



# Planning Scheme Amendment Request

20-24 Coonans Road, Pascoe Vale South  
**Moreland Planning Scheme**  
Application on behalf of VicRoads

Date of report: September 2017





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## 1. Introduction

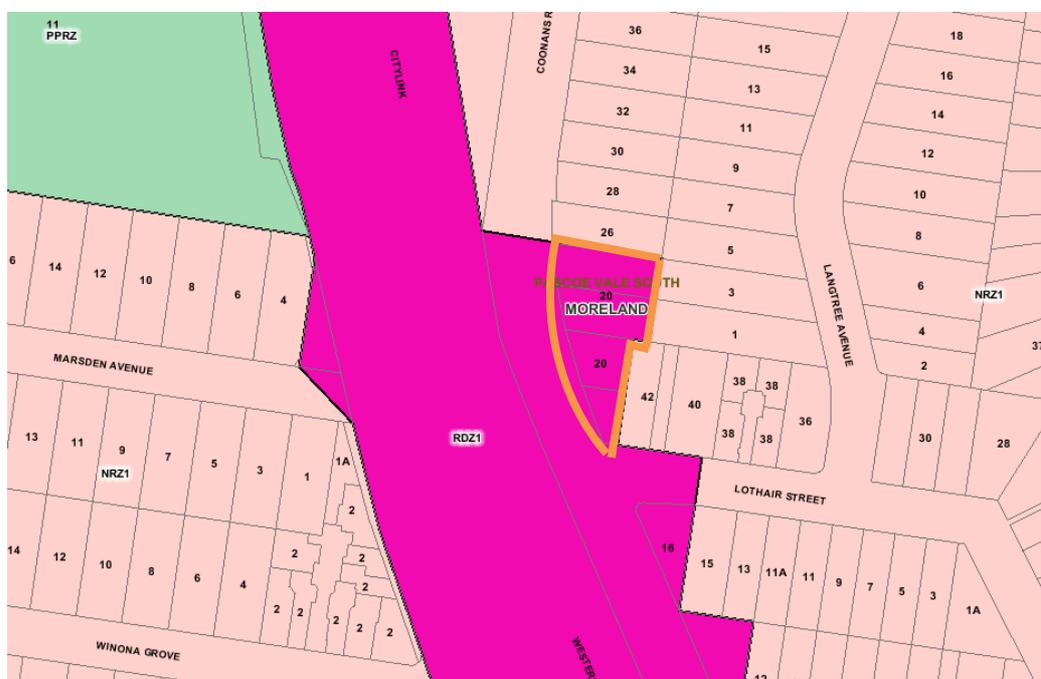
This planning report has been prepared on behalf of the Roads Corporation of Victoria ('VicRoads') and accompanies an application for an amendment to the Moreland Planning Scheme (the Planning Scheme).

VicRoads is a statutory corporation which is the road and traffic authority for the state. It is responsible for the planning, development and management of the arterial road network, which includes a network of freeways, tollways and arterial roads.

As part of its management of the road network, VicRoads is landowner of some land that is required for road management and operational reasons.

VicRoads regularly reviews its land assets in accordance with the *Victorian Government Landholding Policy and Guidelines* to ensure efficient management of public assets and to ensure its assets meets its present and future service requirements.

VicRoads is the owner of the land at 20-24 Coonans Road, Pascoe Vale South (the site). The site comprises two parcels of vacant land, located on the northeast corner of the intersection of Coonans Road and Lothair Street. The land is generally triangular and comprises a combined area of around 1290sqm.



Zone Map (Source: [www.planning.vic.gov.au](http://www.planning.vic.gov.au))



The site is located within a Road Zone – Category 1 (RDZ1) as it was thought to be required in association with the nearby CityLink. As a public authority and government agency, VicRoads 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*'.

The land is now known to be surplus to VicRoads' needs and accordingly it is proposed to be sold.

