



Planning Scheme Amendment Request

1 Hopetoun Avenue, Brunswick West
Moreland Planning Scheme
Application on behalf of Melbourne Water

Date of report: October 2016





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Date Issue	October 2016	Revision Number	

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1. Introduction

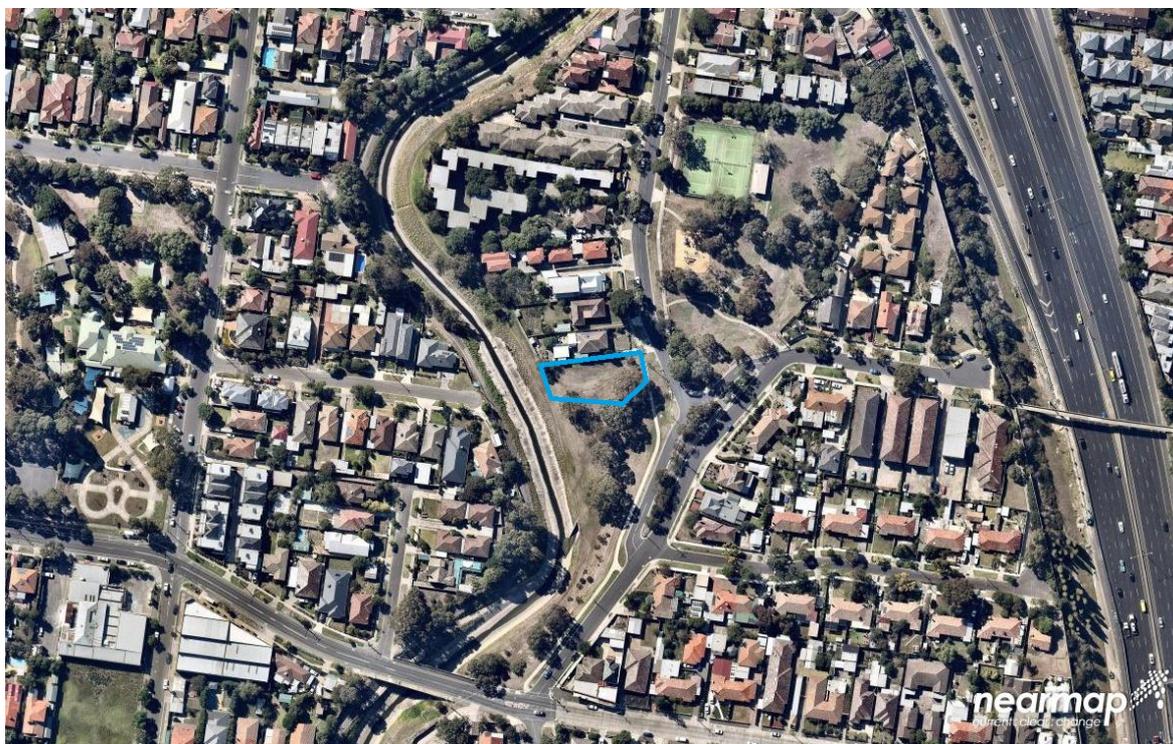
This planning report has been prepared on behalf of Melbourne Water Corporation (trading as Melbourne Water) and accompanies an application for an amendment to the Moreland Planning Scheme.

Melbourne Water is one of the State's 19 water corporations and is owned by the Victorian Government. It provides bulk water and bulk sewerage services to water corporations in the Melbourne metropolitan area and manages rivers, creeks and major drainage systems in the Melbourne, Port Phillip and Westernport regions.

Melbourne Water is the landowner of 1 Hopetoun Avenue, Brunswick West. The land is currently undeveloped and situated within an established residential area. The land does not contribute to current or future service delivery outcomes and has been identified as surplus to Melbourne Water's requirements.

As a public authority and government agency, Melbourne Water has obligations under the *Victorian Government Landholding Policy and Guidelines* (Department of Treasury and Finance, 2015) to not retain land where it does not (inter-alia) '*contribute directly to current or future service delivery outcomes expected of agencies*'.

Melbourne Water must therefore dispose of the land pursuant to its obligations as a government agency. Council has indicated that it will purchase part of 1 Hopetoun Avenue to be used for public open space purposes. The balance of the land, which will not be purchased by Council, forms the subject site (the 'Subject Site') is shown on the aerial photograph below.



Aerial Photograph taken 20 March 2016 (Source: www.nearmap.com)

This application proposes to rezone the subject site from a Public Park and Recreation Zone (PPRZ) to a Neighbourhood Residential Zone – Schedule 1 and apply the Environmental Audit Overlay. It is proposed to retain the balance of 1 Hopetoun Avenue within a Public Park and Recreation Zone.

The rezoning of the land will allow Melbourne Water to dispose of this surplus land in accordance with State Government requirements.



