.

In relation to Council's proposed changes to the Amendment, the site owner was generally satisfied with the suggested changes by Council with the exception of the reference and policy relating to the *Urban Forest Strategy 2016.* The *Urban Forest Strategy* was adopted by Council in May 2016. The site owner submitted that while the strategy is an adopted policy of Council, the minutes supporting the approval of the strategy do no suggest Council is seeking to formally amend the planning scheme to introduce the strategy. As such, it is not reasonable to introduce policy based on the *Urban Forest Strategy* into the DPO for these sites.

The Committee does not support the inclusion of policy to implement Brimbank's *Urban Forest Strategy 2016*. The Committee considers that if the strategy is to be incorporated into the Brimbank Planning Scheme it should be done so in a comprehensive way and not just applied as individual sites come up for rezoning.

One submitter suggested that the Schedule to the Development Plan Overlay should be written in a similar manner to those already in the Brimbank Planning Scheme and that were prepared for the school sites considered by the Surplus School Sites Standing Advisory Committee in 2013. The Committee generally supports the changes to the Schedule to the Development Plan Overlay to align with other schedules to the Development Plan Overlay in the Brimbank Planning Scheme and the schedules prepared for the school sites considered by the Surplus School Sites Standing Advisory Committee in 2013 and has made these changes to the proposed DPO at Appendix C.

Hobsons Bay

The draft DDO submitted by Council included a requirement for a Social Impact Assessment (SIA) and Sustainable Development Assessment (SDA). Council further submitted that a Schedule to Clause 52.01 should be applied to further secure the requirement of five per cent of land for public open space.

The issue of the Committee not supporting the application of a DDO is dealt with earlier in this Chapter.

Places Victoria submitted that they do not support the inclusion of the Decision Guideline in DPO Schedule 1 that requires decisions to consider the management of traffic, car parking, the provisions of pedestrian ways and open space on the basis that they are already covered within the DPO requirements. They submitted:

> *This concern is based on the potential ability for the relevant responsible authority to attempt to enforce overly prescriptive requirements to any development plan which may not be relevant to the proposed development of the site.*

With regard to the additional requirements of a SIA and SDA the Committee notes that these requirements need to be supported by clear adopted Council policy and included in the planning scheme to fairly apply across the municipality.

In the case of the open space contribution the Committee is satisfied that the five per cent contribution can be levied at the subdivision stage and the creation of a Schedule to Clause 52.01 is not supported.

With regard to the submission requesting the removal of the second dot point of the Decision Guidelines of DPO1 the Committee is unconvinced that the wording will provide any impediment to the approval process of a well-considered plan and does not support their removal.

For both sites, Council demonstrated a great deal of thinking and policy suggestions. The Committee notes that these suggestions are largely untested, based on a large strategic work program still at pre-Panel stage. This led the Committee to place less weight on some of the arguments put forward by Council.

Separate DPOs for each site

In the Brimbank Hearings, Ms Gordon, Ms Alusoski and Ms Herbertson submitted that each site should have its own Development Plan Overlay schedule as each site is unique.

The Committee does not see the benefit in drafting separate DPO schedules for each individual site as the elements that need to be addressed are generally the same, and where there are exceptions these can be written into the Schedule to the Development Plan Overlay.

Development contributions in Brimbank

Brimbank is in the process of preparing a Development Contributions Plan for the municipality. The Committee accepts one submission that the future preparation of the Development Contributions Plan required under the DPO should not preclude the collection

of development contributions for this large development site (18-24 Robertsons Road Taylors Lakes). However, the Committee considers that the requirements of the Development Plan Overlay provide the opportunity for Council to negotiate the delivery of development infrastructure that will support the development site and benefit surrounding residents.

Once the Planning Scheme has been amended to incorporate a Development Contributions Plan Overlay, this would apply to the site and allow for more specific collection of money for local infrastructure. This is considered a more equitable and orderly approach to the collection of development contributions.

1.2.3 Third party notice

The main concern with the application of the DPO is the removal of third party rights. The DPO Schedule provides:

> *An application under any provision of this Scheme which is generally in accordance with the development plan is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.*

The concern is that where no standards or details are prescribed in the schedule there can be no certainty for third parties about what the development plan will consist of.

Planning Practice Note 23 on the application of the DPO states:

> *Because the DPO has no public approval process for the plan, it should normally be applied to development proposals that are not likely to significantly affect third party interests, self-contained sites where ownership is limited to one or two parties and sites that contain no existing residential population and do not adjoin established residential areas*

It is possible to draft a requirement in the DPO Schedule that the plan be exhibited by the responsible authority albeit recognising that there is no way of requiring the responsible authority to consider any submission without adding legal complications.

The Committee does not see that direct residential abuttal automatically means that third party rights need to be maintained. The critical issue is whether the planning framework can provide a level of comfort that the interests of third parties will be appropriately addressed. The planning framework for development in a residential area is much clearer than for development in an Activity Centre and the DPO does give the Council as the responsible authority a clear role in approving a 'master plan'.

Because there are no third party rights, the use of the DPO places more responsibility with Council to ensure the overall development properly balances the amenity concerns of existing residents with the need to efficiently develop land.

Development Plans must be approved by the responsible authority and it is common for Councils to consult their communities before making a decision. Including a clause in the DPO Schedule to this effect would clarify expectations, recognising that this does not give third party rights of review.

A Clause to require notice of the development plan was exhibited as part of the controls.

1.2.4 Conclusion

The Committee has revised the exhibited DPO and the Committee's preferred version is presented in Appendix C.

1.3 Site contamination

The Committee does not support the application of an Environmental Audit Overlay over the sites given it would place an unnecessary and expensive requirement for a full statutory environmental audit for a site on which any contamination is likely to be limited.

However, the Committee supports a requirement in the proposed DPO Schedule where a residential zone is applied requiring the responsible authority be satisfied about environmental matters, including potential site and groundwater contamination. On the matter of potential site contamination, the Committee's position is the same for all sites, namely:

- development of the land will need to consider any issue of contamination
- application of an Environmental Audit Overlay is not warranted given the previous use of the sites and the investigations to date
- a requirement for an Environmental Management Plan, including managing any groundwater contamination, is supported.

2 95 Station Road and 814 Ballarat Road, Deer Park

2.1 Details of the site and process

Table 2-1: 95 Station Road and 814 Ballarat Road, Deer Park – Amendment summary

Amendment summary	
Tranche and site	Tranche 2: Site reference FT8
Previous use	Former Deer Park Primary School
Site owner	Department of Education and Training
Council	Brimbank City Council
Exhibition	11 April to 27 May 2016
Submissions	Eight submissions were received: - Brimbank City Council, Lorraine Dowsey - VicRoads, Tommy Dao - Deer Park Nominees Pty Ltd, John Ure - Mary Alusoski - Elisabeth Leigh Gordon - Chris Luu - Beatrice Valma Herbertson - Frank Politi

Table 2-2: 95 Station Road and 814 Ballarat Road, Deer Park – Proposed planning scheme changes

Existing controls	Proposed changes
Public Use Zone – Education Heritage Overlay (HO84)	Residential Growth Zone Development Plan Overlay Delete Heritage Overlay (HO84)

Table 2-3: 95 Station Road and 814 Ballarat Road, Deer Park – Committee process

Committee process	
Members	Lester Townsend (Chair), Gordon Anderson and Cazz Redding
Information session	5 May 2016
Hearing	14 and 15 June 2016
Site inspections	12 - 15 June 2016
Appearances	- Department of Education and Training represented by Laura Thomas, Urbis - Brimbank City Council, represented by John Rantino, Maddocks Lawyers - Elisabeth Leigh Gordon

2.2 Process issues for this site

There were no process issues identified for this site.

2.3 The site and surrounds

(i) Location

The site is located in Deer Park, which is about 15 kilometres west of the Melbourne CBD.

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

> *The site is approximately 2.24 hectares and is generally flat. It has been cleared of existing structures with a number mature trees being retained.*
>
> *The site is located in a well-established mixed use area consisting of residential, recreation, business and industrial land uses. It enjoys excellent transport accessibility and options given its location opposite the Deer Park Major Activity Centre.*

Figure 2-1: 95 Station Road and 814 Ballarat Road, Deer Park – site location

The site has been cleared of most buildings associated with the former school use. The vegetation coverage includes 48 trees, 16 of which have moderate retention value and the rest are of low or no retention value. The southeast corner of the site has previously been acquired by Council and will be retained for community use.

(ii) Zoning context

Figure 2-2: 95 Station Road and 814 Ballarat Road, Deer Park – Current zoning

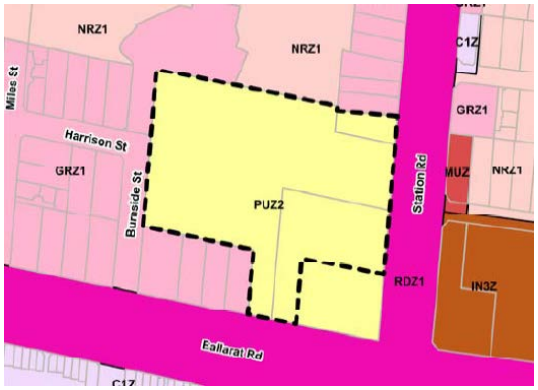
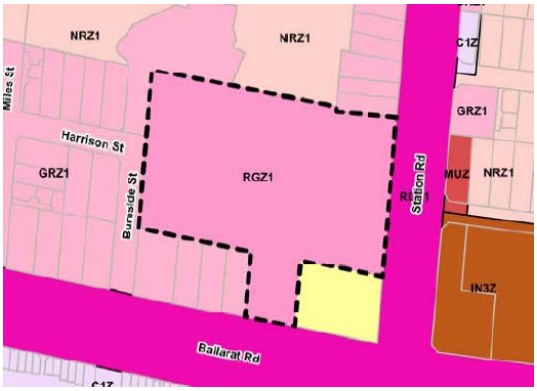


Figure 2-3: 95 Station Road and 814 Ballarat Road, Deer Park – Proposed zoning



The subject site abuts open space to the north but the land is not zoned as open space. This will have implications on how the interface to this land is managed and rezoning this land to reflect its current use would remove an issue of planning uncertainty.

2.4 Site constraints and opportunities

2.4.1 Planning constraints – overlays and restrictions

The site is covered in part by part of Heritage Overlay 84 (HO84) which refers to Deer Park Primary School No 1434 with the address 812 Ballarat Road. HO84 covers more than the former Deer Park school building which sits within the Council-owned land at 812 Ballarat Road and extends onto the subject site at 814 Ballarat Road and 95 Station Avenue. There are no buildings within this part of HO84. The site owner submits that HO84 should be reduced in size to correctly encompass the former school building. Council supports this proposal as does the Committee.

2.4.2 Physical constraints

(i) Access and traffic management

Some submitters, including Ms Gordon and Ms Alusoski, raised various traffic and access concerns, including extra traffic, future access to the site and parking. One suggestion was to limit access to the site to Burnside Street or Ballarat Road.

In its written submission, VicRoads confirmed Ballarat Road and Station Road are declared Arterial Roads where VicRoads is the Coordinating Road Authority under the *Road Management Act 2004*. So, once rezoned, VicRoads said that any future planning permit for development of the land would be referred to it by Council for approval.

Because two existing crossovers on Station Road are close to the Ballarat Road traffic signals, VicRoads foreshadowed it would recommend inclusion of the following conditions in any planning permit:

- *The two existing crossovers on Station Road must be removed and the site reinstated to kerb and channel to the satisfaction of and no cost to VicRoads.*
- *The number of crossovers on Station Road shall be minimised. Should a new crossover be required on Station Road, it should be located at the north extremity of the site along Station Road.*

The Committee accepts:

- VicRoads' view about limiting the number of access points onto Station Road for safety and operational reasons given the nearness of the signalised Ballarat Road intersection
- site access would be available at the existing crossover on Burnside Street to the west boundary of the subject land
- left in, left out access would be available from the existing service road along Ballarat Road.

The Committee notes the land is well served by public transport. Although Deer Park Station to the south is on a regional train route and its link to the CBD is limited, there are good bus services along the Ballarat Road and Station Road frontages.

The site's location would allow for good pedestrian and bicycle links within the site and connections to external local and regional networks.

(ii) Interfaces with surrounds

Several submitters, including Ms Gordon, Ms Alusoski and Mrs Herbertson, raised concerns about the interfaces with and amenity of adjoining properties. These included building heights, setbacks, buffers, overlooking, privacy and landscaping.

The Committee accepts the size of the site would enable the built form of any development to blend at its edges with the surrounding mainly one and two-level mixed uses and transition to taller buildings, potentially including up to four storeys, towards the centre of the site.

(iii) Environmental

Kororoit Creek

Several submitters, including Ms Gordon and Ms Alusoski, sought to ensure any development of the site respect and suitably connect with Kororoit Creek and its edges north of the land.

The site owner's Planning Report dated March 2016 noted:

> *Kororoit Creek is located immediately north of the subject site. A residential use of the subject site could benefit from outlook and orientation towards the open space, affording direct residential access to these parklands. It is noted that due to the proximity of Kororoit Creek, part of the subject site is identified as an area of high sensitivity. Any future redevelopment of the land will require a Cultural Heritage Management Plan to be prepared.*

Orica site

In its written submission, Deer Park Nominees raised concerns about rezoning to provide for housing on the site:

> *… which is located entirely within the 1,000-metre effect radius (as defined by the EPA) from a major hazard facility located on the Orica site, namely the phenyl-formaldehyde resin plant operated by Momentive Specialty Chemicals.*

Deer Park Nominees added:

> *… there are other industrial activities and processes performed on the Orica site which, while not constituting a major hazard facility as defined, have a high risk of severe adverse impacts on surrounding areas. These include high temperature and pressure reactors and bulk chemical storage.*

It said the existence of other housing closer to the Orica site was not relevant, present planning regulations and guidelines must prevail, and it opposed rezoning to a Residential Growth Zone so long as the major hazard facility within the Orica site is operational.

The Committee notes EPA did not raise the matter of the Orica site in its submission.

Council addressed the matter of the major hazard facility on the Orica site. The site has been a major industrial and employment area since 1885, mostly for producing chemicals and explosives for the mining industry. Present operations[2] include:

- a specialty chemicals facility producing products for mining services operations
- quarry services
- other chemical manufacture activities.

Brimbank Planning Scheme Amendment C128 rezoned 72 hectares (around half of the site) from industrial to commercial in February 2014. The C128 Panel determined a 300 metre buffer distance be applied for commercial land uses.

A confidential risk assessment Council commissioned from GHD in 2014 to determine potential impacts from the facility indicated it would be appropriate to increase densities, supporting application of the Residential Growth Zone to land fronting the western side of Station Road south of Deer Park Activity Centre under Amendment C166. GHD recommended a 300 metre buffer distance from the facility for higher density residential development.

In a later report in 2015, for an application to rezone land opposite the facility from industrial to residential uses, I F Thomas and Associates recommended a 1,000 metre buffer.

The I F Thomas and Associates Risk Assessment indicated a significant part of the former Deer Park Primary School site was within 1,000 metres of the hazard.

Council submitted:

- There are various views on what is a suitable buffer distance for residential uses with distances of 300 metres and 1,000 metres from the hazard source being suggested.

[2] From Orica website

- Desirably, there should be a similar risk hazard assessment for this site before rezoning.
- It might be prudent to defer rezoning of this site until after release of the findings of the Major Hazard Facilities Advisory Committee.

The Committee notes the situation with the Orica site, particularly the lead role Council has taken in seeking to understand the risks if residential development were to occur near the site. The Committee does not consider that a decision on this site should be deferred until the Major Hazard Facilities Advisory Committee's findings are known. The Committee considers a modification to the DPO, to require the Concept Plan to show how any off-site environmental risks from the Orica site will be managed, will be adequate to ensure this issue is adequately addressed through the master planning process.

(iv) Vegetation and trees

Several submitters, notably Ms Alusoski, sought to retain and replace existing native trees, mainly to better blend with the adjoining parkland.

Treelogic[3] assessed 48 trees on the site which were generally of low quality and mainly confined to perimeter planting and gave them arboricultural ratings[4]: 16 'moderate', 30 'low' and two 'none'.

The Committee notes the proposed Schedule to the Development Plan Overlay (Appendix C) requires:

> - *An arboricultural assessment of any significant vegetation on the land, including advice on the long-term health and retention value of such vegetation.*

(v) Open space

Some nearby residents in written submissions sought to include more public open space, such as quality parks, in development of the site. 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.

2.5 Issues with the proposed changes

2.5.1 What zone is suitable

(i) Submissions

The site owner noted the Brimbank Housing Strategy outlines the following strategy for Deer Park:

[3] *Arboricultural Assessment, former Deer Park Primary School*, 9 January 2014 by Treelogic.

[4] From Treelogic report 'Moderate': represent the best opportunity to retain established trees; 'Low' health or structural deficiencies not considered to be a constraint; 'None' structural defects beyond arboricultural management and should be removed.

> *Focus on higher density housing in and around Deer Park town centre and Deer Park railway station. Focus on medium density housing around the edge of Deer Park Town Centre …*

Council submitted that provided it could be demonstrated there is an adequate buffer distance from the Gate 3 Major Hazard Facility on the Orica site then a Residential Growth Zone – Schedule 1 is the preferred zone for the site.

Ms Gordon and Ms Herbertson submitted that a General Residential Zone would be suitable for the site to reflect the existing character of the area.

Ms Alusoski submitted that General Residential Zone would be suitable for the site, and specified that there are potential positive benefits to local residents if any future development includes attractive, safe and functional public open spaces, considers the needs and amenity of local residents, and respects the Brimbank Housing Strategy and Brimbank Planning Scheme.

Mr Luu supported residential development on the site and submitted that the development should include 50 per cent public and 50 per cent private development to provide access to affordable housing. This is outside the scope of the Committee to consider.

(ii) Discussion

There is no fundamental issue with a residential zone for the subject site. The issue is whether the application of the Residential Growth Zone is appropriate.

To assist it in determining whether the proposed zone is appropriate, the Committee has applied an analysis of which residential zone should be applied to the site.

