

The logo for planisphere, featuring the word "planisphere" in a lowercase, sans-serif font. Above the letter "i" is a small orange square. The text is white and set against a black rectangular background.

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PLANNING + DESIGN + PEOPLE

# PLANNING REPORT

95 WILLIAMSONS ROAD, SOUTH MORANG

OCTOBER, 2016

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The Study Team recognises that the State of Victoria has an ancient and proud Aboriginal history and complex ownership and land stewardship systems stretching back many thousands of years. We would like to acknowledge the Traditional Owners of this land, and offer our respect to the past and present Elders, and through them to all Aboriginal and Torres Strait Islander People.

**PROJECT CONTROL**

NAME	NO.	PM APPROVED	PD APPROVED	DATE
Draft Report	1	PB	PB	5 April, 2016
Final Report	1	PB	PB	6 July, 2016
Final Report	2	PH	PB	20 October, 2016

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## APPENDICES

Aerial Plan

Draft Development Plan Overlay (DPO) Schedule 36

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# 1 INTRODUCTION

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Planisphere has been engaged by Melbourne Water to prepare a planning scheme amendment report in support of rezoning an approximately 2.799ha portion of 95 Williamsons Road, South Morang from the Public Use Zone – Service and Utility (PUZ1) to the Mixed Use Zone (MUZ). This application is made under the streamlined Fast Track Government Land Service (FTGL Service) operated by the Department of Environment, Land, Water and Planning (DELWP).

In assessing the proposal against the Whittlesea Planning Scheme and the guidelines in *Ministerial Direction No. 11: Strategic Assessment of Amendments*, the most appropriate zone for the site is considered to be the MUZ.

A small portion of the subject site is also proposed to be rezoned to the Road Zone – Category 2 (RDZ2), as it will become a part of the future reservation for the Findon Road extension, along the southern boundary of the site.

The following table provides an overview of the relevant information about the application, including the planning provisions and policies that are addressed in this report.

<b>Applicant</b>	Melbourne Water
<b>Address</b>	95 Williamsons Road, South Morang
<b>Existing Use &amp; Development</b>	Vacant
<b>Proposed Zone</b>	Mixed Use Zone (MUZ) Road Zone – Category 2 (RDZ2)
<b>Existing Zone</b>	Public Use Zone – Service and Utility (PUZ1)
<b>Proposed Overlays</b>	Development Plan Overlay (DPO) Vegetation Protection Overlay – Schedule 1 (VPO1)
<b>Existing Overlays</b>	None
<b>Restrictive Covenants &amp; Easements</b>	None
<b>State Planning Policy Framework</b>	Clause 9 – Plan Melbourne Clause 11 – Settlement Clause 16 – Housing Clause 17 – Economic Development Clause 18 – Transport

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<b>Local Planning Policy Framework</b>	<p>Clause 21.02 – Municipal Profile</p> <p>Clause 21.03 – Council Vision and Strategic Framework</p> <p>Clause 21.04 – Settlement</p> <p>Clause 21.09 – Housing</p> <p>Clause 21.10 – Economic Development</p> <p>Clause 21.11 – Transport</p> <p>Clause 21.14 – Reference Documents</p> <p>Clause 22.15 – South Morang Activity Centre Policy</p>
<b>Reference documents</b>	<p><i>Whittlesea Housing Diversity Strategy 2013-2033</i></p> <p><i>South Morang Local Structure Plan 1997</i></p>
<b>Amendments</b>	<p>C197 – Municipal Strategic Statement review (Post-exhibition stage, awaiting Ministerial approval)</p>

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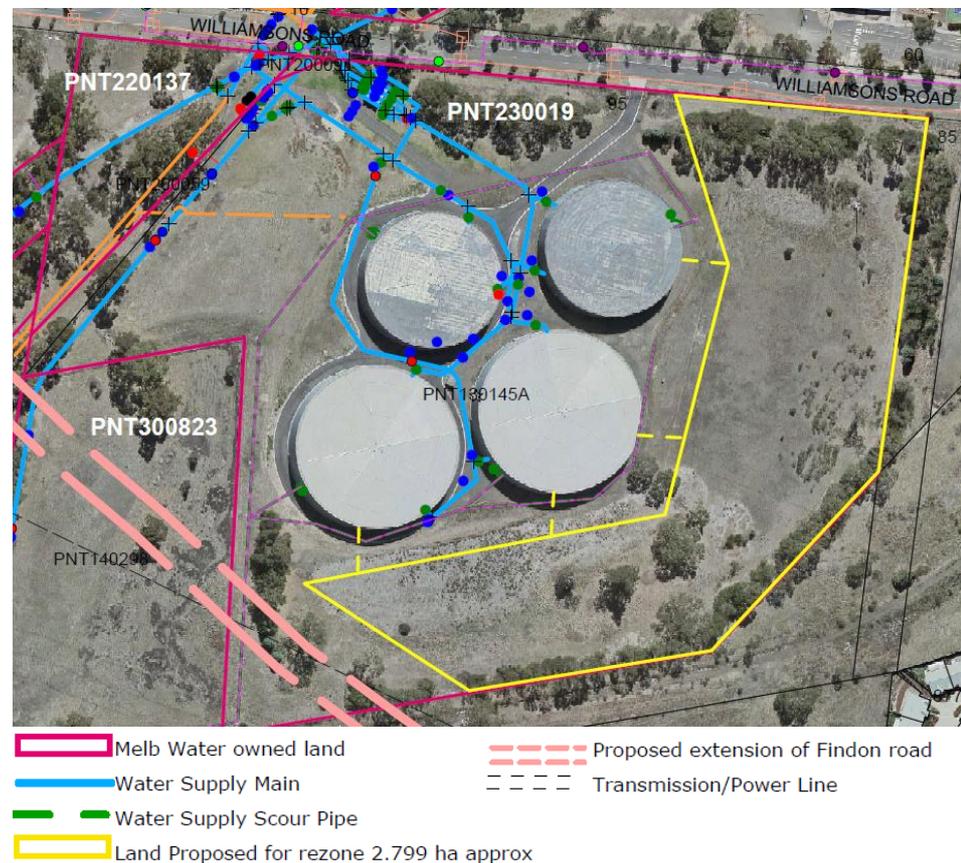
## 2 EXISTING CONDITIONS

### 2.1 SUBJECT SITE

No. 95 Williamsons Road, South Morang is located on the south side of Williamsons Road, approximately 475m west of Plenty Road, and is currently occupied by four large water tanks located centrally on the site. The site also accommodates a 3,600sqm area leased for the use of a radio tower. The area proposed to be rezoned ('the subject site') has an area of 2.799ha and extends in an L-shape along the eastern and southern sides of the site.

The subject site has an approximate 119.83m frontage to Williamsons Road, is generally flat and has trees around the northern, eastern and southern boundaries. The site does not contain any significant vegetation. There is currently vehicle access via a double width crossover from Williamsons Road.

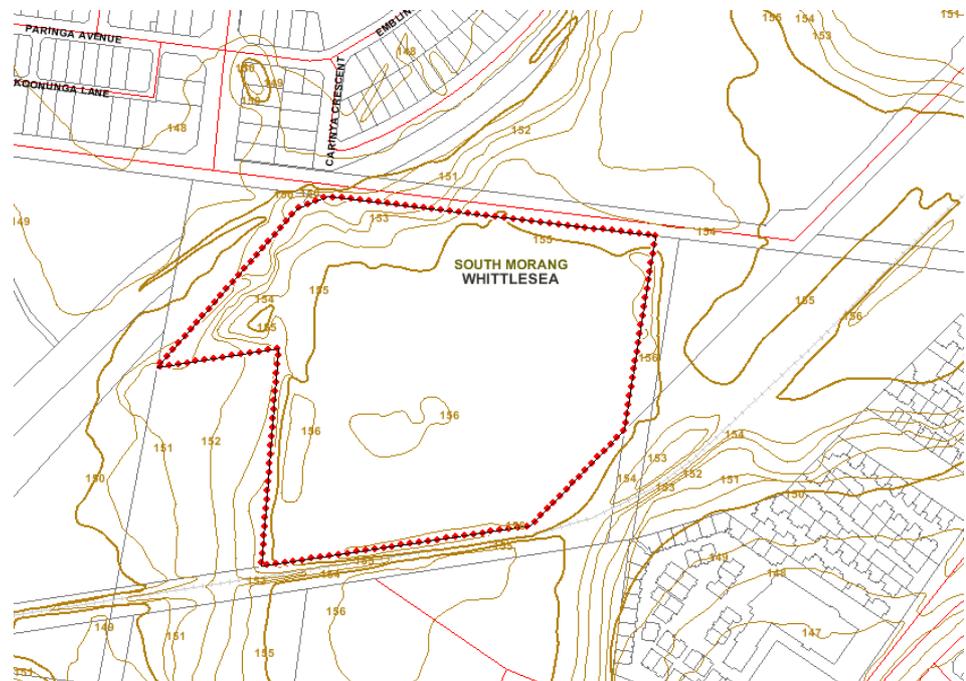
FIGURE 1 SUBJECT SITE (MELBOURNE WATER)



**FIGURE 2 STREET PERSPECTIVE OF THE SUBJECT SITE (PLANISPHERE)**



**FIGURE 3 CONTOUR MAP (DELWP)**



## 2.2 SURROUNDS, LOCALITY & CONTEXT

### *North*

Williamsons Road forms the northern boundary of the site. Williamsons Road has a lane of traffic in each direction and on-street parking on the north side of the street. Across Williamsons Road to the north is the Marymede Catholic College which has an area of approximately 12ha and extends north for approximately 380m.

The Marymede Catholic College provides a significant visual barrier between the site and the northern residential area of South Morang. The suburb predominately consists of single and double storey, detached housing.

The residential area does not currently have a neighbourhood activity centre within walking distance but has areas of public open space including Vincent Park, Jindabyne Park and Hillsvie Recreation Reserve.

### *East*

85 Williamsons Road forms the eastern boundary. The site has a relatively narrow frontage of 20m and extends for a depth of between 135m to 163m. The site is undeveloped and contains tall gum trees. Further east is 75 Williamsons Road, which is a triangular shaped site zoned Commercial 2 Zone (C2Z), occupied by a low scale joinery business.

Land reserved for the Mernda Rail Extension and station is zoned Public Use Zone – Transport (PUZ<sub>4</sub>) and is located approximately 80m east of the subject site. The reserved land generally runs in a northeast direction and separates the subject site from recent low-scale medium density developments along Plenty and Old Plenty Roads further east.