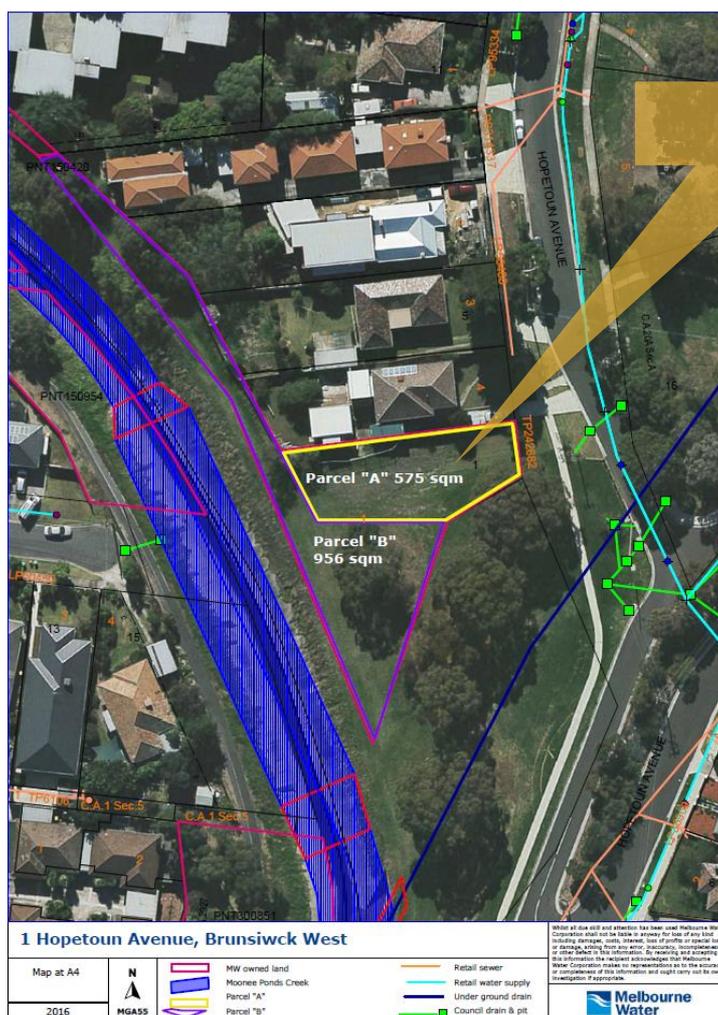
2. The Subject Site and Surrounds

The Subject Site

The subject site comprises a portion of land known as 1 Hopetoun Avenue, Brunswick West comprising an area of 575sqm (as shown below).

The subject site is part of a large irregular shaped allotment, which comprises an area of 1531sqm. It is located approximately 115m north of the intersection of Hopetoun Avenue and Albion Street.

It is proposed to retain the balance of the allotment (marked as "Parcel B") in the Public Park and Recreation Zone. Parcel B will be purchased by Moreland City Council for public open space purposes.



Site Layout, prepared by Melbourne Water



The subject site is irregular in shape with an eastern frontage to Hopetoun Avenue of 9.8m width, a depth of 42.49m and southern boundaries that flare out towards the south.

The site contains no significant vegetation and is not fenced, except for along its northern boundary with 3 Hopetoun Avenue. The subject site has a cross fall to the south and also falls towards the front and rear boundaries of the site.

The title for the land indicates that the site is not affected by any registered easements or restrictive covenants.



Cadastral Map (Source: land.vic.gov.au)



Subject Site, looking west (April 2016)

The Surrounds

In its broader context, the subject site is located within an established residential precinct, approximately 1km north-east of the Moonee Ponds Activity Centre.

The area contains a mixture of uses associated with its residential context including open space and community infrastructure. The Albion Corner Store Local Activity Centre is located approximately 190m walk to the south of the site.

Built form in the area is predominantly 1-2 storeys in height and includes detached single dwellings, dual occupancies arranged in tandem and side-by-side and semi-detached multi-dwelling developments arranged one-behind-the-other. The extensive parkland in the area contributes to a treed open landscape.

The site's immediate interfaces are described as follows:

- **North:** 3 Hopetoun Avenue, which contains a single storey dwelling with a driveway and various outbuildings adjacent to the common boundary.



3 Hopetoun Avenue (April 2016)

- **East:** Hopetoun Avenue, a local collector road accommodating two-way traffic. On the eastern side of Hopetoun Avenue is the Fraser Reserve, which contains areas for passive and active recreation.



Fraser Reserve opposite the subject site (April 2016)



- **South:** An area of open space abuts the subject site to the south. This includes the portion of 1 Hopetoun Avenue, which will be retained in the Public Park and Recreation Zone and transferred to Moreland City Council.



View towards the open space to the south of the site (May 2016)

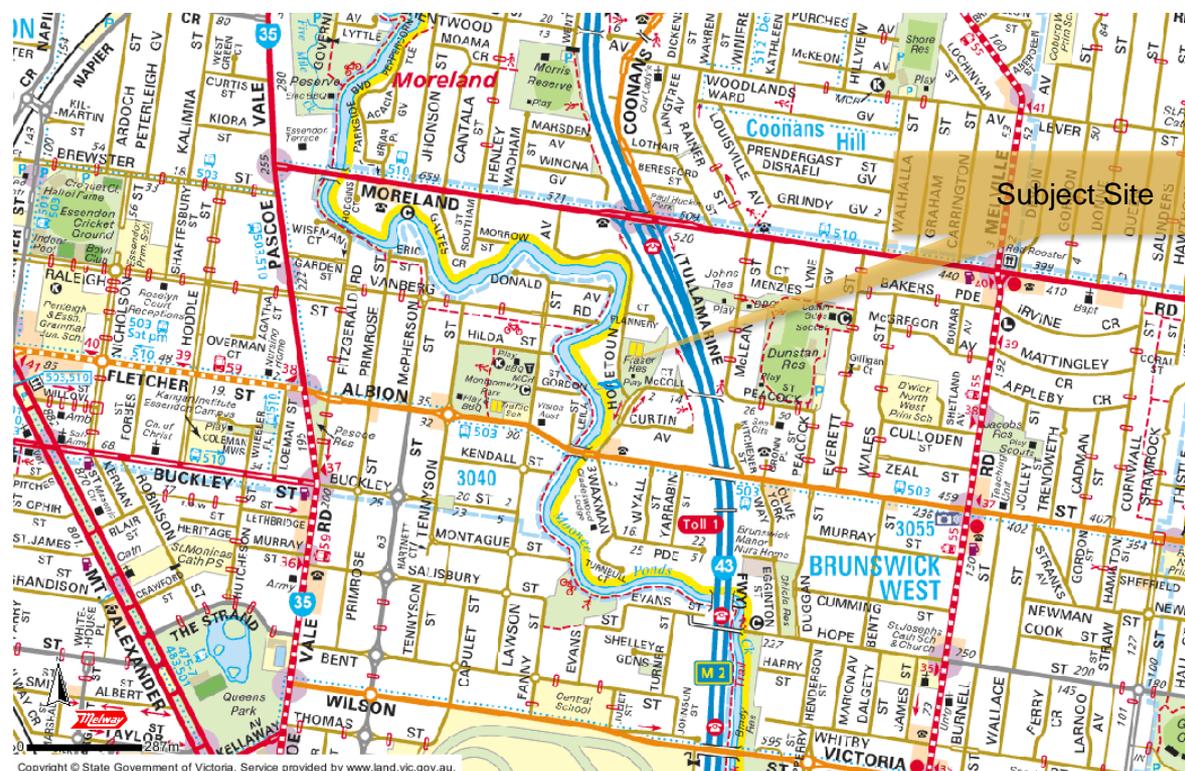
- **West:** Moonee Ponds Creek, which has been constructed as an open concrete drain adjacent to the subject site. A shared pedestrian and bicycle path extends along the western bank of the creek (opposite side).