Table 2-4: Assessment against Planning Practice Note 78 Criteria – 95 Station Road and 814 Ballarat Road, Deer Park

Criteria derived from Planning Practice Note 78	Committee's Conclusion on Criteria	Zone supported by Practice Note based on AC Conclusion		
		NRZ	GRZ	RGZ
Is there identified neighbourhood character to be retained?	No	-	-	✓
Is the site identified as an area for growth and change?	Yes	-	-	✓
Are there existing landscape or environmental character/ constraints?	No	-	-	✓
Is the risk associated with known hazard high or low?	Low	-	✓	✓
What is the existing or desired level of development activity?	High	-	-	✓
Is this a brownfield or urban renewal site or area?	No	✓	✓	-
Is there an adopted housing and development strategy?	Yes	-	-	✓
Is the site identified in Activities Area structure plan/policy?	No	-	-	✓
If not in an Activities Area, is it redevelopment of commercial or industrial land?	NA	-	-	-
Is there good access to employment options?	Yes	-	-	✓
Is there good access to local shopping?	Yes	-	-	✓
Is there good access to local community services	Yes	-	-	✓
Are there good access to transport choice?	Yes	-	-	✓
		1	**2**	**11**

The Committee's assessment indicates that a Residential Growth Zone is suitable for this site. This accords with the position of both Council and the site owner.

Submitters who are residents in the nearby area have indicated a preference for General Residential Zone, principally to ensuring development is of a similar scale and character to the existing residential development surrounding the site.

The Committee considers that this would be an underdevelopment of such a large, well-located site and considers that site interface issues can be dealt with through the Development Plan Overlay to ensure appropriate scale and setbacks are in place to reflect the surrounding area.

The Committee supports Council's position that the Schedule 1 to the Residential Growth Zone should be applied to this site. This is discussed in Chapter 1 of this report.

The Committee considers that the concerns of nearby residents in relation to amenity and building form are able to be addressed through the proposed zone and overlay controls on the site.

Conclusion

The Committee concludes that Residential Growth Zone Schedule 1 is appropriate for the site.

2.5.2 What overlays are suitable

(i) Submissions

Common concerns raised by submitters who live close to the site include future height of buildings, amenity, setbacks, noise (during construction), safety, traffic on Station Road, the surrounding environmental values associated with the Kororoit Creek corridor.

The site owner submitted that the Heritage Overlay 84 (HO84) should be removed from the subject site as the building that forms part of the citation sits on a separate parcel of land. Council support this position. No other submitters raised this issue.

(ii) Discussion

Development Plan Overlay

The Committee has accepted the application of a DPO for a number of the sites in this Tranche including the subject site. The Committee's reasons are set out in Chapter 1.

As outlined in Section 2.4.2, the Committee considers that the Development Plan Overlay should include a requirement in relation to considering environmental matters, including in the case of this site, the proximity to the Orica site.

The Committee concludes that the Development Plan Overlay should be applied to the site, as modified and shown at Appendix C, and with the addition of a clause relating to environmental matters.

Heritage Overlay

The Committee agrees with the site owner and Council that the part of HO84 that applies on the subject site should be deleted as part of this amendment as it does not include any buildings or other features that are noted in the citation for HO84 and will form an unnecessary and confusing constraint on the site.

(iii) Conclusion

The Committee concludes that the Development Plan Overlay should be applied to the site, as modified and shown at Appendix C and HO84 should be deleted from the site through this amendment.

2.5.3 Anomalous zonings on adjacent land

The site to the southeast of the subject land is 812 Ballarat Road. It is now in Council ownership and used for community purposes. The zoning of this land is currently PUZ2 - Education. The Committee suggests that it should be amended to be zoned PUZ6 – Local Government to reflect its current ownership and use. The Committee observes this amendment could take place as part of the current amendment.

The land to the north and northwest of the site is used as part of Council's open space network. The parcel of land to the northwest is known as Station Waters Reserve. The address of the land is 113A Station Road and is currently zoned Neighbourhood Residential Zone 1 (NRZ1). To the north the Kororoit Creek reserve is currently zoned General Residential Zone (GRZ1). Council advised the Committee that these anomalous zonings were made at the time when the new residential zones were introduced into the Brimbank Planning Scheme. All parties agreed it was appropriate to recommend rezoning open space adjacent to the site, to the Public Park and Recreation Zone (PPRZ). The Committee supports Council's intent to correct the zoning to PPRZ and observes that this amendment should be made promptly to ensure the purchaser of the site has a clear understanding of the surrounding context.

For 812 Ballarat Road, which is owned by Council and used as a community facility, and anomalously zoned Public Use Zone 2 – Education (PUZ2) the Committee considers an amendment to rezone the site to Public Use Zone 6 – Local Government (PUZ6) to reflect the current ownership and use should be prepared. Directly applying this through this process is beyond the Committee's Terms of Reference.

For land to the north and northwest of the site which forms part of the open space network, the Committee supports a municipal wide corrections amendment to rezone the land to PPRZ to correct the anomalous residential zonings.

2.6 Recommendation

The Committee considered all written submissions (listed in Table 2-1), as well as submissions presented to it during the Hearing. Documents tendered at the Hearing are listed in Appendix B. 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 specific sites.

The Committee recommends:

For 95 Station Road and 814 Ballarat Road, Deer Park:

A planning scheme amendment be prepared and approved to:

a) Rezone the site to the Residential Growth Zone and apply the existing Schedule 1.

b) Apply a Development Plan Overlay as shown in Appendix C.

c) Reduce the area of the Heritage Overlay as exhibited.

Consider preparing an amendment to rezone the Council owned land at 812 Ballarat Road from Public Use Zone 2 – Education to Public Use Zone 6 – Local Government to reflect its ownership and use.

3 27 Driscolls Road, Kealba

3.1 Details of the site and process

Table 3-1: 27 Driscolls Road, Kealba – Amendment summary

Amendment summary	
Tranche and site	Tranche 2: Site reference FT10
Previous use	Former Kealba Secondary College
Site owner	Department of Education and Training
Council	Brimbank City Council
Exhibition	11 April to 27 May 2016
Submissions	Two submissions were received: - Brimbank City Council, Lorraine Dowsey - Frederick Crea

Table 3-2: 27 Driscolls Road, Kealba – Proposed planning scheme changes

Existing controls	Proposed changes
Public Use Zone – Education	General Residential Zone Development Plan Overlay

Table 3-3: 27 Driscolls Road, Kealba – Committee process

Committee process	
Members	Lester Townsend (Chair), Gordon Anderson and Cazz Redding
Information session	3 May 2016
Hearing	14-15 June 2016
Site inspections	12-15 June 2016
Appearances	- Department of Education and Training represented by Laura Thomas, Urbis - Brimbank City Council, represented by John Rantino, Maddocks Lawyers

3.2 Process issues for this site

There were no process issues identified for this site.

3.3 The site and surrounds

(i) Location

The site is located in Kealba, about 15 kilometres northwest of the Melbourne CBD.

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

> *The site is approximately 6.07 hectares and is irregularly shaped. The topography of the site is generally flat, the former school buildings have been removed and the site is now vacant. There are some mature trees located on the site. The site is located within a residential area with predominately one and two storey dwellings.*

Figure 3-1: 27 Driscolls Road, Kealba – site location

The subject site has a frontage to Driscolls Road of around 159 metres. A pedestrian path connects the site to Sunshine Avenue. The path is on the same title as the site and is currently zoned Neighbourhood Residential Zone.

The remainder and bulk of the subject site is currently zoned Public Use Zone 2, which restricts the use of the land to Education purposes. The site has been deemed surplus to government requirements and will be offered for sale. The current PUZ2 needs to be changed to an alternative zone to facilitate this sale.

(ii) Zoning context

Figure 3-2: 27 Driscolls Road, Kealba – Current zoning

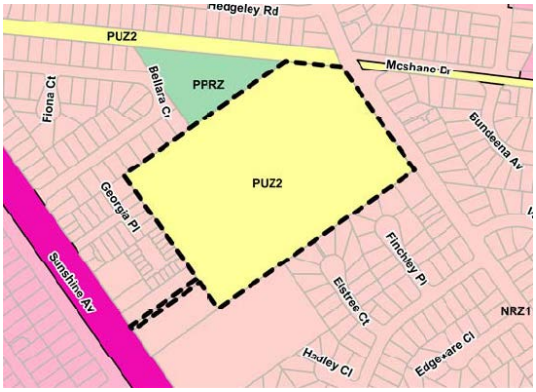
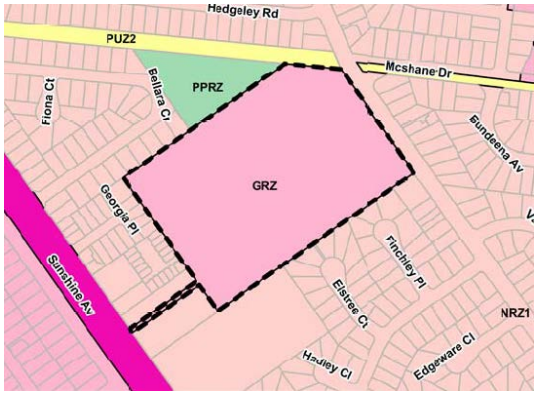


Figure 3-3: 27 Driscolls Road, Kealba – Proposed zoning



3.4 Site constraints and opportunities

3.4.1 Planning constraints – overlays and restrictions

The site is not subject to any overlays.

3.4.2 Physical constraints

(i) Access and traffic management

In its written submission VicRoads noted, although the site had a potential access onto Sunshine Avenue, its preference was for access to any future development to be from the local road network, namely Driscolls Road. The site owner expressed no concern with this requirement.

The site is serviced by bus route 418 along Driscolls Road running between St Albans Train Station and Caroline Springs Shopping Centre.

Both the site owner and Council did not express any concerns about managing the impacts of increased traffic from residential development on the site.

(ii) Interfaces with surrounds

The Committee accepts the size of this site would enable the built form of any development to blend at its edges with the surrounding mainly one and two-level residential uses, but with a single adjoining commercial use, namely a convenience store.

(iii) Vegetation and trees

Treelogic[5] assessed 125 trees on the land which were generally of below average quality and towards the east of the site around former buildings and recreational areas. Treelogic gave them arboricultural ratings: 50 'moderate', 71 'low' and four 'none'.

[5] *Arboricultural Assessment for the former Kealba Secondary College*, 16 January 2014 by Treelogic

(iv) Environmental

The Planning Report dated March 2016 for the site owner, in the comment on environmental effects, states an assessment of the site by Compass Environmental[6] indicated a low potential for contamination confirming its suitability for the likely sensitive land uses, such as residential, child care centre and pre-school centre.

Although the site is within the Keilor Landfill buffer, the site owner submitted there was low risk of landfill gas migration at the site and considered there was no need for any further environmental auditing. However, the Committee believes it is important to address the matter of potential groundwater contamination at the appropriate time.

3.5 Issues with the proposed changes

3.5.1 What zone is suitable

(i) Submissions

The site owner has proposed a General Residential Zone for the site:

> *The site owner considers that the General Residential Zone represents the most appropriate residential zone for the subject site, taking into account its location, scale and importance as a significant opportunity for infill urban development.*

The site owner submitted that the pedestrian path connecting the site to Sunshine Avenue should also be rezoned to General Residential Zone as it is on the same title.

Council submitted that a Neighbourhood Residential Zone was appropriate for this site. Council has not identified this site as a strategic redevelopment site in its Housing Strategy.

Only one further submission was received for this site. Mr Crea owns the small convenience store next to the site and supports its use for residential purposes, and would prefer shops be prohibited on the site.

(ii) Discussion

There is no fundamental issue with a residential zone for the subject site. The issue is whether the application of the General Residential Zone is appropriate.

To assist it in determining whether the proposed zone is appropriate, the Committee has applied an analysis of which residential zone should be applied to the site.

[6] Compass Environmental report dated 4 March 2013

Table 3-4: Assessment against Planning Practice Note 78 Criteria – 27 Driscolls Road, Kealba

Criteria derived from Planning Practice Note 78	AC Conclusion on Criteria	Zone supported by Practice Note based on AC Conclusion		
		NRZ	GRZ	RGZ
Is there identified neighbourhood character to be retained?	Yes	✓	✓	-
Is the site identified as an area for growth and change?	No	✓	✓	-
Are there existing landscape or environmental character/ constraints?	No	-	-	✓
Is the risk associated with known hazard high or low?	Low	-	✓	✓
What is the existing or desired level of development activity?	High	-	-	✓
Is this a brownfield or urban renewal site or area?	No	-	-	✓
Is there an adopted housing and development strategy?	Yes	-	-	-
Is the site identified in Activities Area structure plan/policy?	No	✓	✓	-
If not in an Activities Area, is it redevelopment of commercial or industrial land?	NA	-	-	-
Is there good access to employment options?	Yes	-	-	✓
Is there good access to local shopping?	No	✓	✓	-
Is there good access to local community services	No	✓	✓	-
Are there good access to transport choice?	No	-	-	✓
		5	**6**	**6**

The assessment against the Planning Practice Note criteria does not give a clear indication of which zone is appropriate. The Committee has considered whether the land is a strategic development site using the criteria identified at Clause 16.01-3 of the SPPF to inform itself on the desired level of development activity and the most appropriate zone as shown in Table 3-5.

Table 3-5 Assessment against criteria for Strategic Redevelopment sites in Clause 16.01-3 of the SPPF

Criteria derived from Clause 16.03-1 of the SPPF	AC Conclusion on Criteria
In and around Central Activities Districts.	No
In or within easy walking distance (1 km) of Principal or Major Activity Centres OR In or beside Neighbourhood Activity Centres that are served by public transport (400 m)	Yes
On or abutting tram, train, light rail and bus routes that are part of the Principal Public Transport Network and close to employment corridors, Central Activities Districts, Principal or Major Activity Centres (within 400 m of station or stop that links directly to these destinations) OR In or near major model public transport interchanges that are not in Principal or Major Activity Centres (within 400 m)	Yes
Able to provide 10 or more dwellings, close to activity centres and well served by public transport	Yes
Is it a strategic development site?	Yes

The Committee's assessment shows the site meets three of the four criteria outlined in Clause 16.01-3 of the SPPF to identify strategic development sites and modified by the Committee as outlined in Chapter 1. The Committee therefore concludes this is a strategic redevelopment site.

This is a large site, well located from a road and public transport and within reasonable distance to a Major Activity Centre and the Committee does not agree with Council that this is not a strategic redevelopment site.

Council's MSS includes the objective and strategies:

> *Objective: To accommodate appropriate residential growth in appropriate locations.*
>
> *Strategies:*
>
> *1.1 Support lower density housing in the Neighbourhood Residential Zone.*
>
> *1.2 Support increased residential densities in the General Residential Zone.*
>
> *1.3 Encourage higher residential densities within the Residential Growth Zone. Encourage higher residential densities within activity centres which are well serviced by public transport, services and community facilities.*

Working back from these strategies, the Committee does not support the development of solely lower density housing on this site. It is a location which can support increased residential development.

The Committee accepts that Council does not support intensification of development in this location and considers it suitable for lower density residential development. However the

Committee considers this would be an underdevelopment of this site and the application of the GRZ or RGZ is more appropriate. Given the site owner's proposal for GRZ, and Council's view that higher scale development is not desired for this site, the Committee is comfortable supporting the GRZ.

Controls in the General Residential Zone and the proposed Development Plan Overlay will enable interface issues with the surrounding lower scale development to be graduated and managed to minimise impacts. It provides an opportunity to provide a range of housing forms to provide greater housing choice and diversity.

The Committee notes that there has already been development of more intensive residential development that would be supported in a GRZ in Georgia Place and Bellara Crescent, to the immediate northwest of the site.

The site owner and Council both agree that the traffic management impacts from development on this site (and all the school sites) can be managed.

For the reasons as outlined in Chapter 1 the Committee does not consider that a new schedule should be introduced into the Scheme to accompany the General Residential Zone. Therefore, Schedule 1 to the General Residential Zone is supported for this site.

The Committee supports the rezoning of the pedestrian path connecting the site to Sunshine Avenue as it is on the same title and is a more orderly planning approach.

(iii) Conclusion

The Committee concludes that the General Residential Zone, Schedule 1 is appropriate for the site.

3.5.2 What overlays are suitable

The Committee has accepted the application of a DPO for a number of the sites in this Tranche including the subject site. The Committee's reasons are set out in Chapter 1.

The Committee concludes that the Development Plan Overlay should be applied to the site, as modified and shown at Appendix C.

3.6 Recommendation

The Committee considered all written submissions (listed in Table 3-1), as well as submissions presented to it during the Hearing. Documents tendered at the Hearing are listed in Appendix B. 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 specific sites.

The Committee recommends:

For 27 Driscolls Road, Kealba:

A planning scheme amendment be prepared and approved to:

a) Rezone the site to the General Residential Zone, Schedule 1

b) Apply a Development Plan Overlay as shown in Appendix C

4 32A Green Gully Road, Keilor

4.1 Details of the site and process

Table 4-1: 32A Green Gully Road, Keilor – Amendment summary

Amendment summary	
Tranche and site	Tranche 2: Site reference FT12
Previous use	Former Calder Rise Primary School
Site owner	Department of Education and Training
Council	Brimbank City Council
Exhibition	11 April to 27 May 2016
Submissions	Ten submissions were received: - Brimbank City Council, Lorraine Dowsey - Australian Pacific Airports (Melbourne), Melanie Hearne - Environment Protection Authority, Samuel Trowse - Keilor Residents and Ratepayers Association, John Kelvin Bennett - Olympia Ainalis - Lisa Anthony - Paul & Karol Barbuto - Ryan Crocket - Gary Lee - Maria Vamvakinou (MP)

Table 4-2: 32A Green Gully Road, Keilor – Proposed planning scheme changes

Existing controls	Proposed changes
Public Use Zone – Education Melbourne Airport Environs Overlay (MAEO2)	General Residential Zone Development Plan Overlay Melbourne Airport Environs Overlay (MAEO2)

Table 4-3: 32A Green Gully Road, Keilor – Committee process

Committee process	
Members	Lester Townsend (Chair), Gordon Anderson and Cazz Redding
Information session	3 May 2016
Hearing	14-15 June 2016
Site inspections	12-15 June 2016

Committee process	
Appearances	- Department of Education and Training represented by Laura Thomas, Urbis - Brimbank City Council represented by John Rantino, Maddocks Lawyers - Australia Pacific Airports (Melbourne) represented by Melanie Hearne - Paul & Karol Barbuto - Gary Lee

4.2 Process issues for this site

This site is covered by the Melbourne Airports Environment Overlay (MAEO).