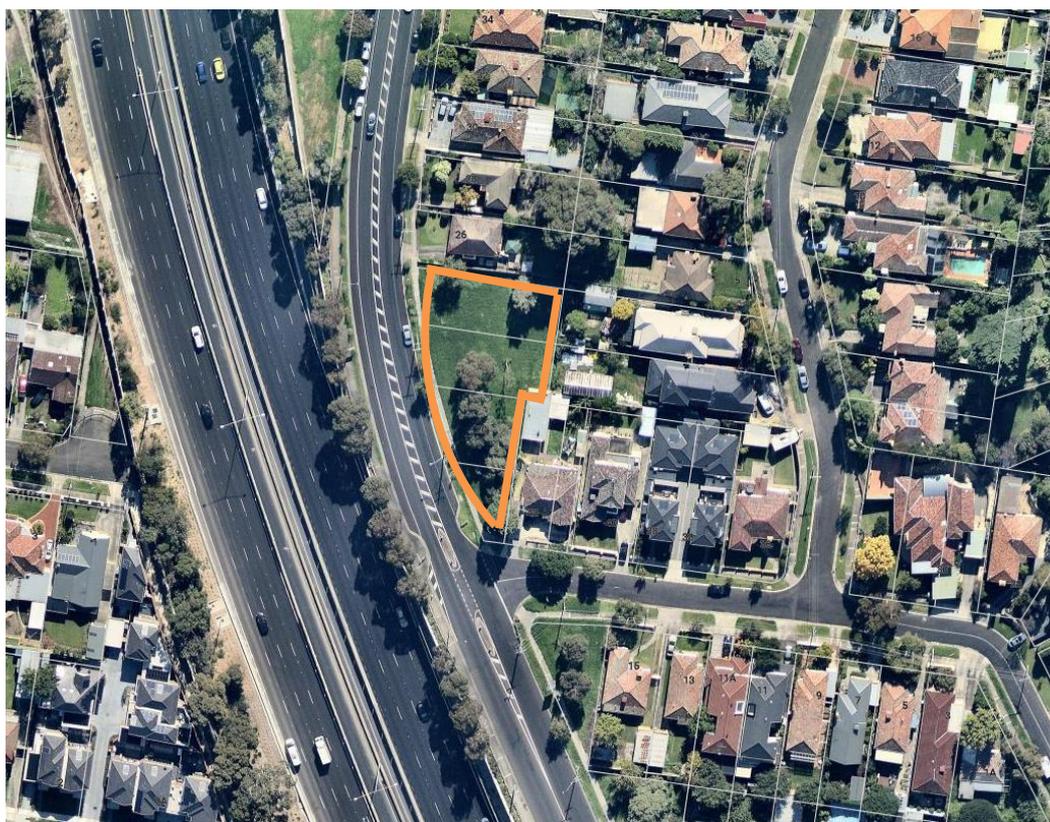
The *Government Land Transaction Policy and Guidelines 2016* require that, prior to the sale of the land, an appropriate zone must be put in place to achieve the highest and best use of the land and to facilitate its sale. In accordance with the Guidelines this application proposes to rezone the site from the RDZ1 to a Neighbourhood Residential Zone (NRZ), which represents the highest and best use and matches the adjoining land to the north and east.



## 2. The Subject Site and Surrounds

### The Subject Site

The subject site comprises two parcels of vacant land, east of City Link and within an established residential area in Pascoe Vale.



The site has a curving frontage to Coonans Road of around 65m and a 5m (approx.) southern abuttal to Lothair Street. It has a total area of around 1,290sqm.

There are some trees on the site, mostly within the southern portion although one tree also adjoins the northern boundary. There are also trees within the adjoining nature strip in Coonans Road.

The site and the broader topography exhibit a gentle fall towards the south.

The site is not in an area of Aboriginal Cultural Heritage Sensitivity.



The Site viewed from northwest (Source: [nearnap.com](https://nearnap.com))

## The Surrounds

The site is located within a principally residential context, although CityLink forms the western interface of Coonans Road.

The site's immediate abuttals can be described as follows:

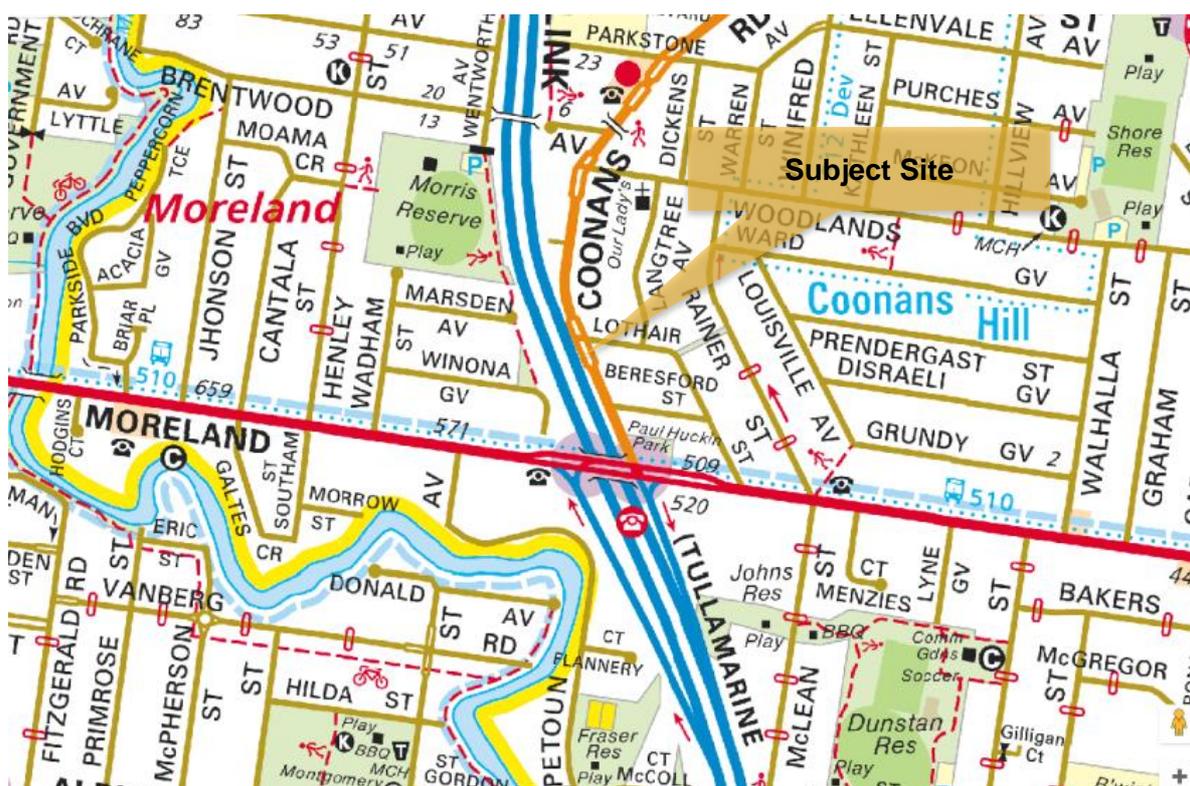
- **North:** 26 Coonans Road is located immediately north of the site and is developed with a single storey, detached dwelling. The immediate interface is to a driveway, which separates the site from the dwelling.
- **East:** To the east, the northern part of the site abuts the rear of 1 and 3 Langtree Avenue, and the southern portion abuts 42 Lothair Street. These properties are all developed with detached dwellings and the immediate interface is to open space and / or outbuildings. Some of these dwellings currently have gate access across the subject site.
- **South:** Lothair Street abuts the site's southern boundary. Opposite the site at 16 Lothair Street is another vacant parcel of land contained within the Road Zone, Category 1 and under VicRoads' ownership.



More broadly, the subject site is located within an established urban area which is informally known as Coonans Hill. There is a mix of residential land uses in the nearby area, as well as several churches, and an early learning centre on the southeast corner of Coonans Road and Woodlands Road.

The site is well located to services. There is a Local Activity Centre around 400m north of the site on Coonans Road, which includes a wide array of land uses which provide convenience retailing. The site is also situated around 2.5km west of Sydney Road, which is part of the Brunswick Activity Centre. The site is also proximate to the Mount Alexander Road Employment Node, the Moonee Ponds Principal Activity Centre and the Essendon Activity Centre, which are situated within the adjoining Moonee Valley municipality to the west.

There are numerous local open space facilities, including the Moonee Ponds Creek to the west.



Locality Plan (Source: [www.melway.com.au](http://www.melway.com.au))



### 3. Current Planning Controls

#### Zone

The subject site is currently zoned Road Zone – Category 1 pursuant to the Moreland Planning Scheme.



**Zoning Map** (Source: [www.land.vic.gov.au](http://www.land.vic.gov.au))

The Purpose of the Road 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 identify significant existing roads.*
- *To identify land which has been acquired for a significant proposed road.*

Pursuant to the provisions of the Road Zone, a planning permit is required to use or develop land for any purpose other than a minor utility installation, a railway, a tramway or a matter listed in Clause 62.01.

Land surrounding the subject site comprises:

- Road Zone, Category 1 (RDZ1) to the west and south; and



- Neighbourhood Residential Zone – Schedule 1 to the north and east.

## Overlays

The land is affected by the Development Contributions Plan Overlay and, in part, by the Special Building Overlay.



Overlay Map (Source: [www.land.vic.gov.au](http://www.land.vic.gov.au))

### Development Contributions Plan Overlay

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



## Special Building Overlay

The Special Building Overlay affects a small portion of the site, close to its north-western corner. The Purpose of the Special Building 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 land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*

Under the provisions of the Special Building Overlay, a planning permit is required to construct a building or to construct or carry out works, including a range of activities which are specifically mentioned in the overlay and its schedule.