Moonee Ponds Creek looking south, (May 2016)



The site's location in its wider context is illustrated on the locality plan below.



Locality Plan (Melway) (Source: Land Victoria Website)

The subject site is close to shops and commercial services, community infrastructure, public open space and public transport including:

- Bus routes No. 503 and 510, which run along Albion Street, approximately 115m walk to the south of the site and Moreland Road, approximately 600m walk to the north of the site, respectively;
- Tram route 59, which runs along Pascoe Vale Road, approximately 950m walk to the west of the site;
- Public open space infrastructure, including Fraser Reserve directly opposite the subject site and Montgomery Park, approximately 400m walk to the west of the site;
- Moonee Ponds Activity Centre, approximately 1km walk to the south of the site;
- Albion Corner Shops Local Activity Centre, approximately 115m walk to the south of the site; and



- Montgomery Park Children's Centre and Montgomery Park Kindergarten, approximately 400m walk to the west of the site.



3. Current Planning Controls

Zone

The subject site is currently zoned Public Park and Recreation Zone (PPRZ) pursuant to the Moreland Planning Scheme.

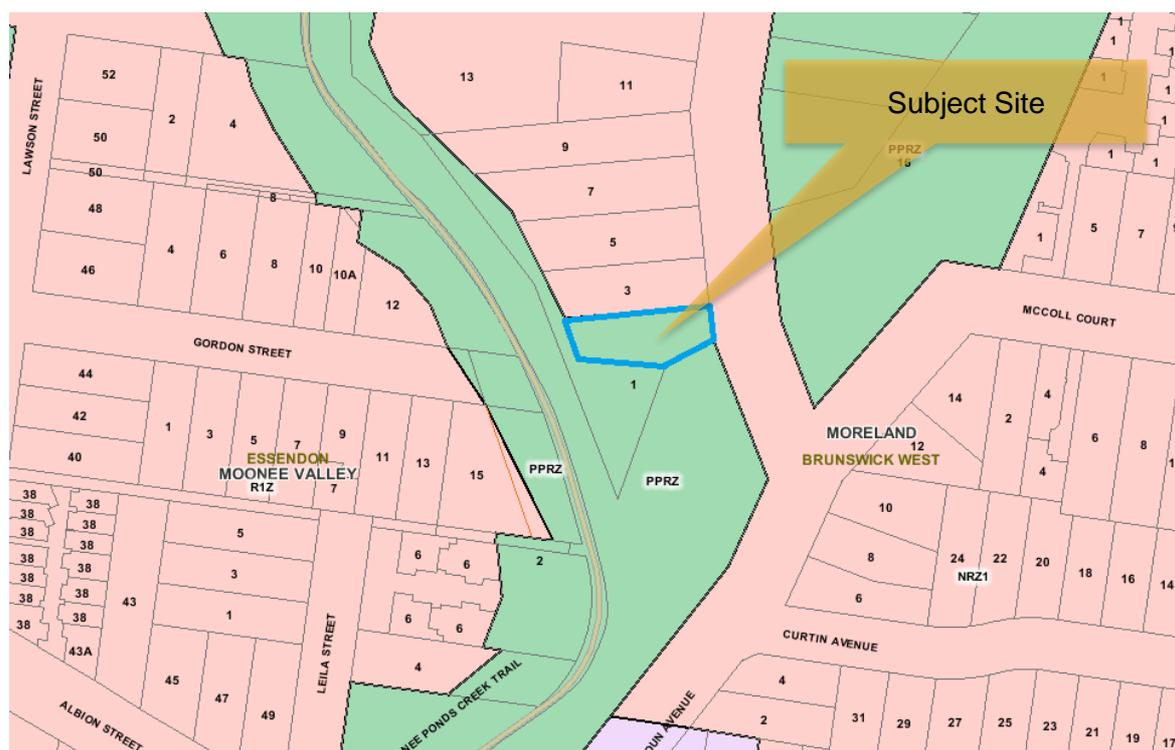
The Purpose of the Public Park and Recreation Zone is:

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

To recognise areas for public recreation and open space.

To protect and conserve areas of significance where appropriate.

To provide for commercial uses where appropriate.



Zoning Map (Source: Planning Maps Online)

Land surrounding the subject site comprises:

- Neighbourhood Residential (NRZ1) zoned land to the north; and



- Public Park and Recreation (PPRZ) zoned land to the south, west and east (opposite Hopetoun Avenue).