For a site in Dallas also covered by the MAEO the Committee in its Tranche 1 Report concluded:

> *The Committee concludes that a policy objective to limit residential encroachment into areas affected by aircraft noise is a constraint that cannot be overcome. It cannot be overcome by simply providing acoustic insulation to dwellings: the issue is more complex than this and the policy settings do not suggest this as a cure-all for the amenity impacts of aircraft noise.*
>
> *Residential development of the site is not appropriate in light of the relevant planning scheme and State and Local Planning Policy Frameworks.*

The Committee reached this conclusion following extensive submissions from the site owner and Melbourne Airport. For the Dallas site the Committee initially recommended:

> *For 8–20 and part 22 Phillip Street, Dallas, the proposed rezoning to Mixed Use Zone, introduction of an Incorporated Plan under Clause 52.03 and application of the Development Plan Overlay not be progressed.*

On 26 May 2016 the Minster for Planning wrote to the Committee and said:

> *I would like you to convene a workshop session with the interested parties and seek their views on an alternative planning scenario for the site. It must be made clear that the current Public Use Zone is no longer appropriate and that I am seeking a specific recommendation from the Advisory Committee on an alternative suitable zone.*

The Committee convened a workshop and invited all parties to the Hearing on 15 June 2016. Parties with an interest in sites referred to the Committee in Tranche 2 that are also affected by the MAEO also participated in the workshop, including for this subject site.

Alternative zones were discussed but no consensus was reached on an alternative zone that all parties considered suitable. Alternative approaches to disposal of land for highly constrained sites such as this one were also discussed. The round table agreed there was an opportunity for highly encumbered land to be sold through an expression of interest process targeted at the private, community and not-for-profit sectors.

4.3 The site and surrounds

(i) Location

The site is located in Keilor, about 15 kilometres northwest of the Melbourne CBD.

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

> *The site is approximately 2.01 hectares and is located alongside a major arterial road. It contains a number of mature trees and is currently vacant.*
>
> *The site is located in a well-established residential area and is surrounded by single and double storey dwellings.*

Figure 4-1: 32A Green Gully Road, Keilor – site location

(ii) Zoning context

Figure 4-2: 32A Green Gully Road, Keilor – Current zoning

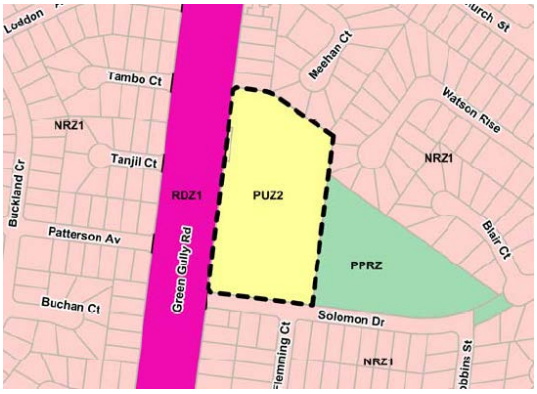
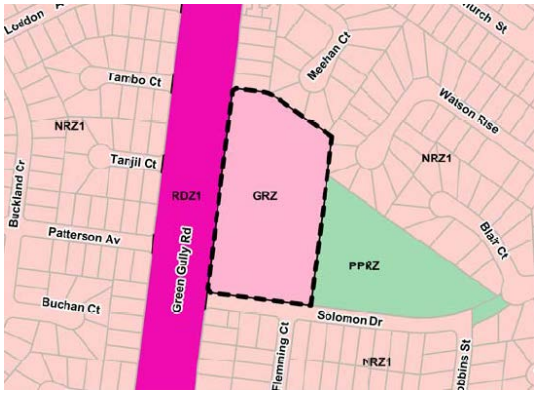


Figure 4-3: 32A Green Gully Road, Keilor – Proposed zoning



4.4 Site constraints and opportunities

4.4.1 Planning constraints – overlays and restrictions

Background

The Australian Noise Exposure Forecast (ANEF) system was developed through a major socio-acoustic survey carried out in the vicinity of a number of Australian airports in 1980. ANEF charts are contour maps that show a forecast of expected future aircraft noise levels. They are prepared for all of the major and regional airports and most of the minor aerodromes that have a large number of annual movements.

The subject site is subject to aircraft noise. Planning scheme overlays MAEO1 and MAEO2 restrict sensitive uses such as dwellings in this location. In locations like the subject site, occupants of the land will be frequently exposed to high levels of aircraft noise.

The purposes of the Melbourne Airport Environs Overlay are:

> *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
>
> *To ensure that land use and development are compatible with the operation of Melbourne Airport in accordance with the relevant airport strategy or master plan and with safe air navigation for aircraft approaching and departing the airfield.*
>
> *To assist in shielding people from the impact of aircraft noise by requiring appropriate noise attenuation measures in dwellings and other noise sensitive buildings.*
>
> *To provide for appropriate levels of noise attenuation depending on the level of forecasted noise exposure.*

More specifically, the purpose of MAEO2 is:

> *To identify areas that are or will be subject to moderate levels of aircraft noise based on the 20-25 ANEF contours and to limit use and development to that which is appropriate to that level of exposure.*

MAEO2 sets out a number of requirements for use, development and subdivision of land.

The area surrounding the site is covered by either MAEO1 or MAEO2. There are many dwellings within both Overlay areas despite there being a prohibition on dwellings within MAEO1 and density and subdivision controls in MAEO2.

Clause 18.04 of the Victoria Planning Provisions (VPP) and the National Aviation Safeguarding Framework (NASF)[7] provide guidance in the assessment of planning decisions within airport environs, such as the rezoning of land.

[7] NASF introduced as a policy guideline to Clause 18.04-1 of the VPP on 8 October 2015.

The Committee has concluded in relation to a site considered in Tranche 1 that when land is covered by the MAEO2:

> *… that a policy objective to limit residential encroachment into areas affected by aircraft noise is a constraint that cannot be overcome. It cannot be overcome by simply providing acoustic insulation to dwellings: the issue is more complex than this and the policy settings do not suggest this as a cure-all for the amenity impacts of aircraft noise.*
>
> *Residential development of the site is not appropriate in light of the relevant planning scheme and State and Local Planning Policy Frameworks.*

4.4.2 Physical constraints

(i) Access and traffic management

Public transport is available to the site. Bus services run along Green Gully Road: Route 476 providing links to Moonee Ponds Activity Centre and to Sydenham Train Station and Watergardens Regional Activity Centre; and Route 483 which operates between Moonee Ponds and Sunbury.

Green Gully Road is a declared arterial road. VicRoads is the Coordinating Road Authority under the *Road Management Act* 2004 and, once rezoned, any future planning permit for development of the land would be referred to it by Council.

The Committee believes the presence of a service road along the Green Gully Road frontage is a real asset for providing good access to the site. It would enable it to provide the main, and possibly sole, access point to the site – on an arterial road – without relying on a local road, namely Solomon Drive, which has its own access limitations.

Several nearby residents, in written submissions, raised concerns about safety and operational impacts from increased traffic, particularly in Solomon Drive and Green Gully Road.

In his submissions, Mr Lee focused on safety and operational issues in the short section of two-way service road linking Solomon Drive with Green Gully Road. It is the only road access into the residential area on the south side of Solomon Drive.

At the Hearing the Committee explored ideas about how it might be possible to improve the situation, such as:

- a more direct connection between Solomon Drive and Green Gully Road
- a new road through the site to Green Gully Road.

The Committee recognises from its site inspection and Mr Lee's submissions, there would be physical difficulties (significant height difference) and high costs associated with extending Solomon Drive westerly to connect at a new intersection with Green Gully Road. The Committee also recognises there may not be sufficient stopping sight distance for northbound traffic to any new intersection on Green Gully Road at this location.

If there is any extra traffic in Solomon Drive stemming from development of the site, or to improve the safety of access to Solomon Drive, the preferred option may be to provide a

short section of road through the site near the western end of Solomon Drive to connect with the Green Gully Road/Patterson Avenue intersection.

The Committee did not consider an easterly link to Blair Court would be a palatable option.

Both the site owner and Council did not express any concerns about managing the impacts of increased traffic from residential development on the site.

The Committee notes and accepts there do not appear to be any unmanageable traffic and access issues, while recognising some improvements may be necessary to improve safety and operations at the southern edge of the site.

(ii) Interfaces with surrounds

Several nearby residents, in written submissions, raised concerns about building height allowed under the site owner's suggested General Residential Zone and stressed the importance of maintaining the character of the neighbourhood.

The Committee accepts the size of this site would enable the built form of any development to blend at its edges with the surrounding mainly one and two-level residential uses.

(iii) Vegetation and trees

Treelogic[8] assessed 46 trees on the land which were generally of below average quality and towards the east of the site around former buildings and recreational areas. Treelogic gave them arboricultural ratings: 19 'moderate', 24 'low' and three 'none'.

(iv) Environmental

The Planning Report dated March 2016 for the site owner, in the comment on environmental effects, states an assessment of the site by Senversa[9] indicated a low potential for contamination confirming its suitability for the likely sensitive land uses, such as residential, child care centre and pre-school centre.

4.5 Issues with the proposed changes

4.5.1 What zone is suitable

(i) Submissions

The site owner proposed the General Residential Zone with a new Schedule 2. Council submitted that a Neighbourhood Residential Zone was more appropriate based on the Housing Strategy and consistent with the residential zone of the surrounding land.

Australia Pacific Airports (Melbourne) Pty strongly opposed residential development under the MAEO2. It does not support a residential rezoning.

Mr Crockett submitted that this site would be ideal for community infrastructure such as a local childcare centre due to its location and community need for such a facility.

[8] Arboricultural Assessment for the former Calder Rise Primary School, 17 January 2014 by Treelogic

[9] Senversa report dated 13 November 2013

Ms Anthony raised concerns about building heights of three storeys or more, flow-on effects of increased population density on transport and community infrastructure, traffic management layout, and preserving the character of the area.

Mr Lee submitted that the proposed rezoning was inconsistent with the existing neighbourhood character, will result in an overdevelopment of the site and exacerbate traffic movements to and from the site.

Ms Vamvakinou MP, Mr and Ms Barbuto and Ms Ainalis supported a rezoning of the site to NRZ1 in order to preserve the character of the area, and considered a rezoning to GRZ would be an overdevelopment.

Discussion

The Committee agrees with the position of Australia Pacific Airports (Melbourne) Pty that no rezoning of land to allow for residential development should be permitted under the MAEO. This position was established in its Tranche 1 Report as follows:

> *In strategic planning terms, the reason sensitive uses are restricted in locations like this is they are sensitive to change. That sensitivity manifests itself in complaint. Over time complaint has the capacity to generate broad-based community opposition and the introduction of limitations on the operation of the airport.*
>
> *The impact of aircraft noise, both now and in the future, should not be underestimated. If anything, a precautionary approach should be taken.*
>
> *While a lot of policy points to the suitability of the subject site for a high-density mixed use outcome, the site's location under the flight path of Melbourne Airport means that a higher level of analysis and justification of the need for the development is required to demonstrate that the community benefit from the development outweighs any potential impact on the airport.*
>
> *The proposal currently before the Committee seems to assume that housing and urban consolidation objectives automatically trump other State policy objectives. The Committee does not agree with this.*

The Committee does not support a residential zoning of the site.

Alternative zones to a residential zone were considered for the land. Accepting that residential uses should be limited leaves a small choice of urban zones:

- Industrial 3 Zone
- Commercial 2 Zone
- A Special Use Zone or Comprehensive Development Zone tailored to a specific proposal.

The purposes of the Commercial 2 Zone are:

> *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

> *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*
>
> *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*

There was general acceptance at the workshop that there are competing policy objectives for the site:

- for the state to dispose of surplus land
- to limit residential development under the flight paths of Melbourne Airport, and to ensure appropriate amenity in residential areas.

Government policy on the disposal of surplus land states:

> *Unless an exemption applies as detailed at section (d), Victorian Government agencies:*
>
> *(iv) prior to offering land for sale by a public process, must have in place the most appropriate zoning (and other relevant planning provisions) so that the land can be sold on the basis of its highest and best use.*

The curfew-free status of Melbourne Airport derives from long-term planning. It would be short sighted to permit further residential development in areas affected by noise on the sole basis that doing so would deliver a higher sale price to surplus government land. 'The highest and best use' must be determined in the context of the 'most appropriate zoning (and other relevant planning provisions)'.

A tension arises when the most appropriate zoning does not deliver the highest price for the land. In this situation the relative weight of the financial return to government must be balanced against a 'better' planning outcome. The Committee thinks this balancing may need to have a broader perspective than the individual site.

Applying the Comprehensive Development Zone would require agreement of an acceptable development outcome for the subject site. The Committee thinks such a discussion would be unwise in the absence of a concrete proposal for the land; it would be too easy to envisage an outcome for which there was no community or commercial interest. A Comprehensive Development Zone would require some form of expressions of interest process prior to sale.

The Committee thinks, given the nature of the site, a disposal process that sought specific expressions of interest and tailored a planning zone to a particular proposal could be appropriate for this land without implying that such a process was appropriate for all surplus government land. Such a process would only make sense if community use of the land with a lower financial return was contemplated, otherwise a typical sale process or a sale conditional on the purchaser obtaining a planning permit would make more sense. It is not the Committee's role to advise on whether such a process is warranted but make the observation that it may be an alternative option open to the government as a way of determining the best outcomes for the subject site.

Vic Roads' land

VicRoads also referred to a planning anomaly. A portion of the site, presently used for a pedestrian overpass, is declared as part of the arterial road network and zoned PUZ2 like the rest of the site. As a declared arterial road it should be rezoned to RDZ1.

VicRoads recommended fixing the anomaly as part of this planning proposal.

Conclusion

If a standard VPP zone is to be applied to the land then the Commercial 2 Zone would be the best fit. The Committee notes that this is not accepted by Council and there is limited policy support for commercial development of the subject site. The only alternate zone that could be applied without allowing sensitive uses into the MAEO area is the Industrial 3 Zone and this zone would not fit well within the existing adjacent exiting residential area. It is also not clear that the Industrial 3 Zone would attract any purchasers.

4.5.2 What overlays are suitable

(i) Submissions

The site owner proposed the application of DPO Schedule 17 to the site. Council supported this with some changes outlined earlier in this report in relation to 95 Station Road and 814 Ballarat Road, Deer Park.

Mr Bennett did not support the application of the DPO as it extinguishes third party appeal rights. This issue has been addressed in Chapter 1 of this report.

Given the proposed commercial zoning, the Committee does not support the application of the Development Plan Overlay to this site. While the site will benefit from master planning with a commercial use this can be more easily achieved by way of a permit application.

4.5.3 Anomalous zonings on the land and adjacent land

A small part of the site to the west, which forms part of the pedestrian overpass crossing Green Gully Road, was sold by the site owner to VicRoads to facilitate the building of the overpass some time ago. The zoning of this land remains PUZ2. All parties agreed that this zoning was anomalous and should be rezoned to reflect its use and ownership to Road Zone 1 (RDZ1).

25A Watson Drive, to the east of the site and the north of the adjacent open space is currently zoned Neighbourhood Residential Zone – Schedule 3 (NRZ3). The property is undeveloped and is an open space link to enable residents of Watson Drive to access the park and improves general pedestrian and cycling permeability of this area. The land is owned by Council and rezoning it to PPRZ would be appropriate to reflect the use and ownership of the land, and protect this open space link.

4.6 Recommendation

The Committee considered all written submissions (listed in Table 4-1), as well as submissions presented to it during the Hearing. Documents tendered at the Hearing are listed in Appendix B. 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 specific sites.

The Committee recommends:

For 32A Green Gully Road, Keilor:

The proposed rezoning to General Residential Zone, and introduction of a Development Plan Overlay not be progressed.

In the absence of a specific development proposal for the subject site, a planning scheme amendment be prepared and approved to:

a) Rezone the bulk of the site currently in the site owner ownership to the Commercial 2 Zone.

Consider rezoning the small part of the site to the west in VicRoads ownership to Road Zone 1.

Consider preparing an amendment to rezone the land at 25A Watsons Drive to Public Park and Recreation Zone to reflect its use as an open space link.

5 46 Eliza Street, Keilor Park

5.1 Details of the site and process

Table 5-1: 46 Eliza Street, Keilor Park – Amendment summary

Amendment summary	
Tranche and site	Tranche 2: Site reference FT13
Previous use	Former Keilor Park Primary School
Site owner	Department of Education and Training
Council	Brimbank City Council
Exhibition	11 April to 27 May 2016
Submissions	Five submissions were received: - Brimbank City Council, Lorraine Dowsey - Daniel Coffey - Jessica Coffey - Susanne Duddington - Carmen Vella

Table 5-2: 46 Eliza Street, Keilor Park – Proposed planning scheme changes

Existing controls	Proposed changes
Public Use Zone – Education	General Residential Zone Development Plan Overlay

Table 5-3: 46 Eliza Street, Keilor Park – Committee process

Committee process	
Members	Lester Townsend (Chair), Gordon Anderson and Cazz Redding
Information session	3 May 2016
Hearing	14-15 June 2016
Site inspections	12-15 June 2016
Appearances	- Department of Education and Training represented by Laura Thomas, Urbis - Brimbank City Council represented by John Rantino, Maddocks Lawyers - Australian Pacific Airports (Melbourne) represented by Melanie Hearne

5.2 Process issues for this site

A small part of this site is covered by the Melbourne Airports Environment Overlay – Schedule 2 (MAEO2).

For a site in Dallas also covered by the Melbourne Airports Environs Overlay the Committee in its Tranche 1 Report concluded:

> *Residential development of the site is not appropriate in light of the relevant planning scheme and State and Local Planning Policy Frameworks.*

The Committee convened a workshop and invited all parties to the Hearing on 15 June 2016. Parties with an interest in sites referred to the Committee in Tranche 2 that are also affected by the MAEO also participated in the workshop, including for this subject site.

5.3 The site and surrounds

(i) Location

The site is located in Keilor Park, a small pocket of residential development northwest of the Calder Freeway /Western Ring Road interchange.

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

> *The site is approximately 1.84 hectares. It has a generally flat topography and has a number of mature trees. The urban area surrounding the site is characterised by single and two story housing. There is a number of community facilities located within close proximity which includes Keilor Park Pre-School and Community Centre, public open space and the Keilor Park Shopping Centre. All buildings associated with the former school use have been demolished.*

Figure 5-1: 46 Eliza Street, Keilor Park – site location

(ii) Zoning context

Diagonally opposite the southwestern corner of 46 Eliza Street is a Council-owned park. It is zoned General Residential Zone – Schedule 1 at present, however this is a mapping error that occurred when the new residential zones were introduced, and the actual zone is Public Park and Recreation Zone.