## Other Overlays

In terms of the overlays that affect land in the vicinity of the site:

- The City Link Project Overlay affects the City Link reservation to the west of the site; and
- There is a site specific Heritage Overlay to the east of the site.

There are no other overlays affecting the immediate area.





## Proposed Planning Scheme Changes

### Zoning

The land is to be rezoned to facilitate its sale. It is therefore proposed that the site be rezoned from the Road Zone – Category 1 to the Neighbourhood Residential Zone – Schedule 1.

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 manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To allow educational, recreational, religious, community and a limited range of other non residential uses to serve local community needs in appropriate locations.*

Under the Neighbourhood Residential Zone, 'dwelling' is the most likely use and development, although other uses are also permissible both with and without a planning permit, including a medical centre, place of worship and a food and drink premises.

Within the NRZ the construction of one dwelling on a lot greater than 500sqm does not require a planning permit. The subject lots are each larger than 500sqm and can comfortably accommodate a new dwelling.

The Neighbourhood Residential Zone is the most appropriate zone to reflect the highest and best of the site as discussed further in Section 5 of this report.

### Overlays

It is proposed to retain all overlays currently affecting the land.

It is not proposed to introduce any new 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 Road Zone is appropriate for land which either fulfils or is intended to fulfil a use associated with public road purposes. VicRoads has determined that the land is surplus to its requirements and therefore the existing RZ is no longer an appropriate zone. The land must be rezoned to achieve the highest and best use and development of the land.

The site is located within a residential area, connected to services and readily developable. Rezoning the land will allow it to be efficiently and effectively used and to become a part of the adjoining, existing Pascoe Vale community. A residential land use presents the most appropriate land use given the context of the site, and its relatively discrete size. More specifically, In this case, the application of the NRZ to the site is a logical extension to the existing adjoining low density residential area and will allow for a type of development which will fit within these particular streetscapes. The other residential zones, such as the General Residential and Residential Growth would not be supported in this case by the features of the surrounding context, and the discrete size of the land to be rezoned.

### Policy Context

The Neighbourhood Residential Zone will facilitate the highest and best use and development of the site, and presents the most appropriate Zone to apply to the site given its physical and policy context.

**Clause 21.01-2 (The City of Moreland Today – Key Issues)** identified that the estimated population of 156,953 in 2012 is expected to increase to approximately 188,500 by 2031. The Planning Scheme seeks to provide appropriate opportunities for new housing to accommodate the increasing population, in appropriate locations.

**Clause 21.02-3 (MSS Strategic Directions)** seeks to direct housing to different locations, commensurate with the availability of local services and the ability of a specific area to accommodate higher density developments.

The area surrounding the site sits at the lowest order of housing growth hierarchy, being a "minimal housing growth" location and this is reflected in the application of the NRZ to the area. Policy for these areas is as follows:

*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 is committed to complementing residential areas with improved street tree planting, well maintained parks and associated community facilities, and safe and convenient pedestrian environments.*

This area is subject to **Clause 22.01 (Neighbourhood Character)**, which also provides specific policy and guidelines relevant to development within the residential areas. This clause will be triggered to guide development in the event more than one dwelling was proposed on either of the sites.

### **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.

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 Coonans Road Local Activity Centre), the zoning of the broader residential precinct and the strategic framework outlined within the Council's planning scheme, 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, its lack of significant vegetation and its orientation and access to Coonans Road 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

*Ministerial 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?

The subject site has been identified as surplus to VicRoads' future needs and is to be disposed.

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 from Road Zone to Neighbourhood Residential Zone reflects the most appropriate zoning of the land. To ensure appropriate use and development outcomes, all current overlays are proposed to be retained on site.

Overall, the proposed planning scheme amendment will result in an appropriate and orderly planning outcome that facilitates a more efficient use of the land.

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

The amendment implements the objectives for planning in Victoria, set out at section 4 of the *Planning and Environment Act 1987*. In particular, the amendment implements the following objectives:

- *To provide for the fair, orderly, economic and sustainable use, and development of land;*
- *To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community; and*
- *To balance the present and future interests of all Victorians.*



### **Environmental Effects**

The proposal is not considered to have significant environmental impacts. The land is not located near any areas of environmental significance. The land is fully serviced and while there is some vegetation on the site, this could be managed as part of any future planning permit application.