Zoning History

Prior to the commencement of the new format Moreland Planning Scheme, Melbourne Water wrote to Moreland City Council¹ requesting that the subject site be zoned Public Use Zone 1. The request to zone the land Public Use Zone 1 was made to reflect the site's ownership by Melbourne Water and its use as a water utility site.

When the new format scheme commenced on 4 May 2000, the subject site was within the Public Park and Recreation Zone (as per its current zoning). The anomaly was not subsequently noticed by Melbourne Water until the commencement of this current process.

Overlays

The subject site is located within a Development Contributions Plan Overlay - Schedule 1 (DCPO1), an Environmental Significance Overlay – Schedule 2 (ESO2) and an Erosion Management Overlay (EMO) affects part of the site.



Overlays Map (Source: Planning Maps Online)

¹ Letter to the Chief Executive Officer, Moreland City Council, from Manager Property at Melbourne Water, 27 May 1997.



Development Contributions Plan Overlay – Schedule 1 (DPCO1)

The Purpose of the Development Contributions Plan Overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.*

The DCPO1 does not trigger a planning permit to construct a building or construct or carry out works or to subdivide land. However, a planning permit granted in relation to the subject site must include any conditions required to give effect to any contributions or levies imposed and conditions or requirements set out in Schedule 1.

Environmental Significance Overlay – Schedule 2 (ESO2)

The Purpose of the Environmental Significance Overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify areas where the development of land may be affected by environmental constraints.*
- *To ensure that development is compatible with identified environmental values.*

The Environmental Significance Overlay – Schedule 2 is titled 'Moonee Ponds Creek and Environs (includes Melville Creek)'. This overlay requires a planning permit to construct a building or construct or carry out works, to subdivided land and to remove vegetation unless exempt in the Table of Exemptions at Clause 42.01-2 or in Schedule 2. Schedule 2 contains exemptions (amongst others) for:

- *A building (including foundation works of less than 1 metre below ground level) in a residential zone if it is 6 metres or less above ground level; and*
- *A tree in a residential zone with a trunk circumference of less than 0.35 metre at 1 metre above the ground and which is less than 6 metres high or has a branch spread of less than 4 metres.*

The site contains no vegetation that would trigger a permit for removal under the Environmental Significance Overlay – Schedule 2.



Erosion Management Overlay

The Erosion Management Overlay affects part of the site.

The Purpose of the Erosion Management Overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development*

The Erosion Management Overlay requires a permit to construct a building or construct or carry out works (including the matters specified in Clause 62.02-2), to remove destroy or lop vegetation and to subdivide land unless exempt in the Schedule.

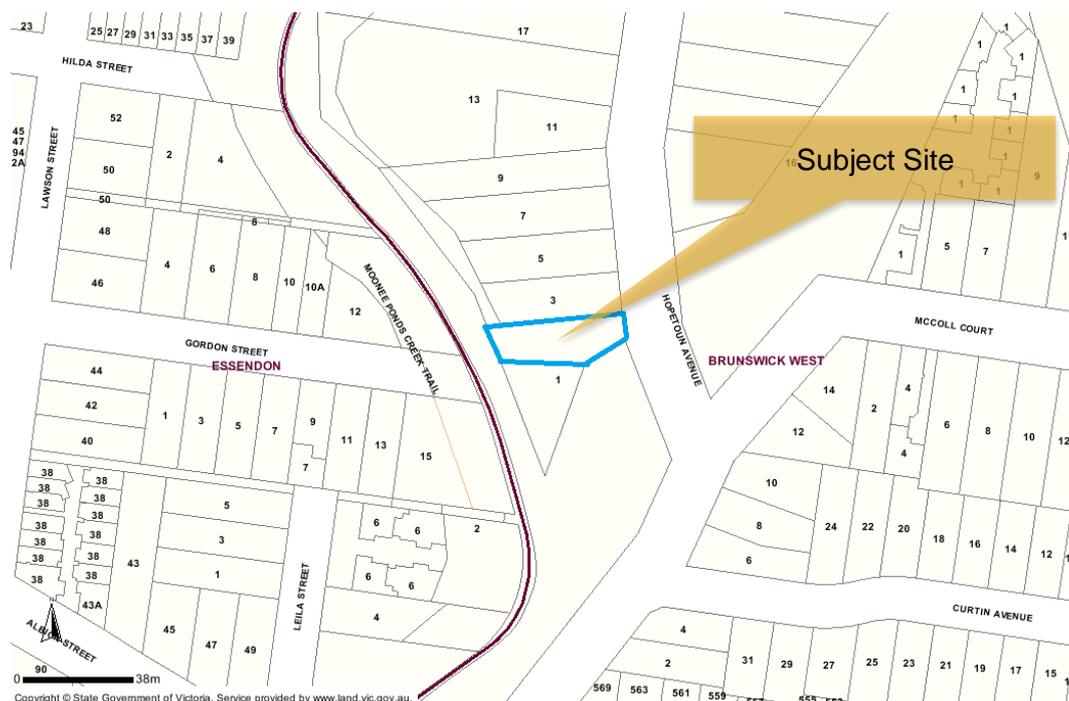
The Schedule to the Erosion Management Overlay contains some exemptions in relation to development and vegetation removal. Notably, a permit is required to construct a building or construct or carry out works, which results in an increase in the ground surface area covered by buildings by more than 4sqm. On that basis, the EMO would trigger a permit to construct a dwelling on the site.

Section 4.0 of the Schedule contains conditions that must be included in any permit, as appropriate. These include permit conditions in relation to certification by a chartered geotechnical practitioner.



4. The Proposed Amendment

The application proposes to amend the Moreland Planning Scheme by rezoning the subject site from a Public Park and Recreation Zone to a Neighbourhood Residential Zone – Schedule 1.