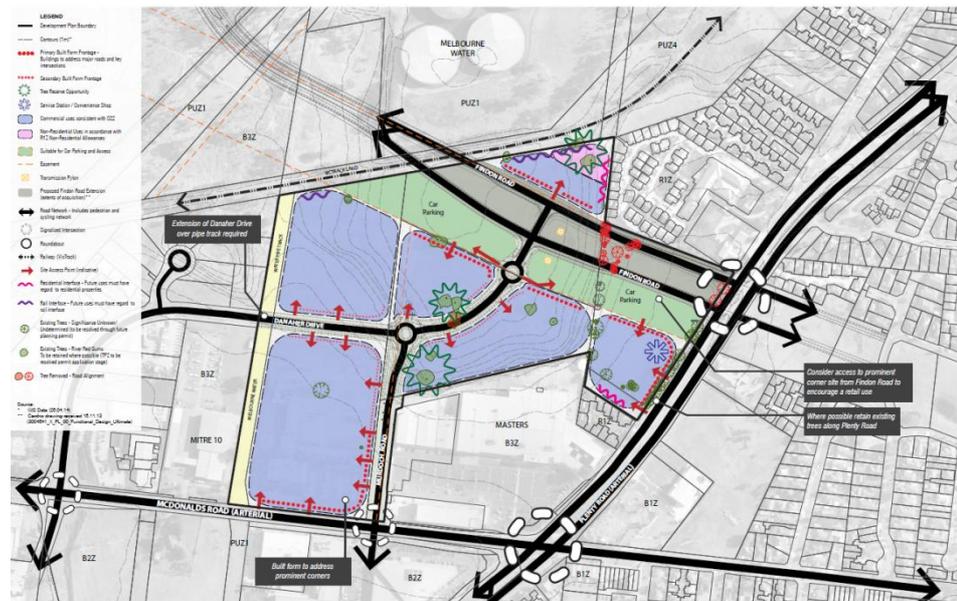
### *South*

The southern boundary is formed by the PUZ<sub>4</sub> land reserved for the Mernda Rail Extension.

The proposed Findon Road extension would create an additional street frontage to the south of the site.

Across the PUZ<sub>4</sub> land further south is 40B Murdoch Road which is zoned C2Z with a small portion of GRZ<sub>1</sub> land. This land has not been developed but has an approved development plan that facilitates C2Z uses.

FIGURE 4 APPROVED DEVELOPMENT PLAN FOR MCDONALDS ROAD (TRACT)



*West*

To the west, the land between the subject site and the South Morang Terminal Station is undeveloped, somewhat fragmented and zoned C2Z. To the immediate west is 460 McDonalds Road, which consists of two lots of land, approximately 184m apart and bisected by the Mernda Rail Extension.

The South Morang Terminal Station is located approximately 500m west of the subject site. The terminal station contains a substantial (approximately 60ha) of land in the Special Use Zone (SUZ6) and creates a significant buffer between the C1Z land to the southwest of the subject site and the subject site itself.

*Future transport network*

There are two major future transport routes that run along the periphery of the subject site. The Findon Road Extension runs on a northwest-southeast axis and is proposed to be a two-stage road project whereby Findon Road will be extended to Plenty Road. As part of this amendment, a small portion of the subject site is proposed to be rezoned to RDZ1, to form a section of the new road reservation. Stage 2 will be a duplication resulting in an ultimate four lane divided road and the main east-west arterial road between South Morang and Epping.

The Mernda Rail Extension will run along the southeastern boundary of the site. A new station, the Marymede Rail Station, will be located approximately 100m from the subject site. Development of the station is being undertaken by the Level Crossing Removal Authority (LXRA) and is undergoing final design. It is noted that funding for the Mernda Rail Extension has been confirmed in the 2016 state budget.

The phasing of the extensions will be to first construct the rail lines and then the road extension. The grade separation between the rail and road has not yet been finalised, which will impact the future Findon Road frontage of the subject site.

FIGURE 5 CITY OF WHITTLESEA - FUTURE TRANSPORT NETWORK



## 2.3 CURRENT PLANNING CONTROLS

The subject site is currently zoned PUZ1 and is not subject to any overlays.

The purposes of the Public Use Zone are:

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

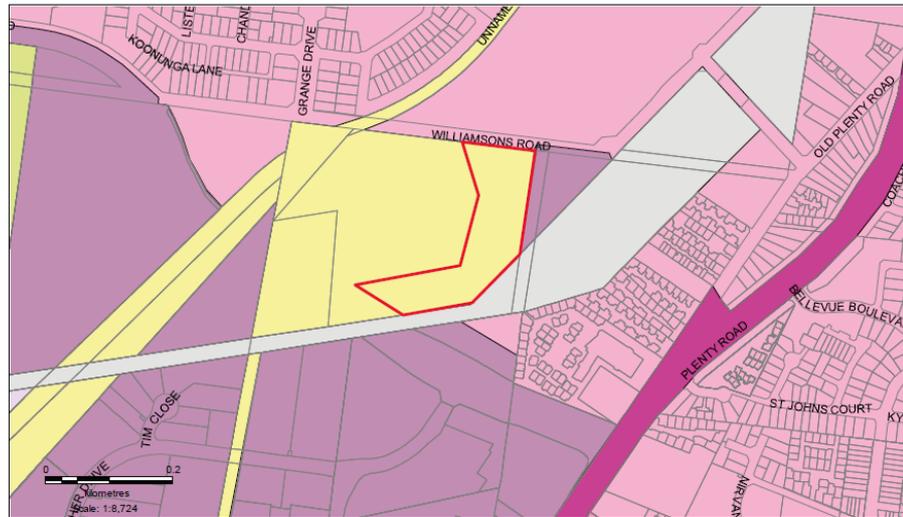
*To recognise public land use for public utility and community services and facilities.*

*To provide for associated uses that are consistent with the intent of the public land reservation or purpose.*

The specific public use of the PUZ1 is for services and utilities.

As the land is not proposed to be further used as a public use, the current zoning is no longer the most appropriate planning control for the subject site.

FIGURE 6 ZONING MAP (DELWP)



LEGEND

- Subject Site
- Property Boundaries
- Zones**
- Public Use Zone - Service and Utility (PUZ1)
- General Residential Zone (GRZ)
- Commercial 2 Zone (C2Z)
- Public Use Zone - Transport (PUZ4)

### 3 FAST TRACK GOVERNMENT LAND SERVICE

The Fast Track Government Land Service (FTGL Service) has been established to *“deliver planning scheme changes for surplus government sites and to correct planning scheme anomalies in a streamlined and systematic approach.”*

As the proposed amendment is to facilitate the sale of surplus government land, the FTGL process is appropriate.

Once an application is lodged with the FTGL Service, a preliminary assessment determines which of the following three pathways are the most appropriate:

1. **Planning Stream A:** *A planning scheme amendment approved under S20(4) of the Planning and Environment Act 1987. The outcome for the site is generally consistent with the use surrounding the site and the future planning provisions (zones/overlays) are likely to be the same as the surrounding planning provisions.*
2. **Planning Stream B:** *A planning scheme amendment/permit considered by the Standing Advisory Committee. The outcome for the site is likely to capture a strategic opportunity for enhanced development opportunities. The future planning provisions complement the surrounding area but are not necessarily the same as that surrounding the site.*
3. **Planning Stream C:** *A standard planning scheme amendment process with either local council or Minister for Planning as the planning authority.*

We consider Planning Stream B to be the most appropriate process for this amendment for the following reasons:

- The site presents a strategic opportunity for enhanced development opportunities by nature of its non-sensitive interfaces, proximity to the future Marymede Train Station and the size of the land.
- There is not a consistent zoning pattern in the immediate area with GRZ zoned land to the north, an isolated pocket of C2Z land to the east, C2Z land to the south, and public uses to the west. As such the proposed MUZ is not that same zone as the surrounding area but will complement existing uses.

### GOVERNMENT LAND STANDING ADVISORY COMMITTEE

The Government Land Standing Advisory Committee has been established according to the Terms of Reference in order to *“provide a consistent and transparent process to facilitate changes to planning provisions of government land.”*

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.”*

To be considered by the Standing Advisory Committee, the proposal is referred by the Minister for Planning or delegate.

The process of the Standing Advisory Committee following a referral is a 6 week exhibition process, followed by a public hearing that must be held within 20 days of the final submissions date with the final advisory report to be submitted to the Minister within 20 days after the completion of the hearing.

## 4 PROPOSED REZONING

### 4.1 MIXED USE ZONE (MUZ)

The purposes of the Mixed Use Zone (MUZ) are:

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

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

*To provide for housing at higher densities.*

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

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

The MUZ is a residential zone but allows for consideration of non-residential uses such as a retail premises in appropriate locations, subject to the discretion of the Responsible Authority. *Planning Practice Note 28 – Applying the Residential Zones (PN78)* provides guidance on the application of the MUZ, which is considered in the table below.

POLICY	APPLICATION
<b>Principles for applying the MUZ</b>	
<i>Areas encouraging a range of residential, commercial, industrial and other uses.</i>	The site is located outside but abutting the boundary of the draft Plenty Valley Town Centre Structure Plan, which indicates that there will be a variety of potential uses consistent with an activity centre.
<i>Areas to provide for housing at higher densities and higher built form that responds to the existing or preferred neighbourhood character.</i>	The site is appropriate for higher density residential development due to its non-sensitive interfaces, size and proximity to the planned Marymede Railway Station and Plenty Valley Town Centre.
<b>Likely application for the MUZ</b>	
<i>In areas with a mix of residential and non-residential development.</i>	The existing conditions contain a mixture of uses with commercial to the south, a college and residential area to the north and public uses to the west.
<i>In local neighbourhood centres undergoing renewal and around train stations, where appropriate.</i>	The site is within the draft Plenty Valley Town Centre Structure Plan boundary and categorised as an Urban Renewal change area in the Whittlesea Housing Diversity Strategy. Given the proximity to the planned Marymede Railway Station, the site would likely be part of a future activity centre based around the station.
<b>Appropriate areas</b>	
<i>Planned for more intense and diverse residential development on sites well located in relation to activity centres, employment and public transport.</i>	The site is abutting the proposed Plenty Valley Town Centre boundary. Intensive uses are likely to occur to the south and surrounding the Marymede Railway Station.

POLICY	APPLICATION
<b><i>Brownfield or urban renewal sites.</i></b>	The site is identified as an Urban Renewal area in Whittlesea’s Housing Diversity Strategy.
<b><i>Planned for apartment style development.</i></b>	The Housing Diversity Strategy indicates that apartment style development can be appropriate in Urban Renewal Change Areas. Given the non-sensitive interfaces and proximity to a planned railway station, the site could be suitable for an apartment style development. The mix of uses and built form would be subject to approval by the Responsible Authority.

## 4.2 DEVELOPMENT PLAN OVERLAY (DPO)

The purposes of the Development Plan Overlay (DPO) are:

*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 form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*

*To exempt an application from notice and review if it is generally in accordance with a development plan.*

The MUZ can be used to control certain types of land use and some elements of development. It is recommended that in addition to the proposed rezoning, a DPO be applied. The DPO is a flexible tool that can be used to implement a plan to guide future use and development of the land, such as an outline development plan, detailed development plan or masterplan.