### **Social and Economic Effects**

The amendment will facilitate the use of the land for residential purposes and a minor expansion to the local community. In turn, it is anticipated that the proposal will lead to positive social and economic effects.

### **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.

VicRoads is not aware of any potential contamination of the land. The historic use of the land is not known to have been a use included within the Ministerial Direction.

Ministerial Direction 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).

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 15 – Built Environment and Heritage;
- Clause 17 – Economic Development;
- Clause 18 – Transport; and
- Clause 19 – Infrastructure.

**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 considered 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 which integrates 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 control to the subject site and will deliver a net community benefit by providing an opportunity for appropriately low scale, new housing in an appropriate location.

**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 site is located within an established urban area, where there are numerous facilities within the surrounding area. The rezoning is particular consistent with Clause 11.06 (Metropolitan Melbourne) in that the site would be accessible via a 20 minute walk, cycle or public transport ride to most everyday services.

**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 the integration of land use and transport.

**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 allows housing to be integrated within an existing community where it can take advantage of existing transport and road facilitates.

**Clause 19 'Infrastructure'** states that planning is to recognise social needs by providing land for a range of accessible community resources, such as education, cultural, health and community support facilities. The development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely.

The proposed amendment allows housing to be integrated within an existing community where it can take advantage of existing infrastructure facilities.

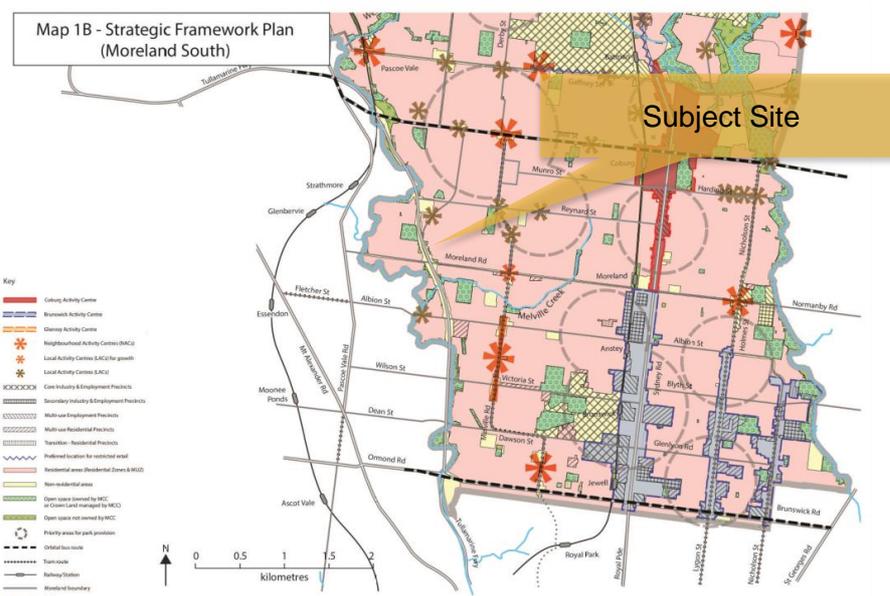
### **Does the Amendment support or implement the Local Planning Policy Framework (LPPF)?**

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 21.02 locates the subject site within a broader 'residential area' nearby several local centres.



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.

The proposed rezoning of the subject site to Neighbourhood Residential is a logical extension of the existing Neighbourhood Residential Zone to the north and east 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 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.



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If more than one dwelling was to be constructed on either of the sites an application would be required to meet the requirements of Clause 55. Where appropriate, future development of the site will also be assessed against Clause 22.01.

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

The amendment makes correct use of the Victoria Planning Provisions. The land use is consistent with the purpose of Neighbourhood Residential Zone. The use of the NRZ is the appropriate tool to encourage the most appropriate use and development of the site and is consistent with the strategic directions of the site.

The application of this control 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 as part of any exhibition process, if necessary.

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

The amendment meets the requirements of the *Transport Integration Act 2010*.

The amendment is not envisaged to have a significant effect on the transport system. The amendment maintains the status quo in terms of land use and development on the site.

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

The proposed amendment 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 proposed zoning will facilitate efficient and appropriate use of vacant land, which is located within an established residential area.
- The proposed zoning will result in an appropriate and orderly planning outcome and is, supported by the relevant policies contained in the State and local Planning Policy Frameworks that seek to facilitate development of an underutilised asset in an area within an established urban area.
- It will create an opportunity to contribute to the local housing demand, in a manner which protects the character and density of the local area.

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

**GLOSSOP TOWN PLANNING PTY LTD**