Figure 5-2: 46 Eliza Street, Keilor Park – Current zoning

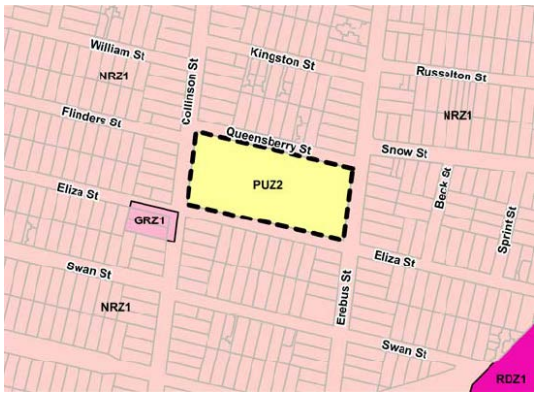
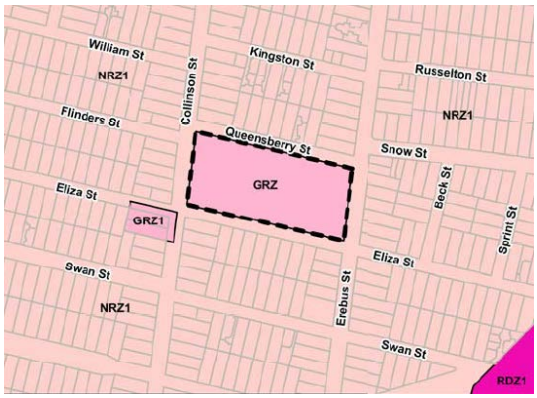


Figure 5-3: 46 Eliza Street, Keilor Park – Proposed zoning



5.4 Site constraints and opportunities

5.4.1 Planning constraints – overlays and restrictions

The southwestern corner of the site is covered by Schedule 2 to the Melbourne Airport Environs Overlay (MAEO2).

5.4.2 Physical constraints

(i) Access and traffic management

In written submissions, several nearby residents raised concerns about potential impacts on traffic, on-street parking and general congestion, particularly if development is of higher density than the surrounding area.

Bus Route 476, with a stop at the site in Erebus Street, provides links to Moonee Ponds Activity Centre and to Sydenham Train Station and Watergardens Regional Activity Centre.

The site is well located for connecting with existing pedestrian and bicycle links.

Both the site owner and Council did not express any concerns about managing the impacts of increased traffic from residential development on the site.

The Committee notes and accepts there do not appear to be any unmanageable traffic and access issues if the site is used for residential purposes, but the site is not well located for an industrial or commercial use.

(ii) Interfaces with surrounds

In written submissions, several nearby residents raised concerns about development of the site potentially being out of character with the surrounding area and loss of sunlight.

The Committee accepts there would be no problems in the built form and height of up to two storeys in any development contemplated under the proposed zoning blending with and respecting the character of the surrounding mainly one and two-level residential uses.

(iii) Vegetation and trees

Treelogic[10] assessed 82 trees on the land which were generally of below average quality and towards the east of the site around former buildings and recreational areas. Treelogic gave them arboricultural ratings: 27 'moderate', 50 'low' and five 'none'.

(iv) Environmental

The Planning Report dated March 2016 for the site owner, in the comment on environmental effects, states an assessment of the site by Senversa[11] indicated a low potential for contamination confirming its suitability for the likely sensitive land uses, such as residential, child care centre and pre-school centre.

5.5 Issues with the proposed changes

5.5.1 What zone is suitable

(i) Submissions

The site owner proposes a General Residential Zone with a new Schedule 2 for the site. The site owner submitted that the application of a Neighbourhood Residential Zone would apply an unnecessary level of caution as the site does not have a particular or special condition or character, and is an island site. The site owner did submit, however, that a level of caution is appropriate given the application of the MAEO2 to part of the site.

Council's Housing Strategy nominates this site as an area potentially suitable for limited change. It is not located in close proximity to services or infrastructure and does not form part of any existing or proposed Activity Centre. Council supports the application of the Neighbourhood Residential Zone, Schedule 1.

Australia Pacific Airports (Melbourne) Pty strongly opposes residential development under the MAEO2. Although the noise contours do affect this site, they do not align with the MAEO2, and are not included in the planning scheme. Australia Pacific Airports (Melbourne) does not support a residential zoning of the site, however if a residential zoning is pursued the following changes were requested:

- The site be subject to noise attenuation and any dwellings constructed must be compliant with AS2021-2015 – Acoustic – Aircraft Noise Intrusion – Building Siting and Construction.

The part of the site covered by MAEO2 be used as open space.

A Section 173 Agreement be required for all future owners, including the purchasers of the sites, advising that the properties are subject to aircraft noise.

[10] *Arboricultural Assessment for the former Keilor Park Primary School*, 6 January 2014

[11] Senversa report dated 13 February 2012

The Section 173 Agreement must specify a minimum lot size of 300 square metres and, once subdivided, no further should be allowed.

Under the DPO Clause 4.0 Decision Guidelines, a point be added stating "*the views of the airport lessee company of Melbourne Airport*".

The site owner supports these changes with the exception of the requirement for the part of the site covered by the MAEO2 be used as open space, and the prohibition on further subdivision of land once subdivided (as there may be a need to accommodate super lots).

Ms Vella and Mr Coffey submitted that the area was a quiet residential area, and the zoning of the land should reflect this. Mr Coffey proposed a Neighbourhood Residential Zone. Resident submitters including Ms Vella, Ms Duddington and Ms Coffey shared similar concerns about overdevelopment of the site which would potentially cause traffic issues, be visually unappealing and devalue the surrounding residential areas.

Common concerns with local residents were related to height of buildings and potential loss of amenity including access to sunlight, noise and dust during construction, demand for car parking in local streets, density and loss of character of the neighbourhood.

(ii) Discussion

The site as a whole

The first issue to be dealt with for this site is whether it is suitable for residential development given it is covered in part by the MAEO2 and entirely by the noise contours for Melbourne Airport (noting that the noise contours are not shown in the planning scheme).

As a general principle, the Committee has established that it is inappropriate to allow for residential development under the MAEO2, as the protection of the operations and curfew-free status of Melbourne Airport is of paramount importance to Victoria's economy.

However, only a small portion of the site is covered by the MAEO2, amounting to the equivalent of three housing lots based on the current title pattern in place on the site (as provided by the site owner after the Hearing). These lots are as follows:

- Vol 8689 Fol 984 Lot No 40 LP77823 (647sqm)
- Vol 8689 Fol 985 Lot No 41 LP77823 (619sqm)
- Vol 8689 Fol 986 Lot No 42 LP77823 (684sqm).

The Committee has considered whether there is an alternative to a residential zoning for the site, and concludes neither an Industrial 3 Zone nor a Commercial 2 Zone would be appropriate in this location, given its access, and there is no other obvious zone that falls within the scope of what the Committee can recommend.

The Committee considers if a residential zoning is pursued, it is appropriate that a Section 173 Agreement be required to deal with the matters outlined in the Australia Pacific Airports (Melbourne) Pty submission.

The Committee considers that a residential zoning, while not ideal, is acceptable for this site.

While the site owner proposed a General Residential Zone for the site to maximise the development potential of the land, the Committee does not consider this is appropriate given:

- The surrounding residential area is predominantly zoned Neighbourhood Residential Zone – Schedule 1 and is low-scale in nature.
- Low-density development in this location is required because of the proximity to the MAEO2 and the airport noise contours.
- The existing subdivision pattern of the land is at a Neighbourhood Residential Zone scale, similar to the surrounding area.

The southwestern corner of the site

The Committee has considered the three lots on the southwestern corner of the site. Ideally these lots should not be zoned for residential use. It has already been established that a Commercial 2 Zone or Industrial 3 Zone is not suitable for the site. The Committee considered whether this corner would be suitable for use as open space.

Diagonally opposite the southwestern corner of 46 Eliza Street is a Council owned park. This park falls within the MAEO2. The Committee sees no merit in proposing more open space diagonally opposite this existing park, as it would create two small and unconnected pocket parks. It would be better to use any public open space contributions from the development of the 46 Eliza Street site to improve the existing park, rather than create a new park.

This brings the option for southwestern corner of the site back to a residential use. The Committee considers that the best option for the southwestern corner is to consolidate the three lots to make a parcel of land of 1,950 square metres and place a density control on this site through a Section 173 Agreement that would restrict the development potential of this consolidated lot to one dwelling per 1,800 square metres.

Conclusion

The Committee concludes that a Neighbourhood Residential Zone, Schedule 1 is appropriate for this site and that a Section 173 Agreement be entered into with owners of the site which:

- Requires any dwellings constructed be compliant with AS2021-2015 – Acoustic – Aircraft Noise Intrusion – Building Siting and Construction.
- Specifies that the land is subject to aircraft noise.
- Requires the consolidation of the three lots on the southwestern corner of the site, comprising the following parcels Vol 8689 Fol 984 Lot No 40 LP77823; Vol 8689 Fol 985 Lot No 41 LP77823; and Vol 8689 Fol 986 Lot No 42 LP77823 and specify a minimum lot size of 1,800 square metres on the consolidated lot.
- Specifies a minimum lot size of 300 square metres per lot on all other lots.

5.5.2 What overlays are suitable

The MAEO2 currently applies to the southwestern corner of the site and there is no proposal to remove this Overlay.

The site owner proposes that Schedule 17 to the Development Plan Overlay be applied to the site. Council supports the application of DPO17 with changes.

The Committee does not consider a Development Plan Overlay is necessary for the site as it is small in size and is already separated into lot sizes, which are of a similar size and pattern to the surrounding area.

The Committee considers that the controls included in Schedule 1 to the Neighbourhood Residential Zone, ResCode controls in Clause 55 and 56 and the proposed Section 173 Agreement will enable a good planning outcome to be achieved.

Conclusion

The Committee does not support the application of Development Plan Overlay in addition to the Section 173 Agreement required to deal with aircraft noise issues.

5.6 Recommendation

The Committee considered all written submissions (listed in Table 5-1), as well as submissions presented to it during the Hearing. Documents tendered at the Hearing are listed in Appendix B. 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 specific sites.

The Committee recommends:

For 46 Eliza Street, Keilor Park:

A planning scheme amendment be prepared and approved to:

a) Rezone the site to the Neighbourhood Residential Zone, Schedule 1

b) Require current and future owners enter into a Section 173 Agreement to:

- **Require any dwellings constructed be compliant with AS2021-2015 – Acoustic – Aircraft Noise Intrusion – Building Siting and Construction.**
- **Specify that the land is subject to aircraft noise.**
- **Consolidate the three lots on the southwestern corner of the site, comprising the following parcels Vol 8689 Fol 984 Lot No 40 LP77823; Vol 8689 Fol 985 Lot No 41 LP77823; and Vol 8689 Fol 986 Lot No 42 LP77823 and specify a minimum lot size of 1,800 square metres on the consolidated lot.**
- **Specify a minimum lot size of 300 square metres per lot on all other lots.**

6 18-24 Robertsons Road and 16-28 McCubbin Drive, Taylors Lakes

6.1 Details of the site and process

Table 6-1: 18-24 Robertsons Road and 16-28 McCubbin Drive, Taylors Lakes – Amendment summary

Amendment summary	
Tranche and site	Tranche 2: Site reference FT36
Previous use	Undeveloped school site
Site owner	Department of Education and Training
Council	Brimbank City Council
Exhibition	11 April to 27 May 2016
Submissions	12 submissions were received: - Brimbank City Council, Lorraine Dowsey - Shelley Clements - Maree Condon - Ian Cowell - Nermin Kaya - Alex Koroneos - Gagun Kapur - Julie Lancashire - Simon Lee - Filix and Vira Lowback - Steve Psanoudakis - Jodie Velardo

Table 6-2: 18-24 Robertsons Road and 16-28 McCubbin Drive, Taylors Lakes – Proposed planning scheme changes

Existing controls	Proposed changes
Public Use Zone – Education	General Residential Zone Development Plan Overlay

Table 6-3: 18-24 Robertsons Road and 16-28 McCubbin Drive, Taylors Lakes – Committee process

Committee process	
Members	Lester Townsend (Chair), Gordon Anderson and Cazz Redding
Information session	3 May 2016
Hearing	14-15 June 2016
Site inspections	12-15 June 2016

Committee process	
Appearances	- Department of Education and Training represented by Laura Thomas, Urbis - Brimbank City Council represented by John Rantino, Maddocks Lawyers - Bruce & Julie Lancashire - Nermin Kaya - Steve Psanoudakis

6.2 Process issues for this site

Ms Lancashire submitted than inadequate attention had been paid to a range of planning issues including community infrastructure, public open space and local planning policy. She also raised concerns about environmental and cultural heritage issues.

The Committee is comfortable that sufficient background work has been carried out to progress a rezoning of the land.

6.3 The site and surrounds

(i) Location

The site is located in Taylors Lakes, about 20 kilometres northwest of the Melbourne CBD.

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

> *The site is approximately 9.13 hectares. It is vacant and contains limited vegetation. It is surrounded by an existing residential area comprising one and two storey dwellings. It is in close proximity to the Sydenham Principal Activity Centre and public transport, amenities, as well as parks and open spaces.*

Figure 6-1: 18-24 Robertsons Road and 16-28 McCubbin Drive, Taylors Lakes – site location

(ii) Zoning context

Figure 6-1: 18-24 Robertsons Road and 16-28 McCubbin Drive, Taylors Lakes – Current zoning

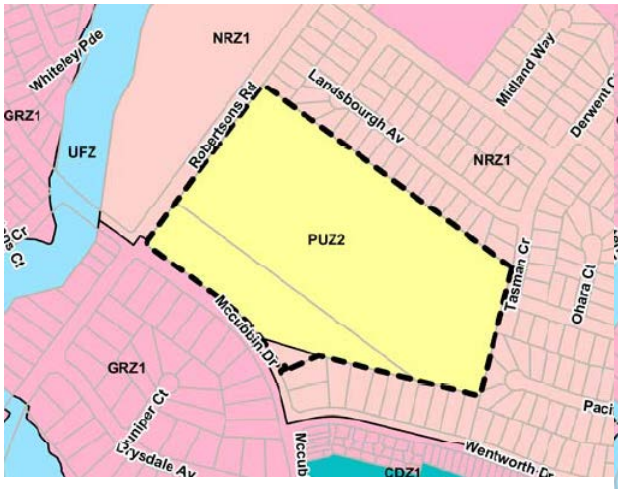
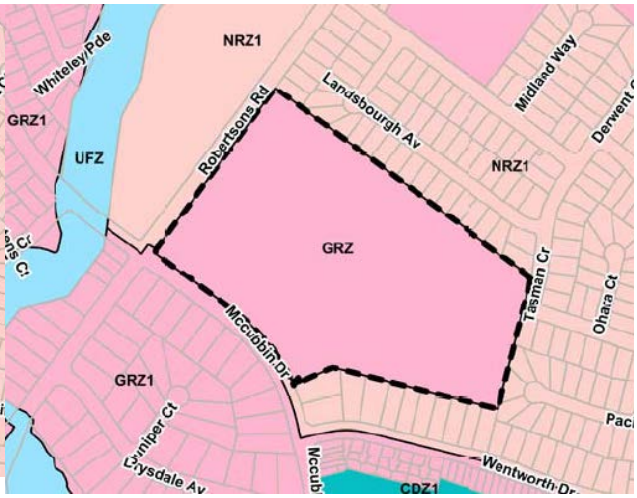


Figure 6-2: 18-24 Robertsons Road and 16-28 McCubbin Drive, Taylors Lakes – Proposed zoning



6.4 Site constraints and opportunities

6.4.1 Planning constraints – overlays and restrictions

No overlays apply to the site.

6.4.2 Physical constraints

(i) Access and traffic management

Some submitters, including Ms Lancashire, Ms Kaya and Mr Psanoudakis, raised various traffic and access concerns. These included impacts of increased traffic on the already congested local street network, such as at the McCubbin Drive/Robertson Road roundabout, in part because of the nearby schools.

The Committee notes the land enjoys very good access to public transport – both train and bus – serving local and regional areas.

The site's location and size would allow for good pedestrian and bicycle links within the site and connections to external local and regional networks.

Both the site owner and Council did not express any concerns about managing the impacts of increased traffic from residential development on the site.

The Committee notes and accepts:

- There do not appear to be any unmanageable traffic and access issues
- As with all Brimbank sites, detailed consideration of traffic, access, parking and related matters would occur at the development plan preparation stage – as required in the proposed Schedule to the Development Plan Overlay.

(ii) Urban design and interfaces with surrounds

Several submitters, including Ms Kaya and Mr Psanoudakis, raised concerns about the interfaces with nearby properties. They were keen to retain the present character of aspects such as height and appearance. Ms Lancashire submitted that there was no analysis supporting how the 13.5 metre height limit had been derived.

The Committee accepts the size of this site, the largest of the site owner's Brimbank sites, would enable the built form of any development to blend at its edges with the surrounding mainly one and two-level mixed uses and transition to taller buildings, potentially including up to four storeys, towards the centre of the site.

Places Victoria, in its written submission, said it is investigating the site for renewal. It said its initial investigations had:

> *… identified a scarcity of vacant lots in the area, highlighting strong demand. Therefore, this infill opportunity would be suited to a low to medium density housing product, supported by a mix of detached and semi-detached dwellings including townhouses. This would ensure that the site delivers essential housing to reduce the shortage of supply, and still respond to the existing residential context amongst which this land is located.*

(iii) Vegetation and trees

Several submitters, notably Ms Lancashire, commented on flora and fauna matters, including:

- The site has never been developed
- There appear to be native grasses on the site.

Treelogic[12] assessed the sole tree group of 21 mature Monterey Cypress Pines on the site as having no arboricultural value, were in an irreversibly poor condition and recommended their removal.

(iv) Environmental

The Planning Report dated March 2016 for the site owner, in the comment on environmental effects, states an assessment of the site by Senversa[13] indicated a low potential for contamination confirming its suitability for the likely sensitive land uses, such as residential, child care centre and pre-school centre.

(v) Cultural heritage

Ms Lancashire submitted that part of the site was within an area of cultural heritage sensitivity and would be appropriate to undertake at least a desktop assessment before rezoning to determine if any issues needed addressing.

The Committee notes the Planning Report dated March 2016 for the site owner states under Aboriginal heritage:

[12] *Arboricultural Assessment for the former Sydenham North Mapp*, 31 January 2014 by Treelogic
[13] Senversa report dated 13 February 2012

> *The Aboriginal Affairs Victoria (AAV) maps identifying areas of Aboriginal heritage sensitivity have been reviewed and the school site is not located in an area of sensitivity.*

There does not appear to be a need for a CHMP.

(vi) Open space

Several submitters, including Mr and Mrs Lancashire, raised concerns about the lack of public open space in this part of Taylors Lakes. Ms Lancashire submitted that the community has a right to expect a net community benefit from what is likely to be a substantial development on the site. She argued the five per cent provision in the planning scheme and Council's proposed Development Contributions Plan were not sufficient, "*particularly given the area is underprovided with unencumbered public open space".* Ms Lancashire supported her position with an analysis of the McCubbin Estate public open space.