The DPO can be used to require planning for future use or development to be shown on a plan (of the type listed above) before a permit can be granted. In addition, the notification requirements in the DPO can be modified to exempt a planning permit application from notice and review if the proposal is generally in accordance with an approved Development Plan.

*Planning Practice Note 23: Incorporated Plan and Development Plan Overlays* (August 2015) sets out those elements of the overlay that can be modified dependent on the context of the plan and development sought.

According to PPN23, the following should be considered when drafting a schedule for the DPO:

POLICY	APPLICATION
<b>Principles for applying the DPO</b>	
<b><i>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.</i></b>	The site is a contained parcel bound by roads and the railway corridor. The proposed extension to Findon Road will introduce another road interface to the site. Given the site’s close proximity to the future railway station and the Findon Road extension, it is considered appropriate to apply a DPO that will ensure use and future development takes advantage of the public

POLICY	APPLICATION
	transport links. As the site lacks direct interfaces with existing development it is submitted that there will be no direct amenity impacts under the test for applying a DPO exempting notification and third party appeal rights. As outlined above, the opportunities to develop the site are enhanced by the recent railway station decision and Findon Road extension.
<i>The DPO can be used to specify the conditions and require a plan to specify the form for the detailed development of parts of the site or individual development stages.</i>	Given the site’s interface, connectivity and development opportunities, the DPO may contain specific requirements for the features and detailed development requirements in stages for the site.
<i>If the planning authority uses a DPO, the plan will be a development plan. A development plan is not incorporated into the planning scheme. It can be introduced or changed 'to the satisfaction of the responsible authority'. A planning scheme amendment is not needed.</i>	The DPO provides flexibility for this site to adapt to implementation of the railway station and Findon Road extension.

### 4.3 VEGETATION PROTECTION OVERLAY (VPO)

The purposes of the Vegetation Protection 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 protect areas of significant vegetation.*

*To ensure that development minimises loss of vegetation.*

*To preserve existing trees and other vegetation.*

*To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.*

*To maintain and enhance habitat and habitat corridors for indigenous fauna.*

*To encourage the regeneration of native vegetation.*

The subject site is currently not covered by the VPO, however land immediately abutting the site is covered by an existing schedule 1 to the VPO (VPO1): *Significant Vegetation (River Redgum Grassy Woodland)*.

Given the recommended application of an MUZ and DPO converting the subject site from public land management to possible private use and development, extension of the VPO1 to cover the subject site is considered appropriate.

### 4.4 ROAD ZONE – CATEGORY 2 (RDZ2)

The purposes of the Road 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 identify significant existing roads.*

*To identify land which has been acquired for a significant proposed road.*

A small section of the subject site is proposed to be rezoned to the Road Zone – Category 2 (RDZ2), to form a part of the road reservation for the future Findon Road extension, which will adjoin the subject site at its southern boundary.

## 5 WHITTLESEA PLANNING SCHEME

### 5.1 State Planning Policy Framework (SPPF)

The State Planning Policy Framework (SPPF) provides broad objectives and strategies that planning in Victoria should address. The SPPF is relevant to any rezoning application to determine if a proposal is consistent with state-wide planning directions and policy. The key provisions of the SPPF relevant to this application are:

9	Plan Melbourne
11	Settlement
17	Economic Development
19	Infrastructure

#### CLAUSE 9 – PLAN MELBOURNE

Plan Melbourne provides the strategic planning framework for the growth of metropolitan Melbourne to the year 2050. The plan is based on a hierarchy of a vision, objectives and directions. The vision of Plan Melbourne is that *“Melbourne will be a global city of opportunity and choice.”* The key first relevant objective sought to achieve the vision is *“Liveable communities and neighbourhoods.”* The relevant directions in achieving the objective are:

- *Direction 4.1 – Create a city of 20-minute neighbourhoods*
- *Direction 4.2 – Protect Melbourne and its suburbs from inappropriate development*

Protecting the suburbs is to be achieved through targeting areas for concentrated development and restricting development in other areas. The 20-minute neighbourhoods direction is to be based on locally-specific solutions but can include targeted infill and mixed use developments.

The second relevant objective is *“Delivering jobs and investment”*. The relevant directions in achieving this objective are:

- *Direction 1.1 – Define a new city structure to deliver an integrated land use and transport strategy for Melbourne’s changing economy.*
- *Direction 1.5 - Plan for jobs closer to where people live*
- *Direction 1.6 – Enable an investment pipeline of transit-oriented development and urban-renewal*

To achieve these directions, Plan Melbourne seeks to:

*Identify a pipeline of urban-renewal precincts and sites around the existing and planned rail and wider transport network, to unlock investment opportunities for the private sector and maximise the state’s return on infrastructure investment.*

#### CLAUSE 11 – SETTLEMENT

Clause 11 addresses the land use needs of existing and future communities, seeks to prevent incompatible land uses being sited in close proximity to each other, and seeks to facilitate development that takes advantage of existing settlement patterns.

Clause 11.01-2 (Activity centre planning) seeks for major developments to be concentrated into activity centres and for a variety of land uses to be included in activity centres. Relevant strategies include encouraging housing diversity/density in and around activity centres, broadening the mix of uses in activity centres and locating small scale facilities that meet local needs in or next to neighbourhood activity centres.

## **CLAUSE 16 – HOUSING**

The broad directions of Clause 16 are:

*Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.*

*New housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space.*

In relation to the location of housing, the objective of Clause 16.01-2 is:

*To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.*

The strategies to achieve this objective are:

*Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.*

*Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*

*Ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development.*

*Identify opportunities for increased residential densities to help consolidate urban areas.*

## **CLAUSE 17 – ECONOMIC DEVELOPMENT**

Planning has an important role to play in the development of the state's economy. In relation to commercial uses Clause 17.01-1 provides the following objective:

*To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

The following strategies are relevant in achieving the objective:

*Locate commercial facilities in existing or planned activity centres.*

*Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.*

*Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.*

## **CLAUSE 18 – TRANSPORT**

Clause 18 directs planning to contribute towards integrated and sustainable transport systems.

In relation to land use and transport planning (Clause 18.01-1), the objective is *“To create a safe and sustainable transport system by integrating land-use and transport planning.”* The objective for the transport system (Clause 18.01-2) is *“To coordinate development of all transport modes to provide a comprehensive transport system.”*

Relevant strategies include encouraging *“higher land use densities and mixed use developments near railway stations, major bus terminals, transport interchanges, tramways and principal bus routes.”*

## **RESPONSE**

The proposed amendment is assessed against the SPPF in Section 8 of this report.

## **5.2 LOCAL PLANNING POLICY FRAMEWORK (LPPF)**

### **CLAUSE 21.02 – MUNICIPAL PROFILE**

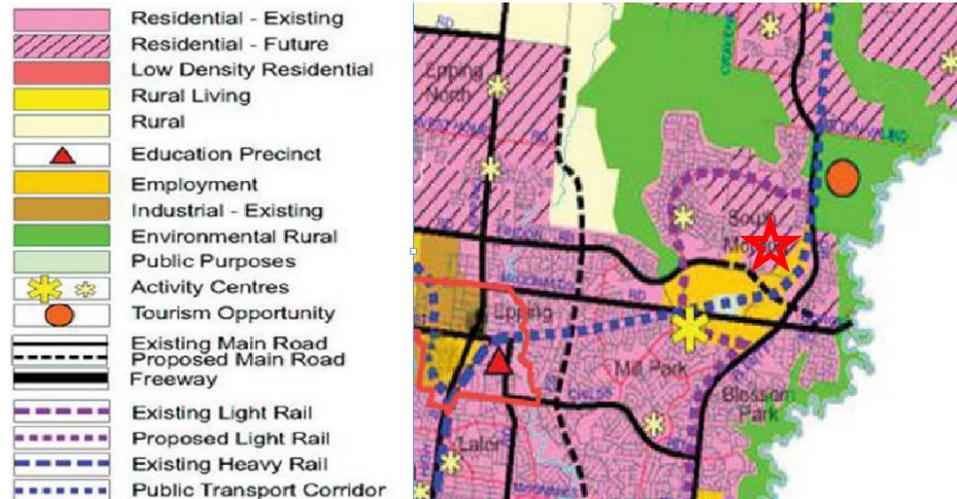
Clause 21.02 provides an overview of the City of Whittlesea and outlines the high levels of residential growth that the municipality continues to experience on the urban fringe as well as a variety of other land uses. Noting the diversity of land uses including employment corridors and activity centres, Clause 21.02 states that *“existing diversity in land use categories and potential for new development is a strength of the City of Whittlesea. The allocation of growth areas and the relationship between areas for other purposes will require careful management to ensure there is an overall level of compatibility.”*

To foster employment opportunities, Council has supported the reservation of land for employment opportunities in 5 major locations, one of which is South Morang. It is also a goal for these employment opportunities to have easy access to future residential areas and activity centres.

### **CLAUSE 21.03 – COUNCIL VISION AND STRATEGIC FRAMEWORK**

The strategic framework plan shows the subject site as being in public use with the surrounding area allocated as being employment land. It is noted that incremental rezoning has resulted in much of the northern employment land shown in the framework plan being converted to residential uses. The employment uses are now generally concentrated around the intersection of McDonalds and Plenty Roads.

**FIGURE 7 STRATEGIC FRAMEWORK PLAN (CLAUSE. 21.03, WHITTLESEA PLANNING SCHEME)**



**CLAUSE 21.04 – SETTLEMENT**

Clause 21.04-1 outlines Whittlesea’s activity centre strategy. Epping Central is the city’s Metropolitan Activity Centre as per the new Activity Centre structure in Plan Melbourne. A key challenge, according to Clause 21.04, “will be to distinguish the role and function of Epping Central from the South Morang Activity Centre, a Major Activity Centre servicing the municipality’s eastern corridor along Plenty Road, and from the smaller supporting Local and Neighbourhood Centres in both the established and growth areas.” This leads to Objective 1, which seeks to:

*To define the role and extent of a series of activity centres which establish a focus for the provision of accessible goods and services, diverse housing opportunities, employment generation, community meeting places and associated land uses.*

The strategies to achieve this objective relevant to the subject site are:

*Continue to pursue the establishment of an activity centre at the South Morang Activity Centre site to service existing and future population growth in the eastern half of the City.*

*Allocate unmet potential for the provision of retail floor space in locations which are accessible to existing and future population and which contribute to or promote opportunities for employment generation and provision of public transport.*

*Differentiate the South Morang Activity Centre by retaining existing vegetation, particularly River Red Gum native species trees, and progressively implementing measures to create a strong sense of local character.*

*Limit the extent of commercial incursion into residential and industrial areas by allocating suitable amounts of industrial and commercial land in appropriate locations.*

Clause 21.04-3 differentiates between established and growth areas of the city. The policy notes that there is increasing growth pressure in established suburbs despite the majority of housing growth being directed to growth areas. To achieve housing diversity to accommodate growth and changing demographics, Clause 21.04-3 seeks to implement the Whittlesea Housing Diversity Strategy.