Cadastral Map Land subject to amendment outlined in blue

Why is the Amendment required?

Melbourne Water has determined that the subject site is surplus to its requirements. On this basis, Melbourne Water is required to dispose of the land pursuant to its obligations as a government agency.

It is policy within the *Victorian Government Land Transactions Policy and Guidelines* (Department of Environment, Land, Water and Planning, 2016) that Government agencies:

- *Must not sell (grant a lease or an interest in) any land at a price which is less than the current market (or rental) value of the land as determined by Valuer-General Victoria (VGV);*
- *Must not sell any land without a public process (except through the first right of refusal process outlined in the Victorian Government Landholding Policy and Guideline);*



- *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.*

A 'first right of refusal' for the purchase of the land was offered to other government agencies and the local council in accordance with the Department of Treasury and Finance's requirements. Council has agreed to purchase the portion of the land that will be retained within the Public Park and Recreation Zone but not the subject site.

Accordingly, the authority must now put the subject site to the market for disposal to fulfil obligations under State policy.

Proposed Planning Scheme Changes

Zoning

In accordance with State Government Policy and Guidelines, the land must be rezoned to facilitate the future sale of the asset, so that Melbourne Water can fulfil its disposal obligations.

It is proposed that an appropriate zone for the subject site is the Neighbourhood Residential Zone – Schedule 1 (NRZ1), which facilitates residential land use. The selection of this zone is consistent with the underlying zone that applies broadly to all private land in the immediate surrounding area.

Overlays

It is proposed to retain the Development Contributions Plan Overlay – Schedule 1, the Environmental Significance Overlay – Schedule 2 and the Erosion Management Overlay over the land.

It is also proposed to apply the Environmental Audit Overlay to the land.



5. Is the Proposed Amendment Appropriate?

State Government Policy and Guidelines require that the appropriate zoning of the site is established and put in place before the sale of the land.

The current Public Park and Recreation Zone reserves the land for public purposes. Melbourne Water has found that the land is surplus to its requirements and therefore the existing PPRZ is no longer an appropriate zone. The land must be rezoned to achieve the highest and best use and development of the land.

The subject land is vacant and contains no mature trees. It is also located within an established residential precinct and abuts a dwelling at 3 Hopetoun Avenue to the immediate north. The proposal to rezone the land to a Neighbourhood Residential Zone – Schedule 1 is a logical extension of the Neighbourhood Residential zoning to the immediate north of the site. The rezoning also complements the residential uses in the broader area.

The surrounding area is serviced by a wide range of community facilities, including public open space, shops and also public transport. It is also in proximity to Moonee Ponds Activity Centre.

Policy Context

Plan Melbourne, the metropolitan planning strategy, posits that an additional 140,000 to 180,000 dwellings will be required in the northern subregion to help meet housing requirements for an additional 400,000-470,000 residents by 2031.

The proposed rezoning facilitates the use and development of the land for residential purposes and makes contributing (albeit limited) to meet housing needs.

The Strategic Framework Plan at **Clause 21.02 (Vision)** locates the site within a “residential area” close to the Albion Corner Store Local Activity Centre. The Neighbourhood Residential zoning of the broader residential area surrounding the site reflects the area’s designation as a Minimal Housing Growth area under policy within the Moreland Planning Scheme.

Clause 21.03-3 (Housing) and **Clause 22.01 (Neighbourhood character)** provide policy in relation to neighbourhood character that applies to all Minimal Housing Growth areas across the municipality.

In this context, the proposed rezoning is appropriate. It will facilitate residential development in a manner consistent with Council’s policy expectations for land in this area.



Proposed Zoning

The subject site is located within an established residential area. The Strategic Framework Plan at Clause 21.02 acknowledges the site's location within a broader residential area. It is also relevant that this Strategic Framework Plan does not designate the site as being within:

- Any Activity Centre, Neighborhood Activity Centre or Local Activity Centre;
- Any Core or Secondary Industry and Employment Precinct;
- Any multi-use employment, residential or transitional precinct; or
- Open space owned by Moreland City Council, another entity or a priority area for park provision.

It is, however, located adjacent to open space owned by Moreland City Council.

Having regard to site's locational and policy context set out above, the most appropriate future use and development of the land is for residential purposes. Accordingly, it is appropriate to apply a zone that best facilitates residential land use and development.

The Moreland Planning Scheme sets out that increased residential densities are encouraged within Activity Centres, Neighbourhood Centres and Local Activity Centres. Incremental growth is encouraged within areas where the General Residential Zone is applied, where development is located close to train stations and larger centres. Minimal growth is encouraged in areas where the Neighbourhood Residential Zone is applied, to create a low density, open and landscaped character.

The area around the subject site is identified for minimal housing growth, which is described as follows at Clause 21.02:

The remainder of Moreland's residential areas will be retained for minimal housing growth to ensure an ongoing supply of single dwellings and low density multi dwelling developments, with an enhanced open and landscaped character. These areas are defined by the Neighbourhood Residential Zone (NRZ).

In minimal change areas, multi dwelling infill development will be allowed, but at a lower density to that otherwise achievable under ResCode (Clause 55). The emphasis in the NRZ areas is on the creation of an enhanced open and landscaped character, by providing increased private open space and landscaping.

Council's application of the Neighbourhood Residential Zone to the area surrounding the subject site is consistent with *Planning Practice Note No. 78 – Applying the Residential Zones*, which identifies that the Neighbourhood Residential Zone should be applied to



areas where there is a highly intact neighbourhood character or identified environmental constraint.

