



Hon Richard Wynne MP

Minister for Planning
Minister for Housing

8 Nicholson Street
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Mr Lester Townsend
Chair, Golf Course Redevelopment Standing Advisory Committee
Planning Panels Victoria
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Ref: MBR044215



Dear Mr Townsend

DRAFT PLANNING SCHEME AMENDMENT C199KING – KINGSWOOD GOLF COURSE REDEVELOPMENT

On 20 November 2020, I received a request from AustralianSuper Residential Property No. 1 Ltd (the proponent) to consider a draft combined planning scheme amendment and planning permit application to facilitate the redevelopment of the former Kingswood Golf Course at 179-217 Centre Dandenong Road, Dingley Village for residential purposes.

The draft planning scheme amendment seeks to:

- Rezone the land from Special Use Zone Schedule 1 to the General Residential Zone Schedule 2.
- Apply the Development Plan Overlay Schedule 8 (DPO8) to the land to require the preparation of a development plan.
- Apply the Vegetation Protection Overlay Schedule 3 to the land.
- Apply the Environmental Significance Overlay Schedule 6 (ESO6) to part of the land potentially affected by land gas migration and groundwater contamination from a nearby former landfill.
- Apply an Environmental Audit Overlay to part of the site that has been identified as being potentially contaminated land.
- Amend the Schedule to Clause 72.01 to make the Minister of Planning responsible for the consideration and approval of the development plan under the proposed DPO8.

The proposed planning permit application (under section 96A of the *Planning and Environment Act 1987*) is for the staged subdivision of land (823 lots), construction of dwellings on each lot less than 300 square metres, alteration of access to a road in a Road Zone Category 1, removal of native vegetation, removal of vegetation, use of the land and buildings and works for a display home centre, reduction in car parking, construction and display of signs and use of the land to use and consume liquor.

The proponent has also prepared a draft 'Former Kingswood Golf Course Development Plan' in accordance with the draft DPO8 and has submitted it for consideration in conjunction with the draft planning scheme amendment and planning permit application.

In accordance with the Golf Course Redevelopment Standing Advisory Committee (SAC) Terms of Reference, I refer this proposal to the SAC for consideration and advice.

I note that the terms of reference require me to be satisfied that the proposed planning controls for the land make appropriate use of the Victoria Planning Provisions (VPP) and are prepared and presented in accordance with the Ministerial Direction on the Form and Content of Planning Schemes.

On 1 March 2021, following the receipt of this request, I introduced Clause 44.08 Buffer Area Overlay (BAO) into the VPP. The BAO is to be used to identify buffer areas where there are potential offsite impacts from certain land uses and to ensure that use and development is compatible with these potential offsite impacts.

I note that the proposed planning scheme amendment seeks to apply the ESO6 to identify land that is potentially impacted by land gas migration and contaminated groundwater from a former landfill that adjoins the site. While I am generally satisfied that the proposed provisions are appropriate, I have written to the proponent and asked them to investigate whether the BAO would be a more appropriate tool to identify and mitigate impacts from the adjoining landfill, having regard to the guidance included in Planning Practice Note 92. I have asked the proponent to advise the Department of Environment, Land, Water and Planning (DELWP) on the outcome of this investigation prior to exhibition of the draft planning scheme amendment, planning permit application and development plan.

Officers from DELWP will liaise with Planning Panels Victoria on undertaking exhibition of the proposal in accordance with the terms of reference.

In addition to the scope set out in Clause 25 of the Terms of Reference, I request that the SAC also consider the following matters:

- a. The draft Former Kingswood Golf Course Development Plan.
- b. The draft planning permit application.

I also request that the written report include a draft planning permit.

The terms of reference require the committee to carry out a public hearing and provide all submitters with an opportunity to be heard. I direct that, if required, the public hearings can be held by video conferencing.

Following the receipt of the report, I will consider using my powers under section 20(4) of the Act to make a decision.

The costs associated with the process will be met by the proponent. Officers from DELWP will liaise with Planning Panels Victoria to facilitate this process.

If you have any questions about this matter, please contact Dr Jane Homewood, Executive Director, Statutory Planning Services, DELWP, by email to jane.homewood@delwp.vic.gov.au.

Yours sincerely



HON RICHARD WYNNE MP
Minister for Planning

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