Strategy 1.4 deals with commercial uses in proximity to residential areas seeks to:

*Allow the establishment of a range of activities within residential areas only where the activities serve a local function, do not cause a detrimental impact on residential amenity and do not increase the potential for inappropriate encroachment of commercial activities into defined residential areas.*

The subject site is located outside of the South Morang Activity Centre boundary as it is currently defined but is within the proposed new Plenty Valley Activity Centre. Land uses on the subject site should therefore be consistent with an activity centre, which could include commercial and/or residential uses. As the site is outside of a residential area, the Clause 21.04 indicates that the site could accommodate commercial or retail uses as this would not be an incursion into a residential area. The location of the site in an established urban area means that intensive uses on the site are more appropriate than in a growth area.

### **CLAUSE 21.09 – HOUSING**

Clause 21.09 has been updated as of 22 October 2015 to incorporate directions from the Whittlesea Housing Diversity Strategy. Whilst the site falls outside of the draft Plenty Valley Structure Plan, the site is categorised as an Urban Renewal area in Clause 21.09. The location and preferred housing type within this change area are:

*... the Plenty Valley (South Morang) Activity Centre will be characterised by high density residential and mixed use developments such as townhouses, multi-units, small and large scale apartments and shop-top housing.*

The Housing Diversity Strategy is discussed in further detail below.

### **CLAUSE 21.10 – ECONOMIC DEVELOPMENT**

Clause 21.10 notes the challenge of providing:

*...sustainable economic development opportunities and support economic activity which is responsive to the investment and employment needs of the community, has respect for the environment and is resilient to changes in the economic climate.*

Objective 1 is to “create a better jobs/housing balance and achieve greater diversity in employment opportunities.” The relevant strategies to achieve this goal include:

*Continue to support the allocation of employment growth opportunities at Thomastown, Epping, Bundoora and South Morang;*

*Encourage a more equal distribution of employment opportunities and types throughout the municipality with particular emphasis on Epping and South Morang;*

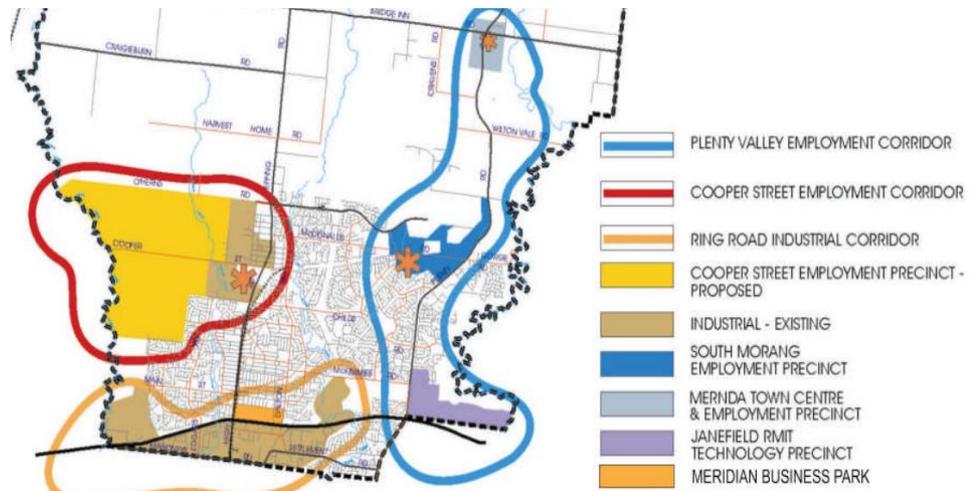
*Progressively increase the supply of land zoned for employment purposes.*

*Pursue a greater diversity in economic investment in the municipality by supporting ...Increased employment densities with commercial and industrial development in the Epping Central Major Activity Centre and the South Morang Major Activity Centre.*

The location of the site on the border the South Morang Activity Centre and within the Plenty Valley Employment Corridor indicates that the subject site should encourage some element of employment generating activity. High employment densities are encouraged within Major Activity Centres, however, and as such the site would therefore be suitable for a moderate level of employment generating uses.

It is noted that the Plenty Valley Employment Corridor is no longer referenced in the proposed new Clause 21.04 as sought in Amendment C197, which is discussed in further detail below.

**FIGURE 8 WHITTLESEA EMPLOYMENT PRECINCTS (CLAUSE 21.10, WHITTLESEA PLANNING SCHEME)**



**CLAUSE 21.11 – TRANSPORT**

Clause 21.11 notes that urban fringe growth typically does not emphasise integrated transport and land use planning. The policy seeks to do so for the Whittlesea. Objective 1 is:

*To establish an efficient, interconnected (multi modal) transportation system which increases the level of accessibility and choice within and beyond the City of Whittlesea.*

The strategies relevant to the subject site include:

*Support the extension of the light rail from Bundoora to South Morang and beyond.*

*Continue to support the progressive duplication of Plenty Road.*

*Advocate greater transport options by reducing dependence on car based transport and provide improved public transport and pedestrian/cycle options within existing urban and growth areas of the municipality.*

*Resolve the alignment and interchange points for light and heavy rail services in association with planning for the South Morang Activity Centre and residential areas in South Morang and Mernda/Doreen.*

*Increase residential densities within walking distance of the Principal Public Transport Network.*

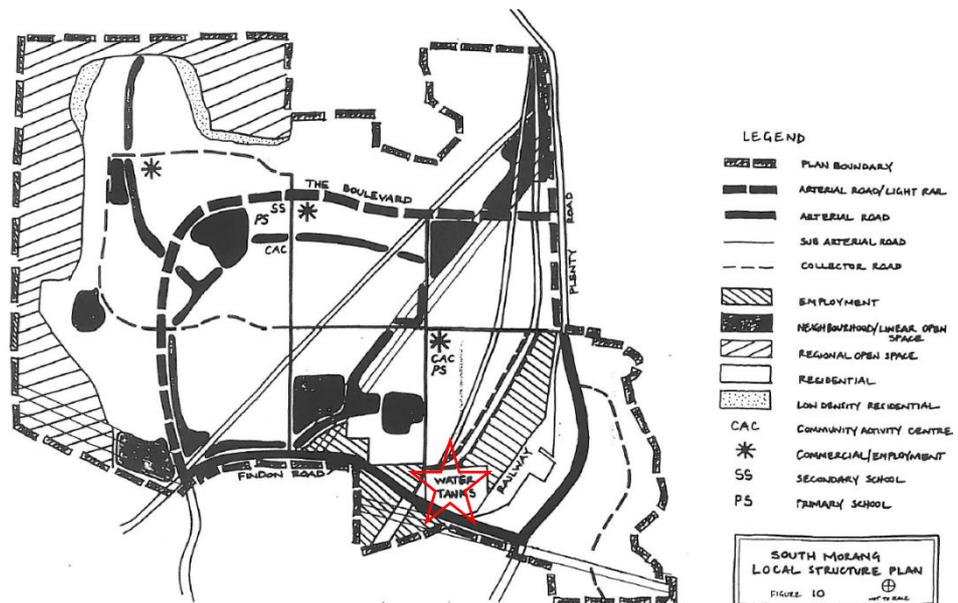
Integrated transport planning means that existing and future land use should be considered in planning for the transport system and likewise that land use planning decisions should have regard for the existing and future transport networks. The relevance of this policy is therefore the future Marymede Railway Station, located 80m east of the subject site. Clause 21.04 makes it clear that a higher intensity/density use for the subject site is suitable having regard to the future public transport network.

## CLAUSE 21.14 – REFERENCE DOCUMENTS

### SOUTH MORANG LOCAL STRUCTURE PLAN

The *South Morang Local Structure Plan* (1997) is a reference document listed in Clause 21.14. As does the existing MSS, the structure plan indicates a preference for employment uses to in a corridor heading in a northeast direction from the site as well as areas to the west. In relation to the employment generating land, the structure plan has generally not been realised as the northeast employment corridor in particular has been rezoned to allow for residential uses. Similarly, a 'Community Activity Centre' which had an indicative location of the corner of Gordons and Grande Roads has not been realised meaning that there is not a neighbourhood activity centre within a walkable distance of the existing residential area.

FIGURE 9 SOUTH MORANG LOCAL STRUCTURE PLAN (CITY OF WHITTLESEA)



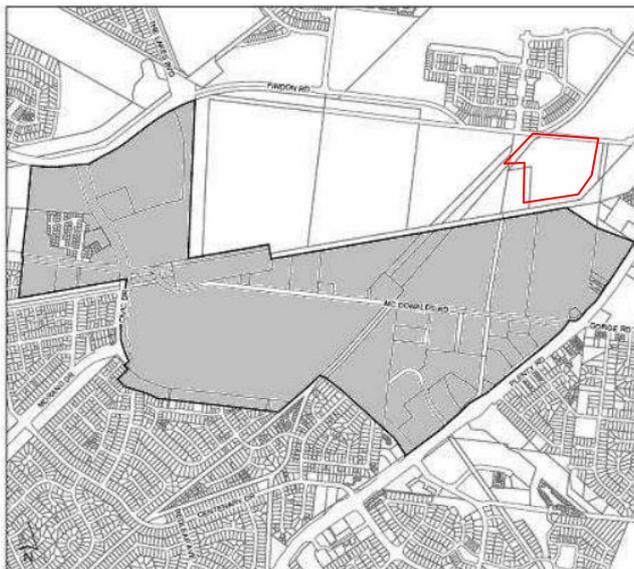
It is considered that the South Morang Local Structure Plan does not provide substantial, reliable guidance on the future use and development of the subject site and surrounding land, specifically given the variation from the plan that has occurred in the form of rezoning (see Section 7 of this report). The employment corridor sought in the structure plan has not been realised and as such the urban structure of this area differs significantly from the existing structure plan. The authors of the structure plan noted that the plan sought to “*identify land for commercial and employment uses which will attract investment and ultimately provide employment opportunities*” but that the eventual location of employment cannot be controlled purely by planning and although this land was earmarked for employment uses, this would not necessarily result investment in these sites.

It is noted that Council has released the draft Plenty Valley Town Centre Structure Plan to replace the South Morang Structure Plan (discussed in further detail below).

### CLAUSE 22.15 – SOUTH MORANG ACTIVITY CENTRE

It is noted that the subject site is on the immediate northern boundary outside of the South Morang Activity Centre. This policy expired on 1 October 2016.