While the subject site also displays some characteristics that would support the application of the General Residential Zone (such as its proximity to the Albion Corner Store Local Activity Centre), its proximity to the creek, the application of the Erosion Management Overlay and its landscape setting, make it a more appropriate candidate for the Neighbourhood Residential Zone.

The Purposes of **Clause 32.09 (Neighbourhood Residential Zone)** also places a 'high bar' on new development respecting the area's character. These purposes include:

- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*

The Neighbourhood Residential Zone seeks to facilitate residential land use and development. The use of land for a dwelling is a Section 1 (Permit not required) use and other uses can only establish in very limited circumstances.

The application of the Neighbourhood Residential Zone – Schedule 1 to the site will ensure further development on the site is compatible with the area's residential context.

The subject site's area (575qsm), its lack of significant vegetation and its orientation and access to Hopetoun Avenue are suitable for the use and development of the land for residential purposes. The configuration and orientation of the site also follows the pattern of the existing subdivision further north.

The application of the Neighbourhood Residential Zone to the subject site reflects the area's broader Minimal Housing Growth designation and will ensure that the level of change on the site is appropriate to the surrounding area.



6. Strategic Considerations

Minister's Direction No. 11 Strategic Assessment Guidelines require a planning authority to evaluate and discuss how an amendment addresses a number of strategic considerations. Under *Planning Practice Note No. 46 (DTPLI, July 2014)*, the proposed amendment requires a full assessment against the Strategic Assessment Guidelines.

The full assessment is provided in this Section of the report.

Why is an Amendment required?

Melbourne Water currently owns the subject site. It has determined that the subject site is surplus to its future needs and intends to dispose of the land, as required by Government policy. Council have only agreed to purchase part of 1 Hopetoun Avenue. No public organisation has expressed an interest to acquire the balance of 1 Hopetoun Avenue, which forms the subject site. Melbourne Water must now dispose of the land via a public process.

As required by Government Policy, the most appropriate zoning of the land must be established and put in place before the sale of the land. To comply with this requirement, an amendment to the Moreland Planning Scheme is required.

The proposed rezoning of the land from Public Park and Recreation Zone to Neighbourhood Residential Zone – Schedule 1 reflects the most appropriate (and therefore highest and best) use of the subject site.

The retention of the EMO on the site is consistent with the residential properties further north and will ensure any future development on the site is appropriately designed to manage any erosion risks.

The retention of the ESO2 over the site will ensure future development is designed to appropriately respond to the Moonee Ponds Creek environs.

Overall, the proposed planning scheme amendment will result in an appropriate and orderly planning outcome that facilitates the development of underutilised land. It will make a limited contribution to meeting housing needs within Moreland in a well serviced location.



Does the Amendment implement the objectives of planning and address any environmental, social and economic effects?

Environmental Effects

The proposal is not considered to have significant environmental impacts. The site contains no significant vegetation and large trees on 1 Hopetoun Avenue will be retained within the Public Park and Recreation Zone and transferred to Council. The requirements of the Erosion Management Overlay and Environmental Significance Overlay – Schedule 2 can be addressed through any permit application process (as appropriate).

Social Effects

The amendment will facilitate the development of vacant land that has become surplus to Melbourne Water's requirements. The amendment will have positive social effects by allowing an underutilised site to contribute to future housing needs identified by policy and Plan Melbourne. No adverse social impacts are anticipated to be generated as a result of the proposed rezoning.

Economic Effects

The amendment is expected to generate positive economic effects for the following reasons:

- The proposed rezoning will facilitate the sale of disused and surplus land by Melbourne Water.
- It will facilitate the redevelopment of a currently vacant and underutilised site for residential purposes.

Does the Amendment address relevant bushfire risk?

The subject site is not a bushfire prone area and will not result in any increase to the risk to life, property, community infrastructure and the natural environment from bushfire.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the Amendment?

This amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

Ministerial Direction No. 1 – Potentially Contaminated Land seeks to ensure that land is only rezoned to facilitate sensitive land uses, agriculture or public open space where a planning authority can be satisfied that the environmental conditions of the land are or will



be suitable for that use. 'Potentially contaminated land' is defined as land used or known to have been used for industry, mining or storage of chemicals, gas, wastes or liquid fuel (if not ancillary to another use of land). A sensitive use is identified as a residential use, a child care centre, a pre-school or a primary school.

If land is identified as being potentially contaminated and a sensitive use is proposed, Ministerial Direction No. 1 provides that a planning authority must satisfy itself that the land is suitable for that use through an environmental audit.

The General Practice Note on Potentially Contaminated Land provides further guidance for potentially contaminated land. It broadens the consideration of potentially contaminated land to 'land that may have been contaminated by other means such as by ancillary activities, contamination from surrounding land, fill using contaminated soil or agricultural activities.' It also sets out how potentially contaminated land is identified and what uses might have a high or medium potential for contamination. A number of land uses are listed.

A preliminary site investigation, prepared by EnviroRisk has identified that:

- The site has remained largely vacant. A structure (likely to be a shed) was present on site in 1960, but the structure had been removed by 1968.
- There is no evidence to suggest that fill has been imported and laid on the site. However, the site is not fenced and has uncontrolled access to the public. It is possible that imported fill has been used to cover over the drainage line after the installation of stormwater pipes.
- There is a low to medium risk of potential for contamination of soil arising from the possible dumping or burial of waste materials in the past;
- There is a medium risk of potential for contamination of soil arising from the possible importation of contaminated fill for landforming and/or drainage works backfilling.
- It is recommended that soil sampling and analysis be undertaken at 6 bore hole locations (including 2 on the subject site) to determine the need for future site remediation if necessary.

On this basis, it is appropriate to apply the Environmental Audit Overlay to the land, to require an environmental audit to be undertaken prior to the use of the land for a nominated sensitive use, such as residential purposes.