Mr Psanoudakis submitted that there was little open space now, and land occupied by the Sydenham Soccer Club was generally closed to the public. He believed there was scope for some small parks and green open space areas for activities such as dog walking and basketball and for playgrounds.

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 there would be scope in any new development for a greater proportion of public open space than in the planning scheme provisions.

6.5 Issues with the proposed changes

6.5.1 What zone is suitable

Submissions

The site owner proposes a General Residential Zone with a new Schedule 2 for the site. The site owner's assessment of the site indicated a Residential Growth Zone, however based on the surrounding zonings (GRZ1 to the southwest, NRZ1 on other interfaces) a General Residential Zone was supported. The site owner submitted that the application of a Neighbourhood Residential Zone would apply an unnecessary level of caution as the site does not have a particular or special condition or character, and is an island site.

Council's Housing Strategy nominates this site as a strategic redevelopment site. Council supports the application of a GRZ or an RGZ on this site, with existing schedules being used rather than introducing a new schedule to the zone.

Mr Lee submitted that the site should not be rezoned but instead used for educational uses. Ms Clements supported the future use of the land for community purposes potentially open space. These submissions are outside the scope of what the Committee can consider.

A number of local residents submitted with common concerns in relation to heights of new buildings, intensification of development (greater than densities in the surrounding areas), traffic impacts, devaluing surrounding properties and loss of open space. The common view of these submissions was that a zoning that allows for higher density development, such as

the Residential Growth Zone, was not supported, but a lower scale of development, in keeping with the scale of development in the immediately adjacent area would be supported.

Discussion

There is no fundamental issue with a residential zone for the subject site. The issue is whether the application of the General Residential Zone is appropriate.

To assist it in determining whether the proposed zone is appropriate, the Committee has applied an analysis of which residential zone should be applied to the site.

Table 6-4: Assessment against Planning Practice Note 78 Criteria – 18-24 Robertsons Road and 16-28 McCubbin Drive, Taylors Lakes

Criteria derived from Planning Practice Note 78	AC Conclusion on Criteria	Zone supported by Practice Note based on AC Conclusion		
		NRZ	GRZ	RGZ
Is there identified neighbourhood character to be retained?	No	-	-	✓
Is the site identified as an area for growth and change?	Yes	-	-	✓
Are there existing landscape or environmental character/ constraints?	No	-	-	✓
Is the risk associated with known hazard high or low?	Low	-	✓	✓
What is the existing or desired level of development activity?	High	-	-	✓
Is this a brownfield or urban renewal site or area?	Yes	-	-	✓
Is there an adopted housing and development strategy?	Yes	-	-	✓
Is the site identified in Activities Area structure plan/policy?	No	✓	✓	-
If not in an Activities Area, is it redevelopment of commercial or industrial land?	NA	-	-	-
Is there good access to employment options?	Yes	-	-	✓
Is there good access to local shopping?	Yes	-	-	✓
Is there good access to local community services	Yes	-	-	✓
Are there good access to transport choice?	Yes	-	-	✓
		1	**2**	**11**

The Committee considers that a residential zoning is a very good outcome for this site.

The Committee has considered whether the land is a strategic development site using the criteria identified at Clause 16.01-3 of the SPPF to inform itself on the desired level of development activity and the most appropriate zone as shown in Table 6-5.

Table 6-5: Assessment against criteria for Strategic Redevelopment Sites in Clause 16.01-3 of the SPPF

Criteria derived from Clause 16.03-1 of the SPPF	AC Conclusion on Criteria
In and around Central Activities Districts.	No
In or within easy walking distance (1 km) of Principal or Major Activity Centres OR In or beside Neighbourhood Activity Centres that are served by public transport (400 m)	Yes
On or abutting tram, train, light rail and bus routes that are part of the Principal Public Transport Network and close to employment corridors, Central Activities Districts, Principal or Major Activity Centres (within 400 m of station or stop that links directly to these destinations) OR In or near major model public transport interchanges that are not in Principal or Major Activity Centres (within 400 m)	Yes
Able to provide 10 or more dwellings, close to activity centres and well served by public transport	Yes
Is it a strategic development site?	Yes

The Committee's assessment shows the site meets three of the four criteria outlined in Clause 16.01-3 of the SPPF to identify strategic development sites. The Committee therefore considers this is a strategic redevelopment site.

As with the site owner, the Committee has assessed that a Residential Growth Zone would be appropriate for the site. However, based on submissions from the proposed purchaser (Places Victoria), Council, the site owner and surrounding residents, the Committee is comfortable recommending the General Residential Zone for this site. This zone will allow for a form of development that links with the GRZ to the southwest and will be in keeping with the surrounding residential area.

The Committee is not in a position to recommend a public use zone such as PPRZ on this site. The Committee agrees that it would be advantageous to include open space in the development of the site, and consider this will be addressed through the development plan preparation process, and the collection of open space contributions through Clause 52.01 of the planning scheme.

Conclusion

The Committee concludes that the General Residential Zone, Schedule 1 is appropriate for this site.

6.5.2 What overlays are suitable

(i) Submissions

Ms Lancashire submitted that a Development Plan Overlay was appropriate for the site, and the exhibited DPO should be strengthened to:

- require provision of public open space
- make allowance for the collection of development contributions.

The site owner submitted that it was not appropriate to include a development contribution requirement in the Development Plan Overlay and it was appropriate to wait until a Development Contribution Plan was introduced for the whole municipality.

(ii) Discussion

The Brimbank Planning Scheme includes a Schedule to Clause 52.01 – Public Open Space Contribution and Subdivision requiring a five per cent open space contribution at the time of subdivision.

The Committee considers that this contribution should be a land contribution rather than a cash in lieu contribution given the size of the site and the shortage of unencumbered open space in the vicinity as identified by submitters.

The Committee's discussion and conclusion in relation to the application of a Development Plan Overlay for this site in advance of the introduction of a municipal wide Development Contributions Plan is outlined in Chapter 1. The Committee considers the Development Plan Overlay provides the opportunity for provision of local infrastructure to be provided.

Conclusion

The Committee has accepted the application of a DPO for a number of the sites in this Tranche including the subject site. The Committee's reasons are set out in Chapter 1. The Committee recommends the DPO be amended to include a requirement that open space is provided as land.

6.6 Recommendation

The Committee considered all written submissions (listed in Table 6-1), as well as submissions presented to it during the Hearing. Documents tendered at the Hearing are listed in Appendix B. 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 specific sites.

The Committee recommends:

For 18-24 Robertsons Road and 16-28 McCubbin Drive, Taylors Lakes:

A planning scheme amendment be prepared and approved to:

a) Rezone the site to the General Residential Zone, Schedule 1.

b) Apply a Development Plan Overlay as shown in Appendix C

7 31 Radford Road, Reservoir

7.1 Details of the site and process

Table 7-1: 31 Radford Road, Reservoir – Amendment summary

Amendment summary	
Tranche and site	Tranche 2: Site reference FT49
Previous use	Former Lakeside Secondary School
Site owner	Department of Education and Training
Council	Darebin City Council
Exhibition	11 April to 27 May 2016
Submissions	20 submissions were received: - Darebin City Council, Gilda Di Vincenzo - Friends of Merri Creek, Ann McGregor - Merri Creek Management Committee, Luisa Macmillan - Ibrahim Achkar-Kerbaji - Anne Cicivelli - Lucas Cicivelli & Antonio De Fazio - Feliciana De Fazio - Andrew Dodd - Julie Francis - Kate Francis - Paul Hamilton - Kelly Hertzog - Serena O'Meley & Terry Mason Rosina Nicolazzo - Diana Pais - David Vincitorio - Giovanna Vincitorio - Joseph Vincitorio - Leon Zembekis

Table 7-2: 31 Radford Road, Reservoir – Proposed planning scheme changes

Existing controls	Proposed changes
Public Use Zone – Education	Industrial Zone – Schedule 1
Development Contribution Plan Overlay	Development Contribution Plan Overlay
Environmental Significance Overlay	Environmental Significance Overlay
Erosion Management Overlay	Land Subject to Inundation Overlay
Land Subject to Inundation Overlay	

Table 7-3: 31 Radford Road, Reservoir – Committee process

Committee process	
Members	Brett Davis (Chair), Mandy Elliott
Information session	2 May 2016
Hearing	16 June 2016
Site inspections	9 June 2016

Committee process	
Appearances	- Department of Education and Training represented by Jane Kelly, Urbis - Darebin City Council represented by Darren Wong, Maddocks Lawyers - Friends of Merri Creek Inc. represented by Rebecca Mayo - Merri Creek Management Committee represented by Luisa Macmillan - Leon Zembekis - Joe Ficarra - Brett Middleton - Serena O'Meley and Terry Mason - Keith and Marion Coffey

7.2 Process issues for this site

There were no process issues for this site.

7.3 The site and surrounds

(i) Location

The subject site is located on the western side of Radford Road, Reservoir approximately 360 metres north of the Radford Road/Edwardes Street intersection.

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

> *The site is approximately 7.2 hectares. The site is flat and rectangular in shape, with all former school buildings now removed. Merri Creek abuts the western side of the site and provides a buffer between industrial land and residential encroachment. Public transport, a reserve plus additional open space facilities are also within close proximity to the site.*

Although described by FTGL Service as being flat, the site owner describes the site as falling away from Radford Road towards Merri Creek, which the Committee observed during the site visit. The site also contains a mix of native and introduced vegetation, with some mature trees present.

Figure 7-1: 31 Radford Road, Reservoir – site location

The site is surrounded by industrial uses to the north, east and south and backs onto the Merri Creek and associated parkland to the west. There is a wide strip of grassland (approximately 100 metres) that provides a buffer between Merri Creek, Industrial 3 zoned land and the built up residential area further to the west. The site is approximately 14 kilometres north of Melbourne's CBD.

The surrounding land uses include a Buddhist Temple to the north; a number of industrial land uses to the east including car wreckers, stone cutters and panel beaters; a commercial office building which is part of a larger industrial site (pipe construction) to the south; and the Merri Creek is to the west of the site.

The industrial precinct to the east is home to a number of large industrial operations (including Visy Plastics directly opposite the site). The industrial precent extends between Broadhurst Avenue to the north, Banbury Road to the east, Edwardes Street to the south and Merri Creek to the west.

(ii) Zoning context

The site abuts Industrial 3 land to the north (Buddhist Temple), Public Purpose and Recreational Zone and Public Use Zone 7 to the west, and Industrial 1 Zone (IN1Z) land to the south and east. Access to the site is from Radford Road.

Figure 7-2: 31 Radford Road, Reservoir – Current zoning

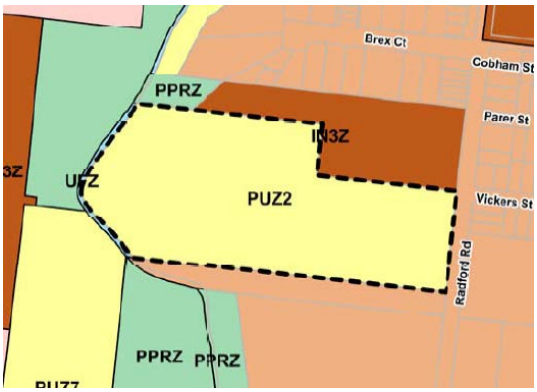
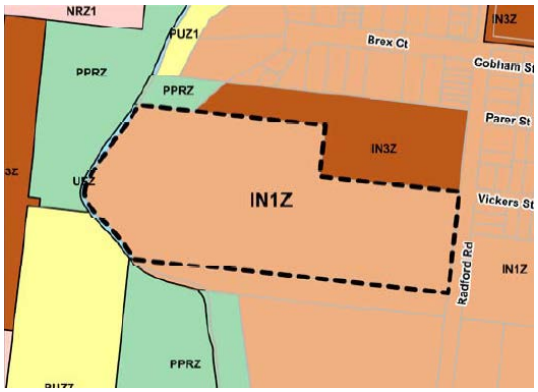


Figure 7-3: 31 Radford Road, Reservoir – Proposed zoning



7.4 Site constraints and opportunities

7.4.1 Planning constraints – overlays and restrictions

(i) Overlays

The current overlays are proposed to remain and these are:

- Development Contribution Plan (Schedule 1) Overlay
- Environmental Significance Overlay (Schedule 1 'Merri Creek and Environs')
- Land Subject to Inundation Overlay.

The ESO1 covers the entire site. The statement of significance for the ESO1 is:

> *The Merri Creek is an environmental, heritage and recreation corridor that draws its significance from its role as a continuous corridor as it does from the qualities of individual reaches. All areas of the Creek are important because they contribute to the linking of areas of environmental, heritage and recreational value along the Creek.*
>
> *The Merri Creek and its immediate surrounds is host to some of the most threatened ecosystems in Australia. The Creek has a unique role to play in the preservation of threatened flora and fauna and the maintenance of vegetation communities that in other places have almost totally been destroyed.*

A Land Subject to Inundation Overlay (LSIO) applies to the west end portion of the site in the vicinity of the Merri Creek environs. A planning permit is required under the LSIO for a wide range of buildings and works and permit applications are subject to views of the relevant Water Authority (that is Melbourne Water).

The Development Contribution Plan Schedule 1 seeks to identify areas requiring preparation of a Development Contributions Plan for the purpose of contributions for the provision of works, open space, services and facilities before development can commence.

The site owner advised through submissions at the Hearing that '*it appears as though the land is not affected by the Erosion Management Overlay as identified in the exhibited Summary Report*'.

The site owner considers these existing overlay controls are adequate to protect the Merri Creek environs.

The City of Darebin did not have the same confidence as the site owner that the existing controls in the overlays would be adequate in combination with the proposed Industrial 1 Zone and cited permit exemptions as an example.

(ii) Easements

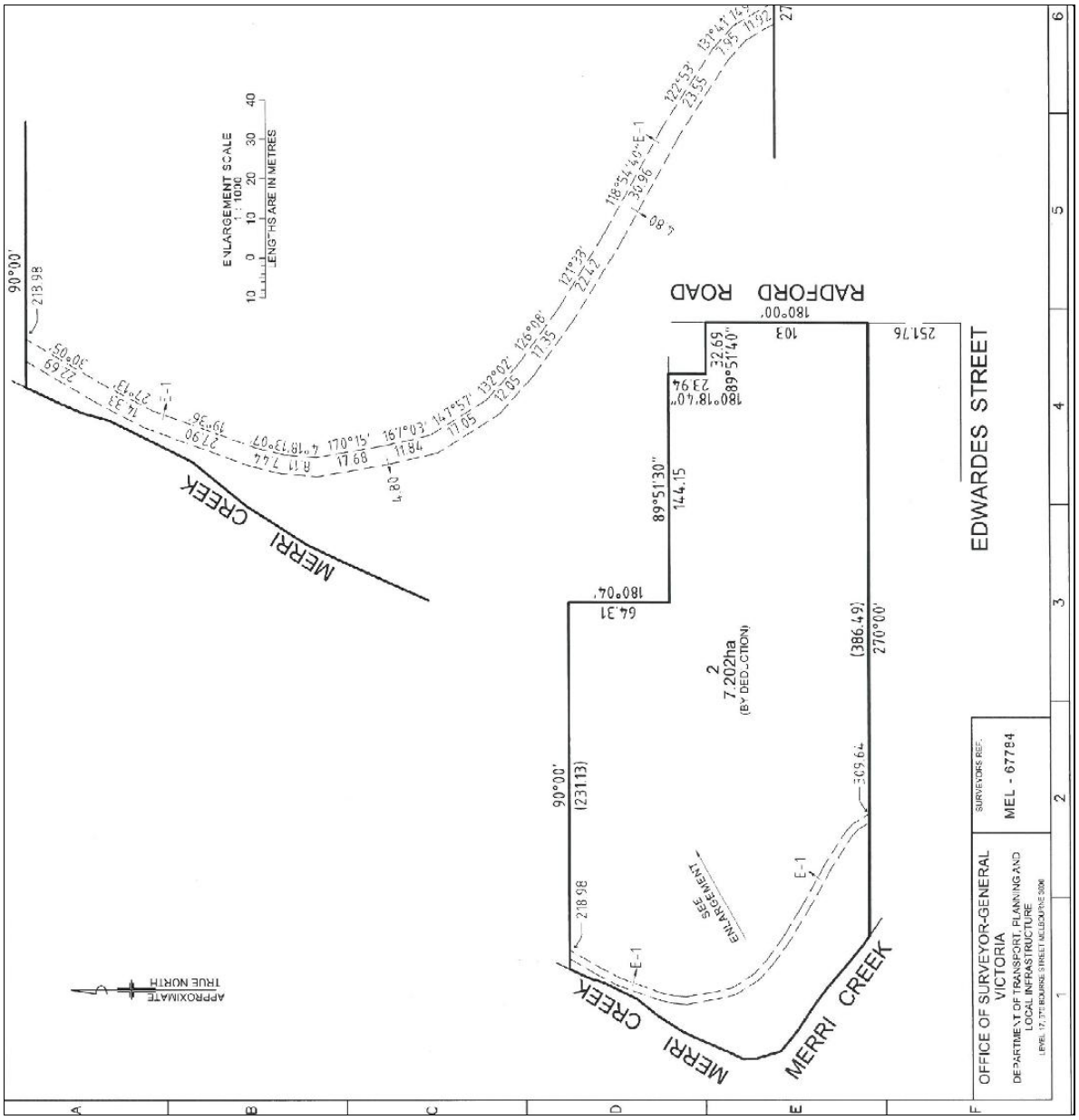
The land is encumbered by five easements, namely drainage, gas, sewerage, electricity, and carriageway easements. There is a public right of carriageway that crosses the lower portion of the land, providing access to the Merri Creek bike path to the north and south. This easement is shown below in Figure 7-4.

The carriageway easement that has recently been created over the bike path area in the western portion of the site is to ensure its ongoing use. Discussion as to how this carriageway easement is incorporated into future development for the site was had at the Hearing.

The site owner stated that the carriageway easement associated with the bike path is an appropriate mechanism to enable continued public access over the land and is effective regardless of the zoning.

In regard to the carriageway easement, Council submitted that the existence of the carriageway does not authorise a right of way in favour of the public at large. It is an easement that only authorises Council to access this part of the Radford land. Mr Wong, for Council, explained to the Committee that to give legal effect of public rights, the easement would need a Section 173 Agreement. The easement is a narrow 4.8 metre wide section of land and Council raised concerns about future access to the top of the creek bank or if the path needed to be changed.