FIGURE 10 – SOUTH MORANG ACTIVITY CENTRE BOUNDARY



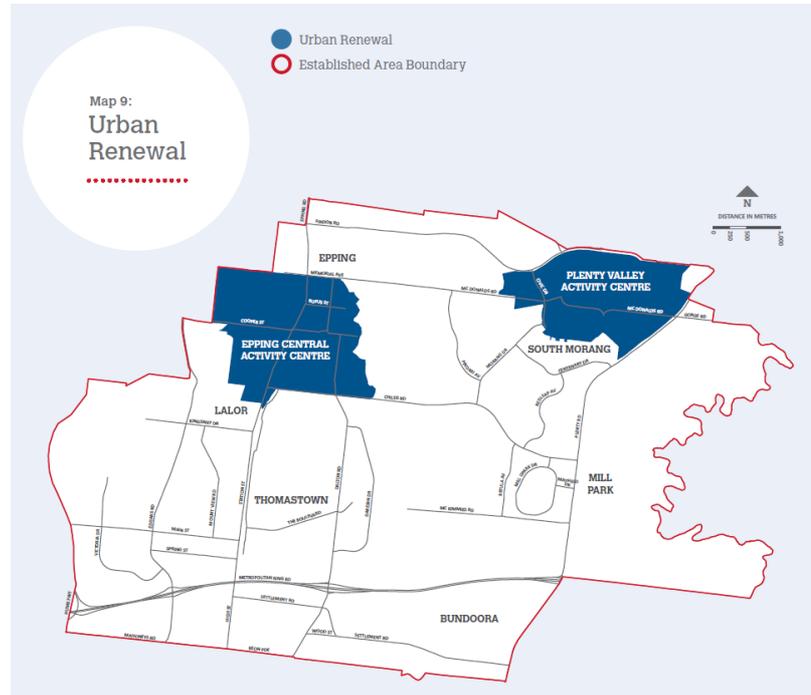
(Source: Clause 22.15, Whittlesea Planning Scheme)

### HOUSING DIVERSITY STRATEGY 2013-2033

The Housing Diversity Strategy applies to the established residential areas within the municipality. Among others, the strategy seeks establish areas for housing growth, in line with state principles of transit and activity centre oriented development and to identify preferred housing types.

The strategy develops six Housing Change Areas based on housing capacity and character. As the subject site falls within the Plenty Valley Activity Centre it is within an area identified for Urban Renewal. The proposed translation of the reformed zones for Urban Renewal Areas is to the Activity Centre Zone. Practice Note 56 – Activity Centre Zone requires that “Councils must have an adopted structure plan or a body of significant strategic work progressed for the centre where the ACZ will be applied.” In this case the site cannot be rezoned to the ACZ yet because there is no released structure plan for the activity centre. Notwithstanding, the Urban Renewal Area encourages higher density housing including town houses, multi-units, apartments and mixed use developments that can be accommodated through the MUZ.

FIGURE 11 URBAN RENEWAL AREAS – WHITTLESEA HOUSING DIVERSITY STRATEGY



### DRAFT PLENTY VALLEY TOWN CENTRE STRUCTURE PLAN

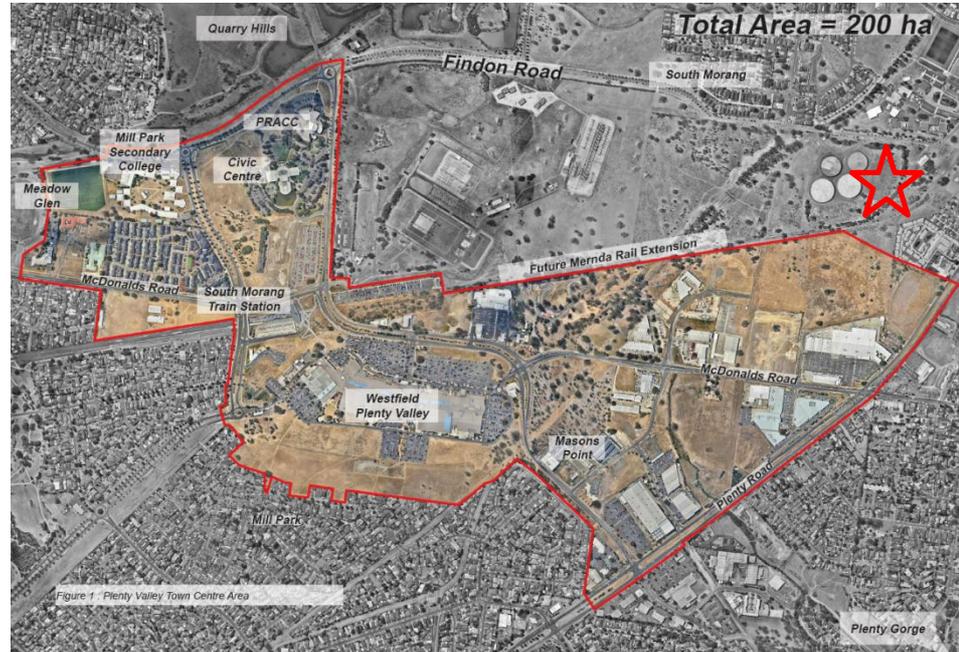
The draft Plenty Valley Town Structure Plan was released for public consultation in April 2016.

The vision contained within the draft Structure Plan is:

*Plenty Valley Town Centre will have a unique civic and cultural identity supporting a vibrant mix of uses and activities. It will be home to new residential communities and provide opportunities for work, recreation and shopping. It will be well connected, accessible and pedestrian-orientated with a cohesive, legible and attractive public realm and have strong landscape links integrating through the wider regional open space network.*

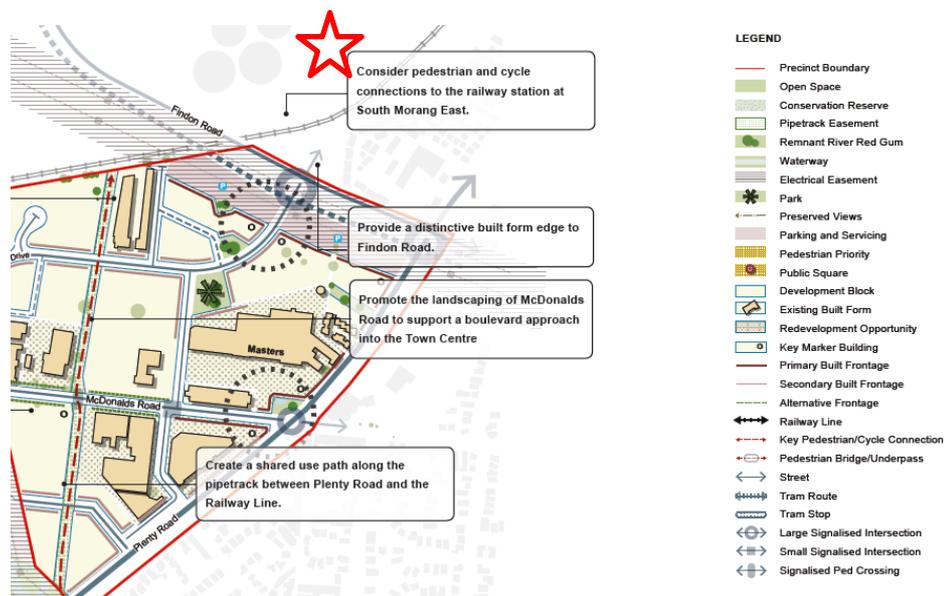
The nearest proposed precinct to the subject site is the centre's Employment Precinct. The precinct objectives relating to land use include supporting uses "such as office, small scale manufacturing, servicing and ancillary retail." Of relevance to the subject site, the Structure Plan suggests consideration of pedestrian and cycle connections to the railway station at South Morang East (Marymede).

**FIGURE 12 PLENTY VALLEY TOWN CENTRE STRUCTURE PLAN BOUNDARY**



(Source: Plenty Valley Town Centre Structure Plan, City of Whittlesea, 2016)

**FIGURE 13 EMPLOYMENT PRECINCT ILLUSTRATIVE MASTERPLAN (PLENTY VALLEY TOWN CENTRE STRUCTURE PLAN)**



## 6 AMENDMENT C197

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Amendment C197 updates the Whittlesea MSS and was exhibited until 26 February 2016. This amendment is currently before the Minister for Planning awaiting final approval.

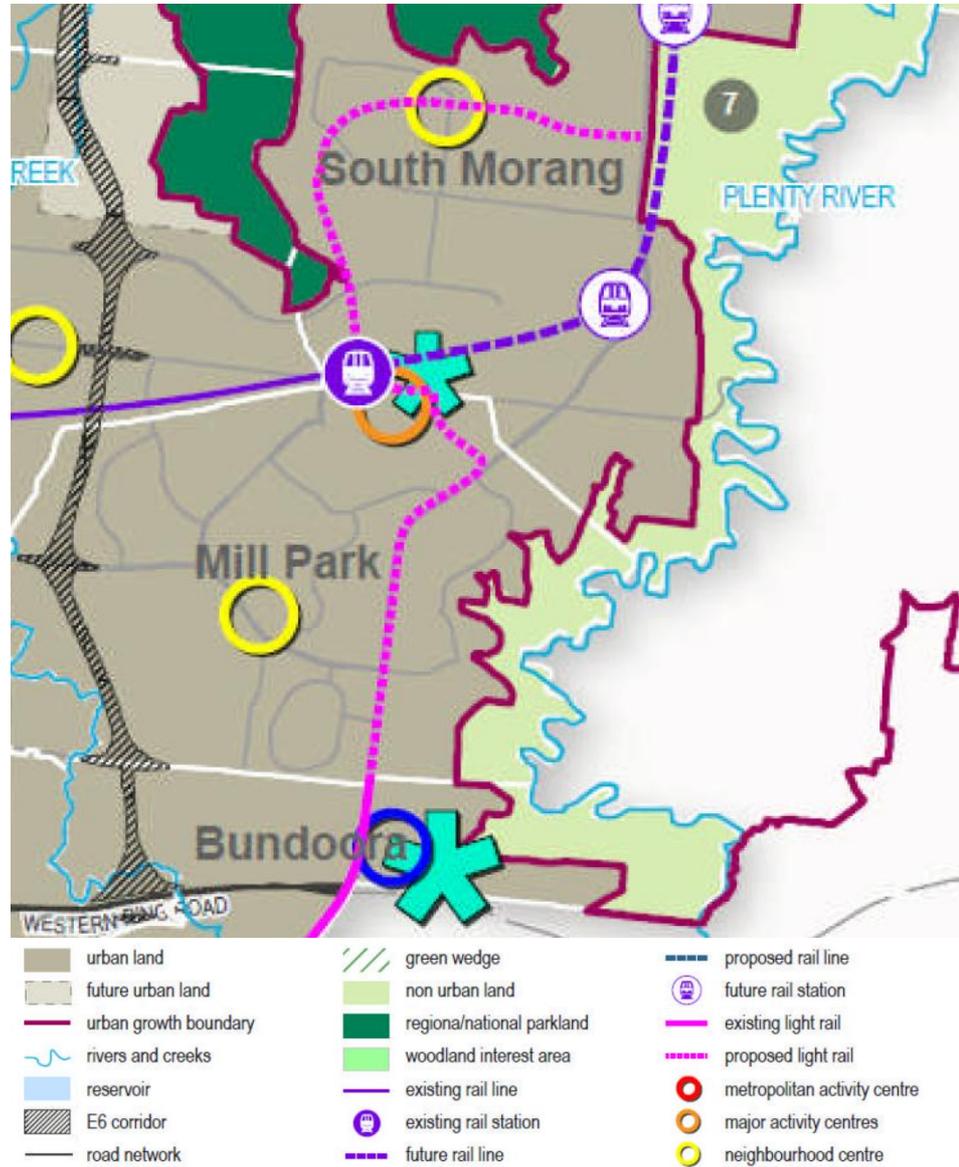
The key changes relevant to this application are outlined below:

- An updated strategic framework plan is introduced in Clause 21.03 (Municipal Profile). The new framework plan does not specify land uses to the degree of specificity of the previous strategic framework plan but rather differentiates between urban, future urban, non-urban and environmentally significant areas. In the proposed municipal framework, the subject site is shown as being within an existing urban area.
- Reference to the Mernda rail extension is included in Clause 21.03. In relation to planning for integrated development, the proposed updated Clause 21.03 states:

*Planning for the extension of the existing heavy and light rail services remains essential to the ultimate successful integrated development of the City. While it is accepted that extensions to the metropolitan heavy and light rail systems do not occur ahead of demand, the likelihood of extensions can be enhanced by two principle factors. Firstly, land must be set aside to accommodate the extension and, secondly, planning for beneficial land uses in proximity to interchanges and routes must occur.*

- References to the South Morang Major Activity Centre are replaced with Plenty Valley Activity Centre.
- The economic development plan within Clause 21.10 has been updated. The commercially zoned land in proximity to the subject site continues to be earmarked for employment generating uses.
- The Mernda Railway Line is to be included in Clause 2.11 (Transport).

FIGURE 14 UPDATED STRATEGIC FRAMEWORK PLAN (WHITTLESEA C197)



## 7 PREVIOUS AMENDMENTS

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### AMENDMENT C141

Amendment C141, gazetted on 6 February 2014, rezoned land at 510 and 560 Findon Road and 19 to 29 Jindabyne Avenue in South Morang from the C2Z to the General Residential Zone (GRZ). The amendment was undertaken to facilitate the development of an aged care facility, medical centre, café and residential development on the land.

The explanatory report to the amendment makes the following observations about that land:

- There is limited commercial viability for employment purposes
- Residential interfaces, large electricity easements and trees fragment the land, reducing the viability of a commercial development
- *The future duplication of Findon Road to a two lane arterial road would result in this parcel of land becoming an isolated pocket of Commercial 2 zoned land on the north side of Findon Road, which would need to integrate with the existing residential interface along its eastern boundary.*
- *It is considered that the land is not economically or physically suited for future employment purposes, and that the proposed residential zoning will deliver an appropriate mix of residential and commercial uses with a net community benefit.*

### AMENDMENT Co66

Amendment Co66, gazette on 23 June 2005, rezoned land at 46 and 60 Williamsons Road South Morang from the former Business 3 Zone to the former Residential 1 Zone (now GRZ).

The land was rezoned to facilitate the development of the school to the north of the subject site.

The explanatory report notes similar reasons to C141 for rezoning the land from a commercial to residential zone despite the land being located in a designated employment corridor:

- *In a commercial context, the land subject to this amendment has been assessed as physically and visually removed from the Plenty Road corridor to the east and the future Findon Road extension to the south. The land also has a very limited abuttal to Gordons Road to the north. The existing railway line to the east and the Melbourne Water Pipetrack reservation to the west further physically constrain the site for the business purposes provided for in the existing zone provisions (offices and manufacturing industries and associated commercial and industrial uses).*

- While the South Morang Local Structure Plan designates the subject land as an employment area, it does outline the problematic nature of this designation noting that 'merely setting land aside for these [employment] uses does not guarantee that development will occur...It would appear that locational choice is almost totally market driven.' This is not to suggest that planning has no role to play in the designation of employment land uses but rather that it does need to be responsive to market demands and locational requirements. Planning decisions must also consider the potential for conflict between employment and residential uses. With respect to the subject land it is now considered that it is not economically or physically suited for future employment purposes particularly having regard to the community benefits that could be derived from a residential and educational land use designation.*

### **RELEVANCE TO THE SUBJECT SITE**

The relevance of the abovementioned amendments are of importance because of the change that they make to the strategic land use context of the subject site, in particular the focus on employment generating uses in the area surrounding the subject site. As these two substantial sites have been rezoned from the C2Z, the commercial precinct of South Morang is concentrated to the south of the site.

In relation to the potential uses of the subject site, the reasons that constrained commercial development in the abovementioned sites are applicable also to the subject site, including the lack of an existing main road abuttal, the visual and physical separation from the existing commercial centre to the south (noting the approved but not yet commenced development plan for 40B Murdoch Road), and the relatively odd shape of the subject site that does not support a 'big box' style development. As such, whilst local policy seeks employment generating uses in the area, application of the C2Z to the site is considered to be inappropriate.

## 8 STRATEGIC ASSESSMENT

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The following section of the report utilises the assessment framework outlined in *Ministerial Direction No.11: Strategic Assessment of Amendments* to assess the proposal.

### WHY IS AN AMENDMENT REQUIRED?

Melbourne Water is proposing to sell a piece of surplus land currently in the PUZ1. The agency is required to rezone the land prior to an offer of sale pursuant to the *Policy and Instructions for the Purchase, Compulsory Acquisition and Sale of Land* as PUZ land cannot be sold to the private sector.

A small portion of the subject site will also form a part of the future Findon Road extension road reservation. Accordingly, this portion of the site is proposed to be rezoned to the Road Zone – Category 2 (RDZ2).

### HOW DOES THE AMENDMENT IMPLEMENT THE OBJECTIVES OF PLANNING IN VICTORIA?

The amendment implements the objectives of planning in Victoria as follows:

- *To provide for the fair, orderly, economic and sustainable use and development of land.*

The proposed rezoning allows for an orderly transition from a previous public use to a private use through a zoning provision that provides for higher density housing on a substantial, non-sensitive site with access to the future public transport network.

The rezoning of the site to the highest and best use is also of significance to the broader policy direction of the State of Victoria as maximising the value of the land ensures that surplus land sales maximise revenue for the State.

### HOW DOES THE AMENDMENT ADDRESS ANY ENVIRONMENTAL, SOCIAL AND ECONOMIC EFFECTS?

The site is not within an area of environmental significance.

The proposed rezoning is not expected to cause any significant social effects.

The proposed rezoning has the potential to create moderate employment opportunities with retail uses being a discretionary use.

### HOW DOES THE AMENDMENT ADDRESS ANY RELEVANT BUSHFIRE RISK?

The land is not identified as being subject to bushfire risk and therefore does not necessitate the incorporation of measures to minimise risk.

### DOES THE AMENDMENT COMPLY WITH THE REQUIREMENTS OF ANY OTHER MINISTER'S DIRECTION APPLICABLE TO THE AMENDMENT?

According to Ministerial Direction No. 1, the following requirement must be met for a proposed planning scheme amendment:

*In preparing an amendment which would have the effect of allowing (whether or not subject to the grant of a permit) potentially contaminated land to be used for a sensitive use, agriculture or public open space, a planning authority must satisfy itself that the environmental conditions of that land are or will be suitable for that use.*

Due to the previous use of the land under the Public Use Zone (PUZ1, Service and Utility), an environmental assessment of the site has been undertaken. The assessment has not identified any evidence of existing soil contamination.

In addition to the above, Ministerial Direction No.11, has been used as a framework for assessment in this report. There are no other specific Ministerial Directions relevant to this application.

The amendment complies with the Ministerial Direction on *The Form and Content of Planning Schemes* under Section 7(5) of the Planning & Environment Act 1987.

## **HOW DOES THE AMENDMENT SUPPORT OR IMPLEMENT THE STATE PLANNING POLICY FRAMEWORK AND ANY ADOPTED STATE POLICY?**

The amendment is consistent with the State Planning Policy Framework as follows:

### Clause 9 – Plan Melbourne

The proposed rezoning contributes to the creation of 20-minute neighbourhoods in accordance with Direction 4.1 by providing an opportunity for convenience retail to service the residential areas to the north of the subject site that are currently not within walking distance of any retail uses. Any future dwellings on the subject site would benefit from being within close walking distance of the future Marymede Railway Station.

The site would provide an outlet for higher density residential dwellings whilst not causing amenity impacts to the existing lower density residential areas to the north of the subject site, thereby 'protecting the suburbs' in accordance with Direction 4.2.

The site is of strategic importance to Direction 1.6, enabling future transit-oriented development and urban-renewal of a brownfield site.

### Clause 11 – Settlement

The proposed MUZ would not cause land use conflicts with existing uses, in particular the residential area to the north as it is significantly separated by those areas by the Marymede Catholic College.

Given that activity centres are directed to be located around public transport nodes, the area surrounding the proposed Marymede Railway Station could be a future activity centre separate from the Plenty Valley Activity Centre. The MUZ would allow for land uses and a built form complementary to an activity centre.

### Clause 16 – Housing

The site is suitable for greater housing diversity as it is within a walkable distance of future public transport, the Plenty Valley Town Centre, schools and public open space.

The subject site allows for housing growth within an established urban area and is consistent with the objective of urban consolidation.

### Clause 17 – Economic Development

At the periphery of the Plenty Valley Town Centre, the site is not considered to be appropriate for a major commercial development. However, the MUZ would allow for small scale retail uses to service the existing local population.

Clause 18 – Transport

The proposed rezoning is consistent with Clause 18.01-2 by facilitating higher density and mixed use developments near railway stations.

**HOW DOES THE AMENDMENT SUPPORT OR IMPLEMENT THE LOCAL PLANNING POLICY FRAMEWORK, AND SPECIFICALLY THE MUNICIPAL STRATEGIC STATEMENT?**

Clause 21.03 – Council Vision and Strategic Framework

The surrounding area is designated for employment uses in the strategic framework plan but due to the rezoning of land in this precinct, the subject site is generally cut off from the employment precinct to the south.

A MUZ applied to the site allows for sufficient flexibility in Council decision making following the finalisation of relevant policy including the Plenty Valley Town Centre and updated MSS. The subject site itself is not shown as being a commercial-employment land use on the updated framework plan as it is in a public use.

Clause 21.04 – Settlement

A MUZ applied to the site is consistent with the strategies contained within Clause 21.04, including:

- Allocating potential retail floor space in a location that is accessible to existing and future population
- Providing an outlet for non-residential uses to service the residential area to the north, thereby limiting commercial incursion into the existing residential area.
- Providing a large portion of land that can accommodate higher density housing within an established area without causing detrimental impacts the existing suburb.

Clause 21.09 – Housing

The proposed MUZ zoning is consistent with the Housing Diversity Strategy as it falls within an Urban Renewal area, which seeks high density residential and mixed use developments.