Ministerial Directions No. 9 – Metropolitan Planning Strategy seeks to ensure that planning scheme amendments have regard to Plan Melbourne: Metropolitan Planning Strategy (Department of Transport, Planning and Local Infrastructure, 2014).



Plan Melbourne locates the subject site within the Northern Subregion. The population within this Subregion is expected to grow by between 400,000 to 470,000 people by 2031. To accommodate the expected population growth, it is expected that an additional 140,000 to 180,000 dwellings will be required by 2031. The subject site is located in an Urban Area within the Metropolitan Urban Boundary and is in close proximity to the Moonee Ponds Activity Centre, which is a Place of Local Significance.

The proposed rezoning is consistent with the vision of Plan Melbourne. It will create a limited opportunity to accommodate some of the expected population growth and support the 20 minute neighbourhood concept.

The proposed amendment complies with the Ministerial Direction. No. 9.

Ministerial Direction No. 11 – Strategic Assessment of Amendments seeks to ensure a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces.

A strategic assessment of the proposed amendment has been undertaken in accordance with this Ministerial Direction in this section of this report.

Does the Amendment support or implement the State Planning Policy Framework (SPPF)?

The elements of the SPPF that are most relevant to the Planning Scheme Amendment include:

- Clause 9 – Plan Melbourne;
- Clause 10 – Operation of the State Planning Policy Framework;
- Clause 11 – Settlement;
- Clause 12 – Environmental and Landscape Values;
- Clause 13 – Environmental Risks:
 - Clause 13.03-2 Erosion and Landslip;
- Clause 15 – Built Environment and Heritage:
 - Clause 15.01 Urban Environment;
 - Clause 15.02 Sustainable Development;
- Clause 16 – Housing;



- Clause 17 – Economic Development; and
- Clause 18 Transport.

Clause 9 ‘Plan Melbourne’ requires that planning and responsible authorities must consider Plan Melbourne: Metropolitan Planning Strategy (Department of Transport, Planning and Local Infrastructure, 2014). This is the same requirement as Ministerial Directions No. 9.

The proposed Amendment complies with Ministerial Direction No. 9. For this reason, the proposed amendment is consisted to also comply with the requirements of Clause 9.

Clause 10 ‘Operation of the State Planning Policy Framework’ seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the Planning and Environment Act 1987) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

The proposal supports this goal by applying the most appropriate zone and retaining the overlay controls to the subject site and will deliver a net community benefit by delivering new housing to meet community need in terms of population growth and housing diversity in an area with good access to services and transport.

Clause 11 ‘Settlement’ provides that planning is to anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.

The subject site is located within an established residential area in close proximity to a range of facilities and services including public transport. The proposed amendment facilitates an orderly infill development opportunity on land within an existing residential area.

Clause 12 ‘Environmental and Landscape Values’ seeks to ensure that planning protects sites that have environmental and landscape values.

The site has limited environmental and landscape values. Large trees within 1 Hopetoun Avenue are proposed to be retained within the Public Park and Recreation Zone.

Clause 13.03-2 ‘Erosion and landslip’ seeks to protect areas prone to erosion or other land degradation processes.

The rear portion of the subject site is already affected by an EMO. The EMO also affects existing residential properties further north.

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The risks associated with erosion can be appropriately addressed through the permit application process and the requirements of the EMO.

Clause 15.01 'Urban environment' seeks to create safe, functional and good quality urban environments. **Clause 15.02 'Sustainable development'** seeks to promote consolidation of urban development and integration of land use and transport.

Any future development application process can ensure that the site is developed appropriately.

The proposed rezoning will facilitate residential development in an established residential area and well serviced location. This is consistent with the relevant strategies at Clause 15.02.

Clause 16 'Housing' states that new housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, school and open space.

The subject site is located in an area that has good access to a wide range of existing commercial, community and transport infrastructure. The proposed amendment supports the objectives of this Clause.

Clause 18 'Transport' states that planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinate reliable movements of people and goods, and is safe.

The proposed amendment will facilitate redevelopment of the land for residential purposes within 600m walk of two bus routes and 950m walk to Tram route 59. The site's proximity to existing public transport facilities promotes the use of more sustainable modes of transport.

Does the Amendment support or implement the Local Planning Policy Framework (LPPF)?

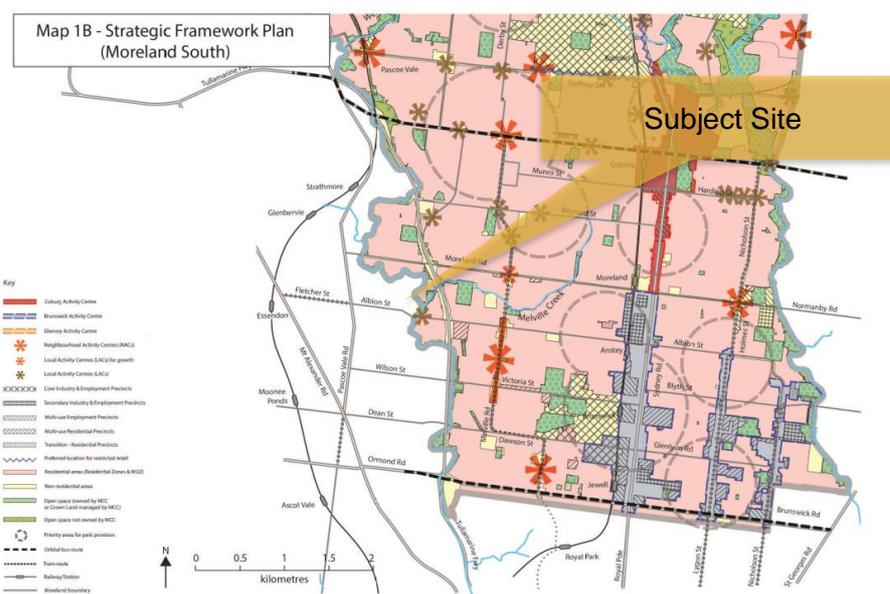
The following Clauses of the Municipal Strategic Statement (MSS) are relevant to the proposed amendment:

- Clause 21.02 – Vision;
- Clause 21.03 – Strategic Framework; and
- Clause 22.01 – Neighbourhood Character.