Figure 7-4 31 Radford Road, Reservoir – Carriageway Easement Plan



7.4.2 Physical constraints

Merri Creek Environs

The site is adjacent to the Merri Creek and associated environment.

Mr Wong took the Committee to Clause 11-04-8 (Open space network in Metropolitan Melbourne) of the SPPF that seeks '*To create a network of metropolitan open space by creating new park*' through strategies such as:

> *Ensure major open space corridors are protected and enhanced*
>
> *Develop open space networks in growth areas, where existing open space is limited and demand is growing, and in the surrounding region of Metropolitan Melbourne including:*

- *Merri Creek Regional park*

Create continuous open space links and trails along the:

- *Merri Creek parklands (extending to Craigieburn)*

At Clause 12.04 (Significant environments and landscapes), the objective at 12.04-1 (Environmentally sensitive areas) is to 'protect and enhance environmentally sensitive areas' with strategies to achieve this objective that include:

> *Protect environmentally sensitive areas with significant recreational value such as the Dandenong and Macedon Ranges, the Upper Yarra Valley … and the Merri Creek …*

It was explained by Mr Wong to the Committee that Clause 12.04-01 only gives mention to one creek in Metropolitan Melbourne, namely the Merri Creek. Council provided two key documents regarding Merri Creek – the *Merri Creek and Environs Strategy 2009-2014* (Document 7) and *Understanding planning issues along the Merri Creek and Policy: Development Guidelines for the Merri Creek (2004)* (Document 8). Both are reference documents in the Darebin planning scheme. Of particular relevance to open space, conservation and the bike path, the *Merri Creek and Environs Strategy 2009-2014* states:

> *Within the urbanised reaches of the corridors of Merri Creek and its tributaries, the ownership and nature of lands adjacent to the waterway varies significantly…Much of this land is available for multiple recreation purposes and with some exceptions, this land can be broadly considered open space ...*
>
> *Planning for the corridor needs to work within the constraints of multiple ownership and planning controls …. Some land parcels may be subject to review for disposal or transfer when they are no longer required for core activities of agencies. A thorough review of conservation and open space needs should accompany a rationalisation of land holdings affecting the corridor … p101*
>
> *The Merri Creek Trail … extends along the main stem of Merri Creek from the Metropolitan Ring Road … to the Yarra River where it links with the Yarra River Trail … p153*
>
> *Planning for future redevelopments should aim to realise improvements to open space provision along Creeks, to stormwater treatment, and implement other objectives identified in this document, p166.*

The Council's position is that it is important to maintain these links and that rezoning the western portion of the Radford Road site to Industrial 1 Zone would be detrimental to the values of the Merri Creek environs and inconsistent with State and local planning policy. When asked by the Committee to clarify, Council and the site owner agreed that the fence separating the former school site and the Merri Creek environs has been erected since 1975. The walkway and bike path have existed since the mid-1980s.

Due to the proximately to the Merri Creek, the site is identified as being a potential area of Aboriginal cultural heritage sensitivity. Such matters need to be assessed in future development applications.

Site Vegetation

Treelogic assessed 202 trees on the site and found a range of vegetation on the subject site including 82 trees considered by the arborist as of 'moderate' importance. None of the trees on site were considered by the arborist to be of high importance.

The site owner's submission states that *"In the context of the Merri Creek, trees along the lower reaches of the site provide an aesthetic and environmental contribution to the Merri Creek environs".*

The Friends of Merri Creek suggest "*the Merri Creek valley has high ecological values, including endangered flora, fauna and ecological communities. It is very important habitat and movement corridor for many birds and other wildlife".* The Committee confirmed at the Hearing that although an arborist report had been prepared, an ecological assessment was not undertaken for the subject site.

7.5 Issues with the proposed changes

7.5.1 What zone is suitable

Submissions

The exhibited documentation states that the site *"is located within a well-established industrial area which is recognised by Council as one of the municipality's 'Core Industrial Precincts'".* The Darebin *Economic Land Use Strategy 2014* calls for the protection of the municipality's core industrial areas.

It was noted by the site owner in its submissions that the Darebin 'Economic Land Use Strategy' (2014) is a reference document at Clause 21.04 and indicates that the subject site is to be rezoned to the Industrial 3 Zone in the event that it is not required for education purposes. The Industrial 3 Zone is to be applied as a 'buffer' to residential uses, however those in closest proximity are located to the west and are separated by a grassland reserve along the Creek and an area of Industrial 3 Zone land (approximately 130 metres distant).

The site owner suggested that the Industrial 1 Zone is the most appropriate future zoning as it best reflects the pattern and character of surrounding land use and development, and particularly because of the following reasons:

- *The size of the land (7.24 hectares).*
- *The predominance of surrounding Industrial 1 Zone land.*
- *Access from an existing street which is located within an industrial area and is in the Industrial 1 Zone.*
- *The manageable impact of encumbrances, or particular environmental conditions on the future use of the land.*
- *The primarily industrial adjacencies, save for the Church use to the north which is in the Industrial Zone.*
- *Its designation in the Local Planning Policy Framework and Economic Land Use Strategy (2014) as part of a 'core industrial area' and the strategic imperative to protect such areas from encroachment by inappropriate non-industrial uses.*

- *The removal of the education use, (a more sensitive land use).*

The site owner noted that various areas of land to the north and south along the Creek are included in the Public Parks and Recreation Zone, while some areas either side of the Creek are in the Public Use Zones. These zones are only appropriate in the event that the land is publically owned or is to be publically acquired.

Council considers that rezoning the entire site to Industrial 1 Zone is inappropriate and conflicts with State and local planning policy which seek the protection and enhancement of the Merri Creek as a metropolitan open space link. Council submitted that the rear portion of the site be set aside to form part of the Merri Creek corridor and points to State policy that seeks a continuous open space corridor along the Merri Creek through to Craigieburn and these areas be protected from development.

Council submits that the following characteristics of the land are relevant in determining that an industrial zone for the whole site is inappropriate:

- *About the front three-quarters of the land sits within an established industrial area;*
- *About the rear quarter of the land forms part of the Merri Creek open space corridor and contains part of the Merri Creek trail; and*
- *The rear quarter of the land is fenced off from the front section and it appears and feels to be part of the Merri Creek open space corridor.*

For the reasons mentioned above, Council suggests that the strategic context does not support the zoning proposed by the site owner.

Council states:

> *The proposed zoning of the whole of the Radford Land to Industrial 1 will be disastrous for this part of the Merri Creek corridor.*
>
> *Council does not use the word 'disastrous' lightly …*
>
> *The future ownership and the role and function for the rear section of the land needs to be resolved at this stage. Council considers that this is best achieved by setting aside this part of the Radford land as a Crown reserve. The proposed zoning and the planning controls need to make it clear that this part of the Radford land needs to form part of the Merri Creek corridor.*

The Friends of Merri Creek advocate for the restoration and conservation of the Merri Creek and their submission refers to the western 1.9 hectare portion of the site that '*has been fenced off from the school and maintained by Darebin City Council as part of the Merri Creek parklands for over 30 years'*. The Friends of Merri Creek consider the proposed IN1Z is '*inappropriate for the Creek frontage portion of the property, because of its location in the Merri Creek valley and significant ecological, recreational and open space values'*.

Friends of Merri Creek cite Clause 11.03-2 of the SPPF, which states '*Ensure public land immediately adjoining waterways and coastlines remains in public ownership'*, and they provide the following reasons for maintaining its public land values:

- *The Merri Creek Trail, part of the Metropolitan Trail Network, runs across the frontage.*

- *It is part of a recreational corridor.*
- *It contributes to ecological connectivity as it is part of the Merri Creek habitat corridor.*
- *There is a diverse patch of remnant indigenous vegetation on the frontage, including a nationally-listed endangered species (Dianella amoena) which is protected under the Environment Protection and Biodiversity Conservation Act.*
- *It is a water frontage to Merri Creek.*

The Friends of Merri Creek referred to a former school site just north of the site that subdivided its frontage to public open space as part of that site's disposal process by government (refer to Document 10) and they believe the same process should apply to the former Lakeside school site.

The reasons put forward by the Friends of Merri Creek as to why the IN1Z is inappropriate and that the existing controls may not protect the Merri Creek environs include:

- *The remnant indigenous vegetation needs ongoing maintenance for its conservation. The ESO cannot demand this ongoing maintenance from a private owner.*
- *The ESO triggers a requirement for a planning permit, but does not prevent fencing or development according to the zoning.*
- *This ESO is intended to control/manage the interface between public land along the Merri Creek and adjoining private land, not private land abutting the Creek.*
- *The ESO has no capacity to enhance or improve ecological condition or recreational amenity of the Creek corridor.*

The Merri Creek Management Committee made similar submissions to the Friends of Merri Creek and also provided reference to documents that required the land in question to be set aside for parkland. These included:

> *The Merri Creek Shared Path/Trail which traverses the site. This trail is part of the Metropolitan Trail Network and connects to the Yarra Main Trail north along Merri Creek to the Ring Rd.*
>
> *Significant Linear Open Space Connectivity, The Darebin Open Space Strategy 2007-2017 (DOSS) maps this area as 'recreation open space' …*
>
> *Significant Biodiversity Values including EPBC listed species and communities. These values are mapped and described in detail in Darebin Council's Natural Heritage Plan 2011 …*

Ms O'Meley & Mr Mason agreed with the Friends of Merri Creek and the Merri Creek Management Committee that the western portion should be public open space and has important environmental and cultural values.

The Moreland City Council which is an adjoining Council, does not support the whole site being rezoned to IN1Z for many of the reasons as Darebin City Council, Friends of the Merri Creek, Merri Creek Management Committee and other submitters and Moreland City Council refers to page 104 of the Merri Creek and Environs Strategy 2009 that suggests

rezoning/acquisition of Lakeshore Secondary College as parkland. Moreland City Council refers to Clause 14.02-1 Catchment planning and management of the VPP, which states that planning decisions should ensure a minimum of 30 metre vegetated buffer on each side of waterways. Specifically, Moreland City Council quotes from Clause 14.02-1:

> *'Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to maintain the natural drainage function, stream habitat and wildlife corridors and landscape values, to minimise erosion of stream banks and verges and to reduce polluted surface runoff from adjacent land uses.'*

Discussion

There was no dispute from many of the submitters (including the Merri Creek Management Committee, Friends of the Merri Creek, Darebin City Council and Moreland City Council) that three-quarters of the site should be rezoned to Industrial 1 Zone. All agreed that it makes planning sense – the surrounding area is an industrial precinct. Where the parties departed from the site owner was around the western portion of the site (approximately 1.9 hectares), which abuts the Merri Creek.

The Merri Creek and environs is protected by state and local policies for its ecological, landscape and recreational values for Metropolitan Melbourne. A fence has been erected since the mid-1970s separating the former school site and the Merri Creek environs. A carriageway easement has been implemented providing Council and the public with access rights over this portion of the land for use as a walkway/bike path since the mid-1980s.

Conclusion

The Committee agrees with Darebin City Council and others that three-quarters of the site should be rezoned to Industrial 1 Zone.

The Committee also agrees with Council and others that the proposed zoning and the planning controls need to make it clear that the western part of the Radford land (approximately 1.9 hectares) needs to form part of the Merri Creek corridor. This portion of the site has been fenced off since the mid-1970s and has allowed public use as parkland/recreation for over 30 years and has been managed largely by Council.

Under its Terms of Reference the Committee cannot consider recommending a PPRZ. However it is clear that the western portion of the site has been used for such purposes since 1975 and that State and Local policy require the protection of the Merri Creek environs from inappropriate uses encroaching onto it. State and Local policies require the protection of the Merri Creek environs and submitters have taken the Committee to documents that suggest that the land in question be open space/parkland.

The Committee agrees with Mr Wong and Council's submission that a Development Plan Overlay be applied to the site that includes specific requirements relating to the matters to be included in the development plan and requirements for permits which require the rear section of the land to be set aside as a public reserve.

7.5.2 What overlays are suitable

The rezoning is not accompanied by any additional overlay controls.

Submissions

The site owner states that the surrounding industrial land does not comprise sensitive land uses and there are sufficient existing controls relating to the existing conditions of the land and its proximity to the Merri Creek to ensure that it is appropriately developed.

With respect to the relationship of the Merri Creek, the Environmental Significance Overlay Schedule 1 (ESO1) requires a permit to 'remove, destroy or lop vegetation'. This includes areas of remnant vegetation and vegetation protected under the *Environment Protection and Biodiversity Conservation Act 1999* (ground layer plants) which have been identified by submitters as within the vicinity of the bike path. Removal of any such species (as well as trees) across the site need a planning permit, and consideration of the 'native vegetation removal' triggers at Clause 52.17.

The site owner submitted that additionally a planning permit is required for 'works' in the ESO1 (which applies to all of the land) and includes for fencing and paths (other than by a public authority). The definition of 'works' within the *Planning and Environment Act 1987* includes *'any change to the natural or existing condition or topography of land including the removal, destruction or lopping of trees and the removal of vegetation or topsoil'.*

There are extensive considerations in the Environment Significance Overlay to provide for outcomes which respect the relationship with the Merri Creek environs, regardless of its ownership. Notably:

- *The consideration of State and Local Planning Policy Frameworks, including the policy at Clause 14.02-1 which seeks provision of 30 metre wide riparian buffers along waterways.*
- *The need to address environmental objectives of the ESO1.*
- *The requirements to 'protect and enhance the diversity, integrity and health of the local native riparian escarpment and plains vegetation associated with the Creek'.*
- *The need to consider flood management and waterway health in the ESO1, LSIO and provide flood management.*
- *The objective in the ESO1 to 'To create a peaceful, passive open space quality in the Creek and parkland and valley'.*
- *The objective in the ESO1 'To ensure that the scenic qualities and visual character of the waterway corridor are not compromised by the inappropriate siting of buildings, the placement of fill, or lack of screening vegetation'.*
- *Extensive decision guidelines, including consultation with Merri Creek Management Committee, Melbourne Water and AAV as deemed appropriate by the responsible authority.*
- *Consideration of the Development Guidelines for the Merri Creek and the Merri Creek and Environs Strategy called up by the ESO1 and the Local Planning Policy Framework.*

The site owner considers that having regard to the above, the existing combination of controls and policies are sufficient to provide direction and protection of the Merri Creek environs in the event that the land is rezoned to the Industrial 1 Zone.

Council does not agree with the site owner.

Discussion

The Committee agrees with Council that a Development Plan Overlay is to be prepared to provide protection of the land (approximately 1.9 hectares) abutting Merri Creek so that it can be continued to be used as parkland/recreation as it has done for the past 30 years.

It would be planning folly to allow the land abutting the Creek to transfer to IN1Z without controls restricting its use. The Committee agreed with Council's approach to look at applying a Development Plan Overlay on the 1.9 hectares that restricts development on this portion of the land.

Conclusion

The Committee concludes that it is an appropriate planning outcome for three-quarters of the site to be rezoned and used for industrial purposes.

The western (approximately) 1.9 hectare portion of the site should not be rezoned to IN1Z without the appropriate mechanisms through a DPO to protect that portion of the site from development. The Committee strongly believes this would be a poor planning outcome that is inconsistent with State and Local planning policies that urge the protection of Melbourne's waterways, in particular the Merri Creek corridor.

7.6 Recommendation

The Committee considered all written submissions (listed in Table 7-1), as well as submissions presented to it during the Hearing. Documents tendered at the Hearing are listed in Appendix B. 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 specific sites.

The Committee recommends:

For 31 Radford Road, Reservoir:

A planning scheme amendment be prepared and approved to:

a) Rezone the site to the Industrial 1 Zone

b) Apply a Development Plan Overlay that provides for:

- **Protection of the Merri Creek environs**
- **Prevents development within the area abutting Merri Creek (approximately 1.9 hectares).**

8 74-76 Glasgow Avenue, Reservoir

8.1 Details of the site and process

Table 8-1: 74-76 Glasgow Avenue, Reservoir – Amendment summary

Amendment summary	
Tranche and site	Tranche 2: Site reference FT50
Previous use	Former Ruthven Primary School
Site owner	Department of Education and Training
Council	Darebin City Council
Exhibition	11 April to 27 May 2016
Submissions	49 submissions were received: - Darebin City Council, Gilda Di Vincenzo - Carol Anderson & Sophie Kotsisk - Dino Bashiera - Alessdrina Bruno Bergami - Victoria Calhia - Mr & Mrs J S Ciantar - Anne Cicivelli - Lucas Cicivelli - Luigi & Theodora Cipollone - John Cisternino - Keith Coffey & Marion Coffey - Antonio Colosimo - Beverley Craven - Sergio Csar - Lou D'angelo - Gary Dal Santo - Antonio De Fazio - Feliciana De Fazio Beverley Dower - Joe Ficarra - Angela Merakis - David Vincitorio - Diana Pais - Joseph Vincitorio - Mattie Watkins - Peter Lanciana - Robert Lapenta - Helen Lim - Xun Liu - Ke Ma - Nicholas Baroutas & Nancy Marie Lucy Magno - Guiseppe Maiolo - Maria Fatima Maiolo - Brett Middleton - Cristina & Frances Nardozza - Rosina Nicolazzo - Serena O'Meley & Terry Mason - Annunziata Piraina - Giuseppe Piraina - Mr And Mrs George Prillwitz - Voula Psaroudis - Angela Salvo - Rosali Siragusa - Tonye Pina Strangis - Sebastiana Trantino - Rosanna Truda - Gilda Di Vincenzo - Giovanna Vincitorio - Paul Zamanaw

Table 8-2: 74-76 Glasgow Avenue, Reservoir – Proposed planning scheme changes

Existing controls	Proposed changes
Public Use Zone – Education Development Contribution Plan Overlay	General Residential Zone – Schedule 4 Development Plan Overlay – Schedule 13 Development Contribution Plan Overlay

Table 8-3: 74-76 Glasgow Avenue, Reservoir – Committee process

Committee process	
Members	Brett Davis (Chair), Mandy Elliott
Information session	2 May 2016
Hearing	16 June 2016
Site inspections	9 June 2016
Appearances	- Department of Education and Training represented by Jane Kelly, Urbis - Darebin City Council represented by Darren Wong, Maddocks Lawyers - Friends of Merri Creek Inc. represented by Rebecca Mayo - Merri Creek Management Committee represented by Luisa Macmillan - Leon Zembekis - Joe Ficarra - Brett Middleton - Serena O'Meley and Terry Mason - Keith and Marion Coffey

8.2 Process issues for this site

Many of the submissions urged Council to purchase the entire site and use it for public open space.