Clause 21.10 – Economic Development

The site is on the periphery of the Plenty Valley Town Centre boundary and is separated from the employment generating uses to the south currently by undeveloped land and the unfinished transport network. The site can support some employment generating uses to serve a local function but is unlikely to be able to support concentrated employment uses.

Clause 21.11 – Transport

The MUZ allows the development of higher density residential uses within close proximity to the future railway station, consistent with Objective 1 which seeks to increase the level of accessibility and choice of transport options.

## DOES THE AMENDMENT MAKE PROPER USE OF THE VICTORIA PLANNING PROVISIONS?

It is considered that a zone that allows some flexibility in decision making is required for the site because there is pending policy and design that will impact the subject site to some degree including:

- The MSS review (C197)
- Plenty Valley Town Centre Structure Plan
- The design/layout of the Marymede Railway Station.

The existing policy and the physical context of the site does however indicate that some type of higher density residential development is suitable for the site. The MUZ allows the Responsible Authority a degree of flexibility in determining future development applications based on the planning policy that is current at that time.

Whilst the site is currently included within an employment corridor in the local policy and South Morang Local Structure Plan it is considered that the C2Z would be inappropriate. Further reasons which indicate that inappropriateness of the C2Z include:

- The C2Z facilitates bulky goods retail, which is inappropriate given the proximity to a future train station. A bulky goods use would compromise a compact activity centre around the station.
- If the C2Z were to be applied to the site, the site has constraints that would likely prevent the ability for such a use to commence:
  - There is no current main road access (noting the Findon Road extension).
  - Bulky goods are primarily accessed by car due to the nature of the goods sold. A car oriented zoning is inconsistent with the proposed rail station being in close proximity.
  - Permissible uses in the C2Z would be constrained due to potential amenity impacts to the adjoining residential areas.

The C1Z is an alternative zone but as per the option of a purely residential zone, the C1Z would not allow for sufficient flexibility for the Responsible Authority once current policies are finalised. For example, there is no discretionary control over retail uses.

In regards to the direction within the Whittlesea Housing Diversity strategy for Urban Renewal Change Areas to be rezoned to the Activity Centre Zone, this cannot occur currently as there is no released structure plan for Plenty Valley. Further, the process of exhibiting and adopting the structure plan and eventual implementation through the Planning Scheme will result in an excessive amount of time before the government land can be sold, which is inconsistent with broader state policy of divesting unused public land.

A small portion of the subject site will also form a part of the future Findon Road extension road reservation. Accordingly, this portion of the site is proposed to be rezoned to the Road Zone – Category 2 (RDZ2).

**HOW DOES THE AMENDMENT ADDRESS THE VIEWS OF ANY RELEVANT AGENCY?**

The subject land is surplus to the requirements of Melbourne Water, who currently own the site. During the planning scheme amendment process, views of other relevant agencies can be addressed.

**DOES THE AMENDMENT ADDRESS THE REQUIREMENTS OF THE TRANSPORT INTEGRATION ACT 2010?**

Given the relatively small scale of the site, the amendment is not expected to have a significant impact on the transport system as defined by Section 3 of the Transport Integration Act 2010.

**IMPACT ON RESPONSIBLE AUTHORITY**

The proposed rezoning is not expected to have any significant impact on the resource and administration costs of the City of Whittlesea in administering the Planning Scheme.

## 9 CONCLUSION

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The subject site benefits from a number of characteristics that make it suitable for higher density housing and/or a mixed use development. The existing conditions have non-sensitive interfaces:

- To the west is the large Melbourne Water towers and the South Morang Terminal Station
- To the south is the future Findon Road extension and Mernda Railway Line Extension.
- To the east is C2Z land that would likely become part of a future activity centre following the finalisation of the Marymede Railway Station.
- To the north is the Marymede Catholic College, which provides a visual barrier from the low scale residential area further north.

The site benefits from its proximity to the proposed Marymede Railway Station and is adjoining Plenty Valley Town Centre Structure Plan boundary. State and local policy consistently directs higher density housing and mixed use development to such locations.

The existing local policy directs employment uses to the land, however on the ground rezoning decisions have resulted in the C2Z employment uses being concentrated to the south of the Findon Road Extension.

There are a number of pending planning and design decisions that will influence the eventual use and development on the land, including the current MSS review, the Plenty Valley Town Centre Structure Plan and the design of the proposed Marymede Railway Station. Therefore whilst the locational context of the site supports higher density residential and/or mixed use developments on the site, a degree of flexibility is required for the Responsible Authority to make planning permit decisions on updated policies and conditions.

The application of the MUZ and use of the DPO to guide future land use and development of the site is considered the most appropriate planning framework to implement the objectives of the Whittlesea Planning Scheme, and to facilitate the future development of the subject site for its highest and best use.

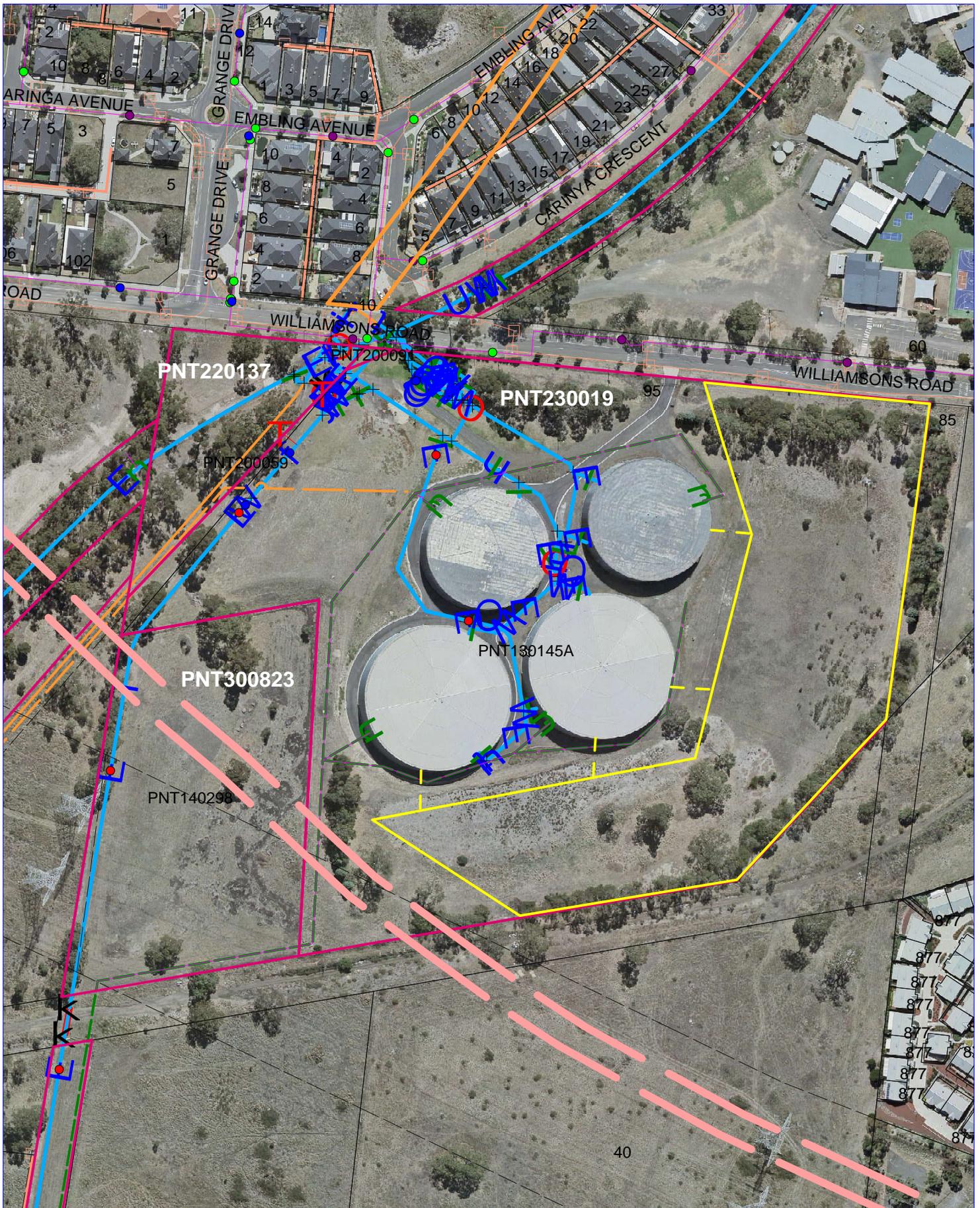
A small portion of the subject site will also form a part of the future Findon Road extension road reservation. Accordingly, this portion of the site is proposed to be rezoned to the Road Zone – Category 2 (RDZ2).



# **APPENDIX A**

## **AERIAL PLAN**

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## 95 Williamsons Road, South Morang

Map at A4



- Melb Water owned land
- Water Supply Main
- Water Supply Scour Pipe
- Land Proposed for rezone 2.799 ha approx

- Proposed extension of Findon road
- Transmission/Power Line

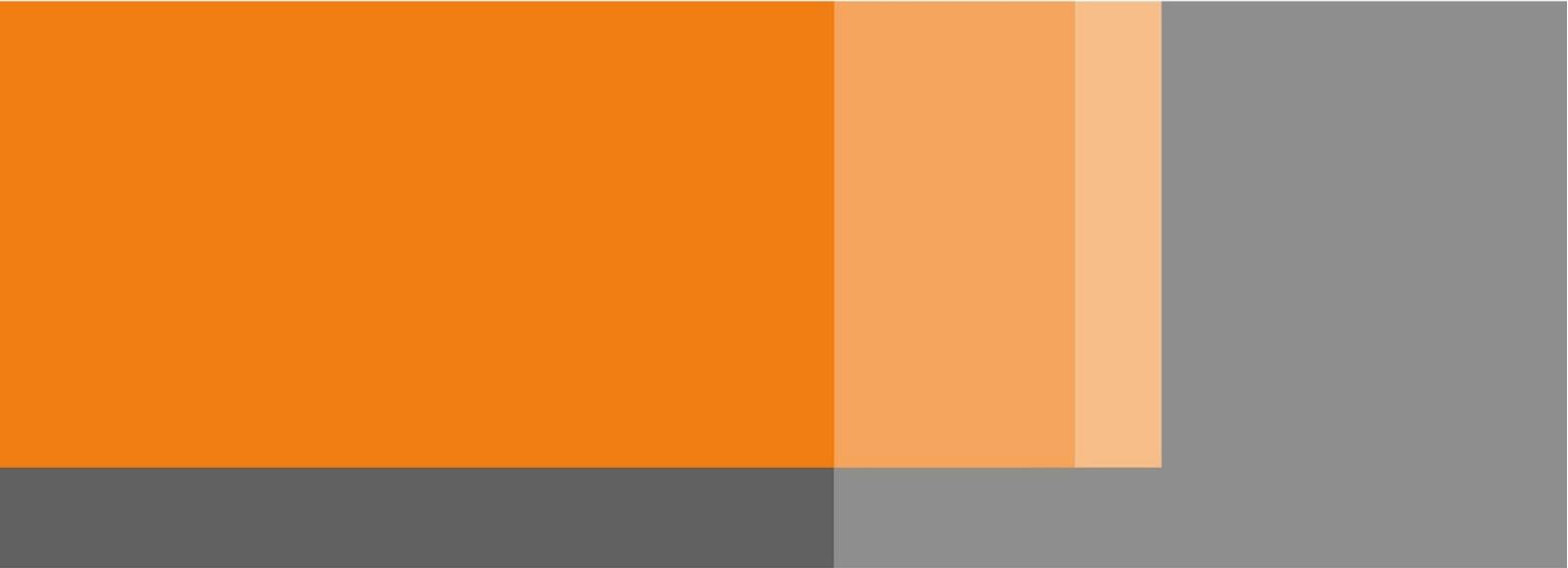
2016

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# **APPENDIX B**

**DRAFT DEVELOPMENT PLAN OVERLAY (DPO)  
SCHEDULE 36**

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??/??/20??  
C???