Clause 21.02-3 'MSS Strategic Directions' sets out seven strategic directions to guide planning decisions to assist in achieving Council's vision to create sustainable neighbourhoods. The strategic directions relate to 'activity centres', 'land for industry and economic regeneration', 'housing', 'good design', 'environmentally sustainable design', 'open space network' and 'transport network'.

The Strategic Framework Plan (Map 1B) at Clause 22.02 locates the subject site within a broader 'residential area' near the 'Albion Corner Store' Local Activity Centre.



Strategic direction 3: Housing, acknowledges that residential areas have been designated for significant, incremental and minimal housing growth. This is reflected by the application of the three residential zones. The Neighbourhood Residential zoning surrounding the subject site reflects the designation of the broader area for Minimal Housing Growth.

Council has agreed to purchase part of 1 Hopetoun Avenue, which will be retained for public open space.

The proposed rezoning of the subject site to Neighbourhood Residential is a logical extension of the existing Neighbourhood Residential Zone to the north of the site and complements the broader residential zoning in the surrounding area. The application of the Neighbourhood Residential Zone to the review site reflects the area's broader Minimal Housing Growth designation and will ensure that the level of change on the site is appropriate to the surrounding area.

Clause 21.03-3 – 'Housing' has an objective to provide housing diversity to meet community needs. The strategies under this objective encourage different housing types in



different locations. Within the Neighbourhood Residential Zone, minimal housing growth is encouraged to create an enhanced low density, open and landscaped character.

It is considered the rezoning of the subject site to Neighbourhood Residential Zone – Schedule 1 will facilitate a minimal housing growth outcome, consistent with the area's character.

Clause 22.01 'Neighbourhood Character' applies to planning permit applications in the residential zones, where an assessment is required pursuant to Clause 54 or 55 and to any other permit applications where an assessment against neighbourhood character is required.

As the subject site has an area of 575sqm an assessment against Clause 54 would not be required to construct one dwelling on the site but an assessment against Clause 55 would be required to construct two or more dwellings on the site.

Where appropriate, any future development of the site can be assessed against Clause 22.01.

Does the Amendment make proper use of the Victoria Planning Provisions?

The Purpose of the Neighbourhood Residential Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To recognise areas of predominantly single and double storey residential development.*
- *To limit opportunities for increased residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To allow educational, recreational, religious, community and a limited range of other non- residential uses to serve local community needs in appropriate locations.*

The subject site is located within a broad established residential area (zoned Neighbourhood Residential – Schedule 1). The application of the Neighbourhood Residential Zone – Schedule 1 to the subject site is a logical extension of the existing zoning to the immediate north of the site and will ensure the subject site is used and developed in a complementary manner to the broader surrounding area.



The retention of the EMO and ESO2 on the subject site will also ensure future development responds appropriately to the Moonee Ponds Creek and appropriately manages erosion risks.

The application of the Environmental Audit Overlay will ensure that the land is appropriately remediated (if necessary) before it is used for a sensitive land use.

The application of the NRZ1 to the site makes proper use of the VPPs and will not make any existing provisions in the Moreland Planning Scheme redundant.

How does the Amendment address the views of relevant agencies?

The views of relevant agencies can be considered during the exhibition process

Does the Amendment address the requirements of the Transport Integration Act 2010?

The amendment is not envisaged to have a significant effect on the transport system. Vehicle access to the subject site is available from Hopetoun Avenue.

What impact will the new Amendment have on the resource administrative costs of the responsible authority?

The proposed amendment could result in a permit application being lodged with Council in relation to the site, however, it is not considered to have any significant impact on the resource and administrative costs of the responsible authority.



7. Conclusion

The proposed planning scheme amendment is appropriate for the following reasons:

- The subject site is surplus to Melbourne Water's requirements. As a government authority, Melbourne Water has obligations under Government policy to dispose of the landholding.
- Melbourne Water has followed the requirements of the Victorian Government Landholding Policy and Guidelines and Victorian Government Land Transactions Policy and Guidelines.. The first right of refusal to purchase the land has been offered to Council. Council have only requested to purchase Parcel B on Annexure A. There has been no interest to acquire the balance of 1 Hopetoun Avenue from State and local government bodies. Melbourne Water must now dispose of the site via a public sales process.
- In accordance with policy requirements, the most appropriate zoning for the land must be put in place before the sale of the land. This proposal meets this requirement.
- The subject site is located within an established residential area close the Albion Corner Store Local Activity Centre and public transport options. It is suitably located to make a limited contribution to meeting the municipalities housing needs.
- The Neighbourhood Residential Zone is the most appropriate zone for the land and supports the relevant objectives of the State and Local Planning Policy Frameworks.
- The proposal will achieve a net community benefit by facilitating use and development outcomes that make appropriate use of the site and contribute to the housing needs of the municipality.
- The site is suitable for the construction of a dwelling. The retention of the EMO will ensure that potential erosion risks are managed appropriate the permit application process. The retention of the ESO2 will ensure that future development is appropriately design to respond to the Moonee Ponds Creek environs.
- The amendment provides a fair, orderly and transparent process for the rezoning of the site.

On the basis of these reasons, the Amendment should be supported.

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