At the Hearing, the site owner made an opening submission that it was in negotiations with the City of Darebin to sell the land to the Council. The matter had not been resolved and the Committee made it clear that this process would run parallel to the Committee's process and that it did not preclude the Committee making its recommendations on what it must consider in accordance with its Terms of Reference.

8.3 The site and surrounds

(i) Location

The site is located on the northern side of Glasgow Avenue, Reservoir approximately 14 kilometres north of Melbourne's CBD.

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

> *The site is approximately 3.0 hectares and is largely rectangular in shape. It is flat with a number of mature trees on site. The site is located in an existing urban area comprised of low-density residential development.*

Figure 8-1: 74-76 Glasgow Avenue, Reservoir – site location

The site is generally flat and comprises of open grass and asphalt areas. The former school buildings occupying the site have been demolished.

The site is surrounded on all sides by the local street network. The site enjoys a prominent frontage to Glasgow Avenue, which connects directly to High Street, Reservoir, a major arterial road serving the region.

The areas surrounding the school site are characterised by conventional density residential neighbourhoods. Large parts of these neighbourhoods are affected by single-dwelling covenants.

The residential neighbourhood is characterised by largely single storey dwellings with some examples of double storey to the north and west of the subject site.

While the site is located in a predominantly residential area, it also enjoys access to open space and local retail facilities including:

- Edwardes Park located approximately 450 metres to the south of the site which is home to Reservoir Bowling Club, Scouts Centre, Athletics Track and Edwards Lake. A walking/bicycle track to the parkland is accessed from Glasgow Avenue approximately 100 metres to the site's west.
- Reservoir Activity Centre, which is located approximately 1.5 kilometres to the site's southeast.

(ii) Zoning context

Figure 8-2: 74-76 Glasgow Avenue, Reservoir – Current zoning

Figure 8-3: 74-76 Glasgow Avenue, Reservoir – Proposed zoning

8.4 Site constraints and opportunities

8.4.1 Planning constraints – overlays and restrictions

There is a Development Contributions Plan Overlay (Schedule 1) over the site. The DCPO seeks to identify areas requiring preparation of a Development Contributions Plan for the purpose of contributions for the provision of works, open space, services and facilities before development can commence. The contributions are set out in a schedule for dwellings or at an equivalent rate for other uses.

There are no planning restrictions over the site.

8.4.2 Physical constraints

Treelogic assessed the trees on the site and identified 71 trees of low or no arboricultural significance, 66 of moderate importance and none with high importance.

An assessment of the site by Landserv indicated a low potential for contamination confirming its suitability for the likely sensitive land uses, such as residential, child care centre and pre-school centre.

8.5 Issues with the proposed changes

8.5.1 What zone is suitable

Submissions

The site owner assessed the site against the criteria in Planning Practice Note 78, and it considers the General Residential Zone is appropriate because of its location, scale and importance as a significant opportunity for infill urban renewal.

The purpose of the GRZ is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

- *To encourage development that respects the neighbourhood character of the area.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The site owner submits that the following strategic considerations of the SPPF and Local Planning Policy Framework set out in the Darebin Planning Scheme support the rezoning of land in this manner given:

- *The established context of surrounding residential uses in a 'minimal change' area identified in the Local Planning Policy Framework (Clause 21.03-1).*
- *The support for new residential land in established urban areas that are well connected to surrounding services, reserves and public transport.*
- *The desire to increase the provision of new dwellings across the Municipality through suitably using infill sites.*
- *The absence of sensitive abutting interfaces.*
- *The strategic importance of larger relatively unencumbered sites and the opportunity to vary in some way from the predominant development conditions of surrounding land.*
- *The opportunity to apply the Residential Built Form Guidelines, to new development through the Local Planning Policy Framework.*
- *A Development Plan Overlay is simultaneously proposed to provide a master plan for the redevelopment of the land.*

The site owner determined that within the suite of residential zones, the role of the GRZ to 'respect and preserve urban character while enabling moderate housing growth and housing diversity' was the best fit for the subject site. The expectation is for these areas to be developed with single dwellings and some medium density housing, while also making provision for suitable non-residential uses.

The City of Darebin submitted that the rezoning of the former school site to residential is inappropriate, that it should remain as open space and that the Glasgow land has been identified as open space in the local planning policy framework and referred the Committee to the *Darebin Open Space Strategy 2007-2017* (page 78) that indicates that the Ruthven Primary School is part of the sporting and parkland network. The Committee notes that the agreement to use the land as open space has since expired, however the Open Space Strategy had not been updated to reflect this.

Council submissions state "*the historical function and role of the Glasgow land and its current recognition within the Scheme as public open space cannot be ignored … given the current designation of the Glasgow land as public open space in the Scheme where is the strategic justification to rezone this land for residential purposes?".*

Mr Wong, for Darebin City Council, submitted that the following characteristics are relevant in assessing the Glasgow land for the proposed rezoning:

- *It is relatively remote from an Activity Centre.*
- *It is relatively remote from public transport.*
- *It is relatively remote from other neighbourhood open space.*
- *It is relatively remote from school and other services.*
- *It sits within a relatively low-density residential area.*
- *The surrounding land is characterised by single dwellings on relatively large lots.*
- *The surrounding land is subject to a single dwelling covenant which has precluded intensification of this residential area.*

Darebin City Council provided the following submissions at the Hearing:

- *if the General Residential Zone is recommended, Schedule 1 should be preferred given the existing character and the requirements for larger private open space areas*

Most submissions regarding the subject site urged the Committee to recommend it for public open space. Other issues raised in public submissions included impacts to surrounding neighbourhood character, amenity, height controls and limiting these to two storeys, traffic and parking, devaluing of properties, lack of infrastructure in the area, retention of trees and provision of social housing. The site owner provided a response in their submissions regarding these matters.

Mr Middleton stated that many of the surrounding houses have a one storey covenant and that to allow for greater than one storey is inappropriate.

Discussion

Most, if not all, submitters to the Glasgow land site want the site to remain as public open space. Council took the Committee to the Darebin Open Space Strategy that identifies the site as open space (sporting and parkland). The Committee's Terms of Reference do not allow it to consider such uses. The Committee reiterated this at the outset of the Hearing to all submitters.

It is clear that a residential zone is appropriate for the subject site, if it is to be rezoned for development, noting the process of negotiations occurring between Council and the site owner to purchase the site for public open space. The issue is whether the application of the General Residential Zone is appropriate.

To assist it in determining whether the proposed zone is appropriate, the Committee has applied an analysis of which residential zone should be applied to the site.

The subject site is in effect an 'island', being entirely separated from established residential development by roadways and providing site access from these adjoining roads. It is surrounded by low-density residential housing (GRZ1) with much of the area having a one storey dwelling covenant attached.

Table 8-4: Assessment against Planning Practice Note 78 Criteria – 74-76 Glasgow Avenue, Reservoir

Criteria derived from Planning Practice Note 78	AC Conclusion on Criteria	Zone supported by Practice Note based on AC Conclusion		
		NRZ	GRZ	RGZ
Is there identified neighbourhood character to be retained?	No	-	-	✓
Is the site identified as an area for growth and change?	No	✓	✓	-
Are there existing landscape or environmental character/ constraints?	No	-	-	✓
Is the risk associated with known hazard high or low?	Low	-	✓	✓
What is the existing or desired level of development activity?	Low	✓	✓	-
Is this a brownfield or urban renewal site or area?	Yes	-	-	✓
Is there an adopted housing and development strategy?	Yes	✓	-	-
Is the site identified in Activities Area structure plan/policy?	No	✓	✓	-
If not in an Activities Area, is it redevelopment of commercial or industrial land?	No	✓	✓	-
Is there good access to employment options?	Yes	-	-	✓
Is there good access to local shopping?	Yes	✓	✓	-
Is there good access to local community services	Yes	✓	✓	-
Are there good access to transport choice?	Yes	✓	✓	-
		8	**8**	**5**

Despite fitting some of the NRZ criteria as much as the GRZ when assessed against the criteria in Planning Practice Note 78, the site was considered to be appropriate for GRZ due to its reasonably isolated position in relation to public transport and major activity centres.

While being an island site the Committee formed the view that given the relative low-density neighbourhood character and presence of an existing single-dwelling covenant on those surrounding properties that the more appropriate underlying zoning was the GRZ and applying Schedule 1.

Conclusion

The Committee concludes that General Residential Growth Zone, Schedule 1 is appropriate for the site.

8.5.2 What overlays are suitable

The Committee has accepted the application of a DPO for a number of the sites in this Tranche including the subject site. The Committee's reasons are set out in Chapter 1.

Council seek 10 per cent social housing and suggested in submissions that development should be partially private and partially government subsidised rental accommodation.

The Committee agrees with the site owner, which stated that it is not appropriate to 'tack this increase onto this amendment' and that the current schedule of five per cent is the appropriate rate for social housing for this amendment.

The Committee was satisfied that the DPO Schedule with its controls regarding height transitions (meaning predominately higher built form would occur in the central part of the site) would lead to an appropriate built form outcome.

8.6 Recommendation

The Committee considered all written submissions (listed in Table 8-1), as well as submissions presented to it during the Hearing. Documents tendered at the Hearing are listed in Appendix B. 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 specific sites.

The Committee recommends:

For 74-76 Glasgow Avenue, Reservoir:

A planning scheme amendment be prepared and approved to:

a) Rezone the site to the General Residential Zone Schedule 1

b) Apply a Development Plan Overlay as shown in Appendix C

9 430 Blackshaws Road, Altona North

9.1 Details of the site and process

Table 9-1: 430 Blackshaws Road, Altona North – Amendment summary

Amendment summary	
Tranche and site	Tranche 2: Site reference FT09
Previous use	Former Altona Gate Primary School
Site owner	Department of Education and Training
Council	Hobsons Bay City Council
Exhibition	11 April to 27 May 2016
Submissions	Submissions were received: - Urbis, for Department of Education and Training - Hobsons Bay City Council - Places Victoria - G. Fowler

Table 9-2: 430 Blackshaws Road, Altona North – Proposed planning scheme changes

Existing controls	Proposed changes
Public Use Zone – Education	Residential Growth Zone Development Plan Overlay

Table 9-3: 430 Blackshaws Road, Altona North – Committee process

Committee process	
Members	Brett Davis (Chair), Lynn Sweeney
Information session	4 May 2016 at Hobsons Bay Civic Centre
Hearing	20 June 2016 at Hobsons Bay City Council
Site inspections	20 June 2016
Appearances	Jane Kelly, Urbis for the site owner Justin Burgess, Hobsons Bay City Council

9.2 Process issues for this site

Issues were raised in a submission objecting to the sale of the site and that the site should be expanded to include a year 10-12 campus. The site has declared that the site is surplus. This issue is beyond the scope of the Advisory Committee and not addressed in this report.

9.3 The site and surrounds

(i) Location

The site is located in Altona, approximately 10 kilometres west of Melbourne's CBD.

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

> *The site is approximately 2.4 hectares. The site enjoys a prominent position on Blackshaws Road and is framed on all sides by the local street network.*
>
> *The school buildings were demolished a number of years ago and mature trees border each of the site boundaries.*

Figure 9-1: 430 Blackshaws Road, Altona North – site location

The 2.4 hectare rectangular site is located on the northern side of Blackshaws Road and is bounded by Blackshaws Road to the south, Rosala Avenue to the east and Misten Avenue to the west and Glad avenue to the north.

The site is surrounded by predominantly single-storey, conventional density residential dwellings. A small convenience retail strip is located to the southwest on the corner of Blackshaws Road and Misten Avenue.

Directly opposite the site to the south is a large playing field associated with St Paul's College.

The dominant building styles in the immediate surrounding residential neighbourhood are 1950–60s single-storey dwellings with hipped roofs.

Within the broader context, the site is within easy walking distance (approximately 230 metres) of A W Bond Reserve and (around 500 metres) of the Altona Gate Shopping Centre situated on Millers Road to the northeast. A large public opens space reserve and cycle network is located approximately 500 metres west of the site, adjacent to the Kororoit Creek.

A bus stop for the 471 route is located within 40 metres of the site, with services connecting the site to Altona Gate Shopping Centre and Newport Railway Station.

(ii) Zoning context

Figure 9-2: 430 Blackshaws Road, Altona North – Current zoning

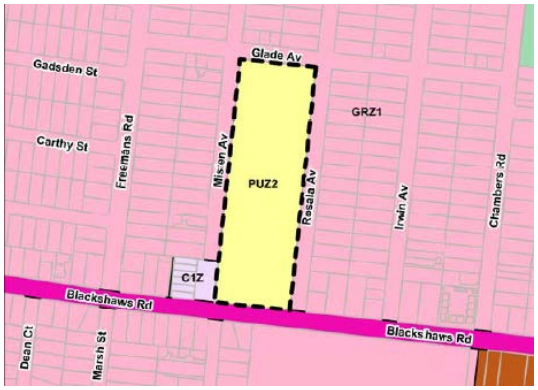


Figure 9-3: 430 Blackshaws Road, Altona North – Proposed zoning

9.4 Site constraints and opportunities

9.4.1 Planning constraints – overlays and restrictions

The site is not subject to any overlays.

The site includes a drainage easement which runs north-south through the centre of the site and a sewerage easement which runs east–west at the rear of Lots 211-214. Covenant 1319212 prevents earthworks except those for the purpose of foundations at the site.

9.4.2 Physical constraints

(i) Traffic

Council submitted that amenity impacts of the freight traffic on Blackshaws Road, a Road Zone Category 1, from the significant industrial premises in Altona North are not conducive to intensive residential development. Council submits that this supports the application of the GRZ rather than RGZ to minimise the number of residents affected.

(ii) Vegetation

Treelogic assessed 81 trees on the site. Twenty-one of these have moderate retention value and are located generally around the edges of the site. The remaining trees have low or no retention value.

(iii) Site contamination

An assessment of the site indicated a low potential for contamination confirming its suitability for the likely sensitive land uses, such as residential, child care centre and pre-school centre.

9.5 Issues with the proposed changes

9.5.1 What zone is suitable

Submissions

The site owner submitted that while the site is not designated a strategic redevelopment site it offers a rare 'island site' opportunity for significant residential development in Hobsons Bay which should be capitalised on. It was specifically noted the site is not encumbered with the potential environmental considerations which can hamper the redevelopment of obsolete industrial sites. Further, the site benefits from the considerable local community, transport and retail amenity of the established residential neighbourhood. The site owner further submitted that the application of the GRZ would:

> *… largely restrict opportunities for the site to make any significant contribution to increased housing diversity and availability within Hobsons Bay.*

In its submission, the site owner provided an assessment against the criteria set out in Planning Practice Note 78. The site owner submitted that:

> *Of particular importance … is the close proximity to a Major Activity Centre, local transport, open space, being surrounded by roads on four sides and easy access to the Freeway*

and that these attributes support the increased level of development provided by the RGZ. Further, Ms Kelly emphasised the increased potential for housing diversity in RGZ-zoned land noting the need for increased levels of housing types other than single dwellings.

The site owner submitted that the application of the RGZ would not compromise the preferred levels of vegetation and landscaping that is highly valued by the local community as this would be enabled by the application of the RGZ and DPO, as exhibited.

In its response to the new controls submitted by Council at the Hearing the site owner reiterated its positions that:

> *The RGZ together with the proposed DPO Schedule is an appropriate fit for the Blackshaws Road site … we consider the site's locational attributes, lack of constraints or sensitive abuttals, main road frontage, and location in an established area well connected to services and facilities, present an opportunity for residential infill development, at a higher density than the surrounding residential area.*

Council submitted that the site should be zoned GRZ rather than RGZ and noted the Panel report for Amendment C96 to the Hobsons Bay Planning Scheme where the Panel stated that the application of the RGZ without, for example, a Housing Strategy is not desirable. Council submitted that the application of the RGZ would be premature as it is in the process of preparing, updating and reviewing a number of strategic studies and policies, including its:

- Housing Strategy
- Municipal Strategic Statement
- Neighbourhood Character Study
- Activity Centre Strategy

- Integrated Transport Plan, and
- Heritage Study.

Council submitted that as the RGZ does not implement neighbourhood character policy it is not appropriate for the site, " … *as it is not large enough to generate its own neighbourhood character and should therefore respect surrounding character*".

Council submitted that the GRZ should have a mandatory height control of nine metres.

In response to the site owner's submission that the assessment of the site on the basis of Planning Practice Note 78 clearly identifies the site as suitable for RGZ, Council submitted that some of criteria equally suggest GRZ and that the assessment is overly biased towards the most intensive residential zone. For example, the proximity to Altona Gate Shopping Centre is compromised by its orientation as a 'stand-alone' shopping centre with access from Millers Road rather than A W Bond Reserve and the 'high' level of existing/desired development activity.

Council responded to the site owner's view that the site provides a critical opportunity in the Blackshaws Road precinct to achieve increased population capacity noting that there was already sufficient development capacity identified through the transition of obsolete industrial land. Council did not see the intense development of this site as critical to the achievement of housing targets for the municipality.

Discussion

Despite the perceived community disappointment that the site is not to be retained for educational use, there is fundamental agreement that the site is suitable for a residential zone. The issue is whether the application of the Residential Growth Zone is appropriate.

To assist it in determining whether the proposed zone is appropriate, the Committee has applied an analysis of which residential zone should be applied to the site.

Table 9-4: Assessment against Planning Practice Note 78 Criteria – 430 Blackshaws Road, Altona North

Criteria derived from Planning Practice Note 78	AC Conclusion on Criteria	Zone supported by Practice Note based on AC Conclusion		
		NRZ	GRZ	RGZ
Is there identified neighbourhood character to be retained?	No	✓	✓	-
Is the site identified as an area for growth and change?	No	✓	✓	-
Are there existing landscape or environmental character/ constraints?	No	-	-	✓
Is the risk associated with known hazard high or low?	Low	-	✓	✓
What is the existing or desired level of development activity?	Moderate	-	✓	-
Is this a brownfield or urban renewal site or area?	Yes	-	-	✓

Criteria derived from Planning Practice Note 78	AC Conclusion on Criteria	Zone supported by Practice Note based on AC Conclusion		
Is there an adopted housing and development strategy?	No	-	✓	-
Is the site identified in Activities Area structure plan/policy?	No	✓	✓	-
If not in an Activities Area, is it redevelopment of commercial or industrial land?	No	-	✓	✓
Is there good access to employment options?	Yes	-	-	✓
Is there good access to local shopping?	Yes	-	-	✓
Is there good access to local community services	Yes	-	-	✓
Are there good access to transport choice?	Yes	-	-	✓
		3	**7**	**8**

A number of the criteria outlined in Planning Practice Note 78 require a degree of subjective assessment and the extent to which this site met the criteria for RGZ was challenged by Council. Chapter 1 to this report expands on the rationale and conditions appropriate for adopting the RGZ rather than GRZ or NRZ noting that decisions about intensity will be driven more by the characteristics of the area and less by the characteristics of the site. The fact that the site is an 'island' bounded by local streets and Blackshaws Road does limit the immediate impact of development due to lack of immediate neighbours. However, this also means that the site is very prominent in the largely intact, low-scale residential neighbourhood.

Clearly there is a level of subjectivity around a number of the criteria and the Committee's assessment results in a close result between RGZ and GRZ. As noted in Chapter 1 of this report; the exercise is not arithmetic:

> *Given the subjective assessment involved in assessing each site the numerical score should be treated with a degree of caution, but it does give a clear indication of those sites where a RGZ might be appropriate.*

The Committee does take note of Council's position that it is premature to identify this site for RGZ in the absence of a completed Housing Strategy. The Committee does, however, point out that it follows that the incomplete suite of other policies including Neighbourhood character, Transport, Heritage and the Municipal Strategic Statement should not then be used to underpin the controls for this site as neither have they been through public consultation nor adopted by Council.

The Committee notes that the 'island' nature and generous dimensions of the site offer significant development potential within even the GRZ provisions which will result in a significant housing/population benefit for the community.

Conclusion

On inspection of the site and surrounding neighbourhood the Committee notes that, due to the island nature of the site, a master planned development with some higher forms could

be appropriate without compromising the amenity of the surrounding one and two storey neighbourhood.

While the Committee acknowledges the potential for the Blackshaws Road site to contribute to the housing capacity for Hobsons Bay community it concludes that the application of the General Residential Zone Schedule 4 is appropriate.

9.5.2 What overlays are suitable

The Committee has accepted the application of a DPO for a number of the sites in this Tranche including the subject site. It rejects Council's request to use the DDO. The Committee's reasons are set out in Chapter 1.

9.6 Recommendation

The Committee considered all written submissions (listed in Table 9-1), as well as submissions presented to it during the Hearing. Documents tendered at the Hearing are listed in Appendix B. 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 specific sites.

The Committee recommends:

For 430 Blackshaws Road, Altona North:

A planning scheme amendment be prepared and approved to:

a) Rezone the site to the General Residential Zone Schedule 4, (as exhibited for 103A Grieve Parade)

b) Apply a Development Plan Overlay as shown in Appendix C

10 ~~103A Grieve Parade, Altona~~

The Committee's discussion on this 103A Grieve Parade, Altona has been redacted to facilitate the release of this report before a decision has been made in relation to this site

Appendix A: Terms of Reference

Government Land Standing Advisory Committee

Terms of Reference

Version: July 2015

Standing Advisory Committee appointed pursuant to Part 7, Section 151 of the *Planning and Environment Act 1987* to report on proposals to change the planning provisions to land owned by the Victorian Government.

Name

1. The Standing Advisory Committee is to be known as the 'Government Land Standing Advisory Committee'.
2. The Standing Advisory Committee is to have members with the following skills:
   - Statutory and strategic land use planning
   - Land development and property economics
   - Civil engineering and transport planning
   - Social and environmental planning.
3. The Standing Advisory Committee will include an appointed Chair, Deputy Chair and not less than five other appropriately qualified members.

Purpose

4. The purpose of the Standing Advisory Committee is to advise the Minister for Planning on the suitability of changes to planning provisions for land owned by the Victorian Government.

Background

5. The Victorian Government continuously reviews its land holdings to determine sites that are surplus to current or future service delivery requirements. It sells this land so as to:
   - Reinvest in new infrastructure such as schools, hospitals and public transport
   - Reduce the cost of government services and deliver more services
   - Eliminate unnecessary expenditure on maintenance and security services at vacated sites
   - Provide for the renewal of sites which are no longer required.
6. When a department or agency identifies land as surplus, it is first offered for sale to all other Victorian Government departments and agencies, as well as to the relevant local government and the Commonwealth Government. Once it is determined that there is no other government purchaser for future service delivery, the site is determined to be surplus to requirements. It is outside the scope of the Standing Advisory Committee to review the decision that a subject site is surplus to government needs.
7. Ensuring that appropriate planning provisions are in place on the subject site is critical. Often government sites are zoned Public Use Zone (PUZ) to reflect their public ownership and purpose. Sites zoned PUZ cannot be sold to the private sector, so an appropriate zone needs to be put in place, together with any other planning provisions that should be applied to ensure that the site has consistent requirements and opportunities as other privately held land.
8. The Standing Advisory Committee process has been established to provide a consistent and transparent process to facilitate changes to planning provisions of government land.

Department of Environment, Land, Water & Planning

Method

9. The Minister for Planning or delegate will refer sites or groups of sites to the Standing Advisory Committee for advice on future planning provisions for the land.

Stage 1 – Exhibition

10. Once a referral has been received, the Standing Advisory Committee will meet with the Project Manager to discuss the procedures and timeframes, including pre-setting the Hearing dates.
11. The Department of Environment, Land, Water & Planning (DELWP) will write to each of the relevant councils, government agencies and services authorities with a copy of the planning proposals seeking comments within six weeks.
12. DELWP will notify nearby residents who may be affected by the rezoning of the sites and place a notice in local newspapers.
13. The Standing Advisory Committee will hold a briefing session with all relevant councils, government departments, agencies, service authorities and other interested parties three weeks after the commencement of the consultation period to discuss the Standing Advisory Committee process.
14. Submitters will have six weeks from notification to prepare written submissions, with all relevant submissions referred to the Standing Advisory Committee.
15. All submissions are to be collected at the office of Planning Panels Victoria in accordance with the *Guide to Privacy at PPV*. Hard copes will be made for each relevant council, DELWP and government land owning body , and electronic copies may also be provided to other submitters upon request.
16. Petitions and pro-forma letters will be treated as single submissions and only the first name to appear on the first page of the submission will receive correspondence in relation to Standing Advisory Committee matters.

Stage 2 – Public Hearings

17. The Standing Advisory Committee is expected to carry out a Public Hearing and provide all submitters with an opportunity to be heard. Submitters are not required to have formal representation at the Hearing.
18. The Standing Advisory Committee may limit the time of parties who wish to appear before it at the public Hearing and may regulate cross-examination. The Standing Advisory Committee will set time frames as follows:
    - local council – 3 hours
    - land owner – 3 hours
    - agency or statutory authority – 1 hour
    - community group – 1 hour
    - individual – 30 minutes
19. The Standing Advisory Committee may meet and invite others to meet with it when there is a quorum of at least two of the Committee members.

Stage 3 – Outcomes

20. The Standing Advisory Committee may inform itself in anyway it sees fit, but must consider:
    - The suitability of the proposed land rezoning, and any overlay, for each property in light of the relevant planning scheme, State and Local Planning Policy Frameworks and public open space contributions in line with current development requirements. It is not open to the Standing Advisory Committee to consider the application of any public land zones unless requested to by DELWP.
    - The extent to which the proposed planning framework is responsive to any key issues on the site or within the local context.
    - All relevant documentation prepared by or for DELWP, or otherwise provided to the Standing Advisory Committee.
    - All relevant submissions made in regard to the proposed planning controls for identified government land.

21. The Standing Advisory Committee must produce a written report for the Minister for Planning providing:
    - An assessment of the appropriateness of any changes of planning provisions, in 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.
22. The Chair or the Deputy Chair must endorse and submit the report for each sites or group of sites.
23. The Standing Advisory Committee may apply to vary these Terms of Reference in any way it sees fit prior to submission of its report to the Minister for Planning.

Submissions are public documents

24. The Standing Advisory Committee must retain a library of any written submissions or other supporting documentation provided to it directly until a decision has been made on its report or five years has passed from the time of its appointment.
25. Any written submissions or other supporting documentation provided to the Standing Advisory Committee must be available for public inspection until the submission of its report, unless the Standing Advisory Committee specifically directs that the material is to remain 'in camera'.

Timing

26. The Standing Advisory Committee is required to begin its hearings no later than 20 business days from the date of final date of submissions.
27. The Standing Advisory Committee is required to submit its report in writing as soon as practicable but no later than 20 business days from the completion of its hearings. The report may be submitted in stages for a site or a group of sites.

Fee

28. The fee for the Standing Advisory Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.

29. The costs of the Standing Advisory Committee will be met by the relevant government land holding agency. Where there is more than one government land holding agency, the costs will be pro-rated between the agencies.

Project Manager

30. Day to day liaison for this matter will be through Kate Stapleton, Senior Planner, Department of Environment, Land, Water and Planning on 90948473 or kate.stapleton@delwp.vic.gov.au.

31. Inquiries regarding the Standing Advisory Committee Process can be made to Planning Panels Victoria on 8302 6369 or planning.panels@dewlp.vic.gov.au.

Hon Richard Wynne MP
Minister for Planning
Date: 19/7/15

Appendix B: Documents tabled

Brimbank sites

Documents Presented to Hearing (No.)	Description	Presented By
1	Department of Education and Training (DET) Submission	Laura Thomas, Urbis
2	Copy of DET presentation	"
3	DET suggested version of Schedule 8 to the Development Plan Overlay	"
4	Brimbank City Council bundle of policy documents	John Rantino, Maddocks Lawyers
5	Extracts from Residential Zones Standing Advisory Committee (Stage 2) Report for Brimbank Draft Amendment C166	"
6	Brimbank City Council further submissions	"
7	The Brimbank Housing Strategy, February 2014	"
8	Confidential (For working purposes only) Council Report – Planning Scheme Amendment C187 Municipal Development Contributions Plan and Municipal Development Contributions Overlay	"
9	City Strategy Draft Brimbank Development Contributions Plan, June 2016	"
10	Draft Schedule 2 to the Development Contributions Plan Overlay	"
11	Julie and Bruce Lancashire Submission, also on behalf of H & J Lascaris, V & G Adoniou and May Coutts	Julie Lancashire
12	Open Space Analysis – McCubbin Estate, Taylors Lakes	"
13	Submission	Mary Alusoski
14	Submission	Beatrice Herbertson

Workshop

Documents Presented to Hearing (No.)	Description	Presented By
1	Melbourne Water Opening Statement	Matthew Gilbert, Glossop Town Planning

Documents Presented to Hearing (No.)	Description	Presented By
2	Broadmeadows Reservoir site (at Dallas) Redevelopment Proposal Images and Drawings	"
3	Hume City Council Opening Statement	Michael Sharp

Darebin sites

No.	Date	Description	Presented by
1	16/6/16	Department of Education and Training (DET) Surplus Sites in City of Darebin	Christine McRae, Urbis
2	"	DET Submission to the Standing Advisory Committee Hearing – City of Darebin	"
3	"	Easement title plan	"
4	"	Submission on behalf of Darebin City Council	Mr Wong, Maddocks for Darebin City Council
5	"	Clause 21 Municipal Strategic Statement of the Darebin Planning Scheme	"
6	"	Darebin Open Space Strategy 2007 – 2017	"
7	"	Merri Creek and Environs Strategy 2009 – 2014	"
8	"	Understanding planning issues along the Merri Creek	"
9	"	Darebin Housing Strategy 2013 – 2033	"
10	"	Letter from Directorate of School Education, February 28 1994	Friends of Merri Creek
11	"	Mr Middleton's submission	Mr Middleton
12	21 June 2016	Strategic Crown Land Assessment Policy and Guidelines	Geoffrey Mills, DET
13	"	Victorian Government Landholding Policy and Guidelines, August 2015	"
14	"	Plan for creation of easement	"

Hobsons Bay sites

Documents Presented to Hearing (No.)	Description	Presented By
1	The site owner PowerPoint Presentation	Jane Kelly, Urbis
2	the site owner submission	"
3	Hobsons Bay City Council submission	Justin Burgess, Hobsons Bay City Council
4	Council letter to DEECD Dec 2014	"
5	Council submission to MRDAC	"
6	Council draft DDO	"
7	Draft Schedule to Clause 51.01	"
8	Draft Schedule to GRZ Grieve Parade	"
9	Draft Schedule to GRZ Blackshaws Road	"
10	Gant Chart – Council policy progress 22 June 2016	"
11	Email – Council progress on Integrated Transport Plan 23 Jun 2016	"
12	Site owner Response 28 June 2016	Jane Kelly, Urbis

Appendix C: Recommended DPO

SCHEDULE ## TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO##**. **REDEVELOPMENT SITES**

Site Description

This schedule applies to land generally known as**:**

- [List sites and include former school name where appropriate]

1.0 Requirement before a permit is granted

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

- ~~Bulk excavation, site preparation and retention works including piling, footings, ground beams and ground slab, and minor buildings and works provided that interim treatments are to the satisfaction of the responsible authority and any works required to satisfy environmental clean up or audit requirements.~~
- Any buildings or works, including the construction of any part of any building associated with the remediation of land in accordance with or for the purpose of obtaining a Certificate or Statement of Environmental Audit under the Environment Protection Act 1970 provided the works satisfy the requirements of the Construction Management Plan prepared in accordance with this schedule.
- Subdivision ~~of the land into superlots or to realign property boundaries, or create a road, or create or remove easements~~.
- Removal or creation of easements or restrictions

Before granting a permit the responsible authority must be satisfied that the permit will not prejudice the preparation of a Development Plan and future use and development of the land in an integrated manner.

2.0 Conditions and requirements for permits

Prior to the commencement of works, a landscape plan must be submitted to and approved by the responsible authority which details:

- The landscape concept plan for the site and a supporting Arborist report
- The protection and integration of canopy trees which are to be retained on the site
- Details of how public open space areas are to be developed and managed.

Prior to the commencement of works, a Construction Management Plan must be submitted to and approved by the Responsible Authority which:

- Details measures to be implemented to minimise adverse impacts during the development on environmental values including habitat, water quality, sites of biological and cultural significance and vegetation to be retained on site.
- Details the measures to be implemented to minimise the generation of sediment on the site, the transport of sediment onto public roads and into drains and waterways and the generation of dust.
- The designation of tree protection zones for canopy trees to be retained on the land.
- Shows the location of site offices, off-street vehicle parking for construction vehicles and employees.
- Details the methods to be used for the collection and disposal of construction waste and the storage of construction materials.

- Details of the hours of operation on the site.

All works conducted on the land must be in accordance with the approved Construction Management Plan.

3.0 Requirements for development plan

The development plan may be prepared for the whole site or in stages.

In preparing a development plan or an amendment to a development plan, the following ~~matters should be considered~~ should be achieved:

- Where residential uses are proposed, ~~provide~~ a range of dwelling types, as appropriate, to cater for a variety of housing needs.
- ~~Incorporate~~ Sustainable design features to address water management, solar access and energy saving initiatives, to deliver lower living costs for future residents.
- Variation to building forms across the site.
- Internal amenity for future residents.
- Protection of the amenity of adjoining sites by providing for a maximum of 2 storey built form adjacent to or opposite any existing single or double storey residential development.
- Graduation of taller buildings across the balance of the site ~~should be carefully graduated~~ with reference to analysis of shadow, visual amenity impacts and the character of the area.
- Appropriate buffer treatments at the interface with any non-residential uses on adjoining properties.
- A positive interface to adjacent public open space giving appropriate consideration to issues of safety and surveillance.
- ~~Opportunities for~~ Improved local permeability through provision of new pedestrian/cycle pathways or new local street networks where appropriate that link to the existing networks.
- ~~Where provided, locate~~ Local open space which should be located adjacent to existing or proposed pedestrian/cycle pathways.
- ~~Opportunities to retain~~ Retention of vegetation where appropriate.

Development plan components

The development plan must include the following information ~~components~~:

- Existing conditions plan, showing surrounding land uses and development, adjoining roads and pedestrian links, public transport routes, topography, existing canopy trees, vegetation and development and social infrastructure.
- Concept plans for the layout of the site which show:
  - Identification of sensitive interface areas.
  - The type and location of proposed uses on the site.
  - Proposed lot and road layout, new building orientation and location, indicative uses for each building, car parking areas, public roads, vehicle access locations, pedestrian and bike paths and areas and locations of private and public open space.
  - A stormwater and drainage management plan including any water sensitive design, or integrated water management elements.
  - Three dimensional building envelope plans including indicative building heights and setbacks.
  - The design philosophy for the site and indicative architectural themes including car parking areas and garages.
  - Shadow diagrams of proposed building envelope conditions at 10.00am, 1.00pm and 3.00pm at 22 September.

- An indicative ~~-~~development schedule including the number, type and density of dwellings and the floor area of any proposed non-residential uses.
- Where non-residential uses are proposed, details of the nature of the proposed use.

- A traffic management report and car parking plan, which ~~considers~~ identifies:
  - ~~Identification of~~ Roads, pedestrian, cyclist and vehicle access locations, including parking areas, both internal and external to the site.
  - Any traffic management measures~~, where required~~.
  - Location of and linkages to public transport.
  - Car parking rates for all uses, including visitor parking.
  - Provision for bicycle facilities.
- Proposed staging plan (if relevant)
- An arboricultural assessment of any significant vegetation on the land, including grasslands, including advice on the long-term health and retention value of such vegetation.
- A landscape ~~concept~~ plan for the site showing:
  - Surface finishes of pathways and driveways
  - A planting schedule.
  - Landscaping and planting within all open areas of the site.
  - Any irrigation system.
  - Details on how public open space areas are to be developed and managed.
  - The integration and designation of tree protection zones of canopy trees which are to be retained on the site.
- For 95 Station Street and 814 Ballarat Road , Deer Park, how any off-site environmental risks from the Orica site will be managed

The development plan for any part of the development area or for any stage of development may be amended from time to time to the satisfaction of the responsible authority.

The responsible authority may waive the need to provide any of the information detailed above that is not relevant to a particular Development Plan or part of a Development Plan.

4.0 Display of Development Plan

Before deciding to approve a development plan, the responsible authority must display the plan for public comment.

Notice of the development plan must be given to the owners and occupiers of adjoining land.

A development plan must be displayed or further information required within 28 days after the plan is received by the responsible authority. The plan must be displayed within 14 days of satisfactory further information being received.

The development plan must be displayed for at least 14 days but no longer than 28 days. The responsible authority may display an amendment to a development plan if it is considered to potentially impact the surrounding residential area. Council recommendation

5.0 Decision Guidelines

Before deciding whether a development plan, or amendment to a development plan, is satisfactory, the responsible authority must consider as appropriate:

- The provisions of this planning scheme including relevant local policies and the objectives set out in Clauses 55 and 56 of the scheme.
- The orderly development of land including management of traffic, car parking, the provision of pedestrian ways and open space.
- The views of VicRoads.