## SCHEDULE 36 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO36**

### WILLIAMSONS ROAD SOUTH DEVELOPMENT PLAN

#### 1.0 Requirement before a permit is granted

??/??/20??  
C???

The Responsible Authority may grant a permit for subdivision, use or development prior to approval of the development plan provided that the Responsible Authority is satisfied that the subdivision, use or development will not prejudice the future use or development of the land.

#### 2.0 Conditions and requirements for permit

##### Use and Development Permit Conditions

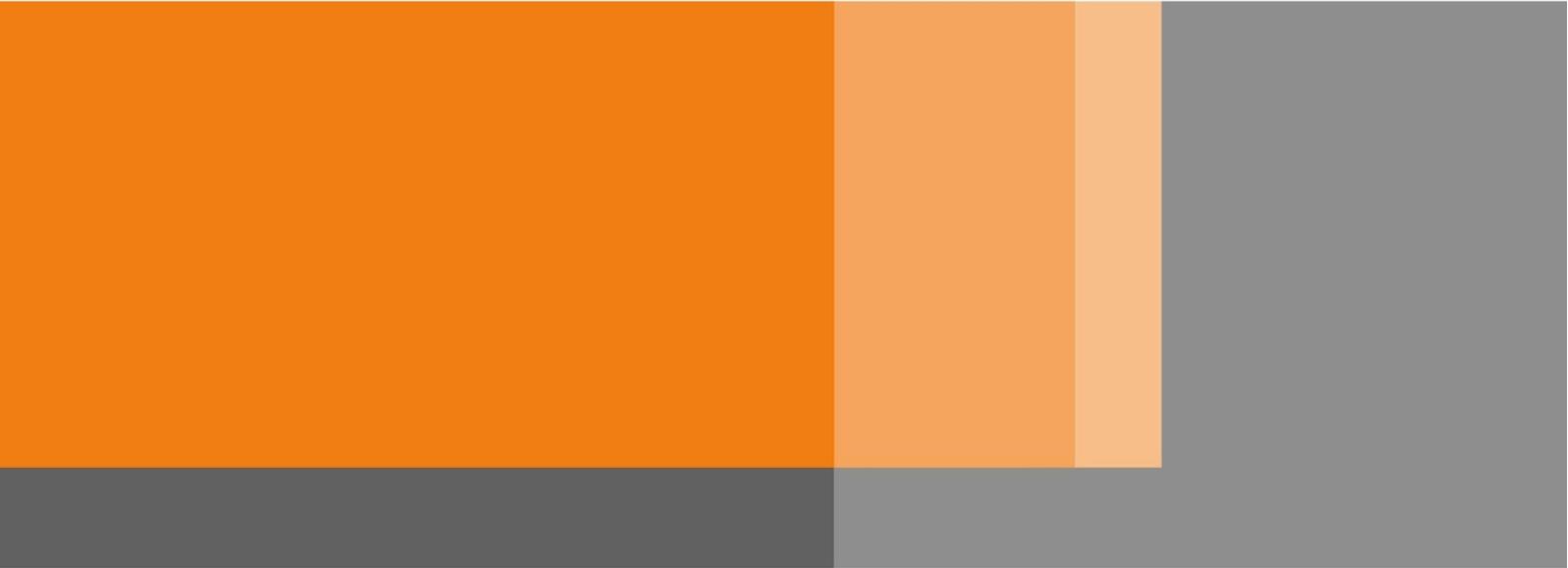
An agreement under section 173 of the Planning and Environment Act 1987, or as otherwise agreed in writing, is to be entered into between the applicant and the Responsible Authority, to provide for construction of road, bicycle and pedestrian connections from the site to the future Marymede Train Station, to the satisfaction of the Responsible Authority.

#### 3.0 Requirements for the development plan

??/??/20??  
C???

- The Development Plan must be prepared to the satisfaction of the Responsible Authority and must include the following elements:
  - A site plan and contextual analysis that identifies key attributes and constraints of the land and its context, including topographical, landscape features and any other relevant elements.
  - The plans must include the surveyed location of all existing River Red Gums on the land (including dead trees where these are required to be retained) and the nomination of Tree Protection Zones (TPZs) in accordance with Council requirements for those trees nominated for retention.
  - A concept plan of the development, which includes:
    - land uses, which make best use of the site's proximity to the future Marymede Train Station.
    - the retention of the mature River Red Gums that are assessed as suitable for retention by a qualified arborist.
    - the road layout, including cross-sectional details and intersection treatments.
    - a pedestrian and cycling layout which includes connection to the future Marymede Train Station.
    - the proposed development form including building height, massing and proposed building setbacks.
    - proposed interface treatments to adjoining uses.
  - A noise, vibration and light spill report prepared by a suitably qualified person, to the satisfaction of the Responsible Authority. The report shall consider potential amenity impacts from the rail operations and include any recommended mitigation measures. The report must demonstrate that development will not prejudice the operation of the Mernda Rail Line and is capable of compliance with Australian Standards 2107 and Victorian Government Passenger Rail Infrastructure Noise Policy.

- A traffic and transport management plan. The plan is to recommend for an appropriate intersection treatment with Williamsons Road and provide for connections with the future Marymede Train Station and integration with the potential development of adjoining land parcels.
- An arboriculture survey of all existing trees on the land, prepared by a suitably qualified person, to the satisfaction of the Responsible Authority, which includes an assessment of the condition, health and integrity of each tree and appropriate measures for the long term preservation of the tree(s) having regard to Council's River Redgum Protection Policy.
- A stormwater management plan and drainage strategy based on the application of Water Sensitive Urban Design principles, which provides for the protection of natural systems, integration of stormwater treatment into the landscape, protection of water quality, and reduction of run-off and peak flows.
- A preliminary site assessment of the potential for contaminated land carried out by a suitably qualified person, to the satisfaction of the Responsible Authority, in accordance with the *General Practice Note: Potentially Contaminated Land* (June 2005).
- A landscape concept plan for all public open space areas, streets and tree reserves.
- The stages, if any, by which the development of the land is proposed to proceed.



# **APPENDIX C**

## **VEGETATION PROTECTION OVERLAY (VPO) SCHEDULE 1**

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## 42.02 VEGETATION PROTECTION OVERLAY

02/04/2015  
VC124

Shown on the planning scheme map as **VPO** with a number.

### Purpose

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 of significant vegetation.

To ensure that development minimises loss of vegetation.

To preserve existing trees and other vegetation.

To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.

To maintain and enhance habitat and habitat corridors for indigenous fauna.

To encourage the regeneration of native vegetation.

### 42.02-1 Vegetation significance and objective

19/01/2006  
VC37

A schedule to this overlay must contain:

- A statement of the nature and significance of the vegetation to be protected.
- The vegetation protection objective to be achieved.

### 42.02-2 Permit requirement

15/09/2008  
VC49

A permit is required to remove, destroy or lop any vegetation specified in a schedule to this overlay.

This does not apply:

- If the table to Clause 42.02-3 specifically states that a permit is not required.
- To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.

### 42.02-3 Table of exemptions

02/04/2015  
VC124

**No permit is required to remove, destroy or lop vegetation to the minimum extent necessary if any of the following apply:**

<b>Bracken</b>	<ul style="list-style-type: none"><li>▪ The vegetation is bracken (<i>Pteridium esculentum</i>) which has naturally established or regenerated on land lawfully cleared of naturally established vegetation.  This exemption does not apply to land on which vegetation has been cleared or otherwise destroyed or damaged as a result of flood, fire or other natural disaster.</li></ul>
<b>Crown land</b>	<ul style="list-style-type: none"><li>▪ The vegetation is to be removed, destroyed or lopped on Crown land and by a person acting under and in accordance with an authorisation order made under sections 82 or 84 of the <i>Traditional Owner Settlement Act 2010</i>.</li></ul>

**No permit is required to remove, destroy or lop vegetation to the minimum extent necessary if any of the following apply:**

<b>Emergency works</b>	<ul style="list-style-type: none"> <li>▪ The vegetation presents an immediate risk of personal injury or damage to property and only that part of vegetation which presents the immediate risk is removed, destroyed or lopped.</li> <li>▪ The vegetation is to be removed, destroyed or lopped by a public authority or municipal council to create an emergency access or to enable emergency works.</li> </ul>
<b>Fire protection</b>	<ul style="list-style-type: none"> <li>▪ The vegetation is to be removed, destroyed or lopped for the making of a fuelbreak by or on behalf of a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forest and Lands Act 1987</i>). The maximum width of a fuelbreak must not exceed 40 metres.</li> <li>▪ The vegetation is to be removed, destroyed or lopped for fire fighting measures, fuel reduction burning, or the making of a fuel break up to 6 metres wide.</li> <li>▪ The vegetation is ground fuel within 30 metres of a building.</li> <li>▪ The vegetation is to be removed, destroyed or lopped in accordance with a fire prevention notice under: <ul style="list-style-type: none"> <li>• Section 65 of the <i>Forests Act 1958</i>.</li> <li>• Section 41 of the <i>Country Fire Authority Act 1958</i>.</li> <li>• Section 8 of the <i>Local Government Act 1989</i>.</li> </ul> </li> <li>▪ The vegetation is to be removed, destroyed or lopped to keep the whole or any part of any vegetation clear of an electric line in accordance with a code of practice prepared under Part 8 of the <i>Electricity Safety Act 1998</i>.</li> <li>▪ The vegetation is to be removed, destroyed or lopped in accordance with any code of practice prepared in accordance with Part 8 of the <i>Electricity Safety Act 1998</i> in order to minimise the risk of bushfire ignition in the proximity of electricity lines.</li> <li>▪ The vegetation is to be removed, destroyed or lopped to reduce fuel loads on roadsides to minimise the risk to life and property from bushfire of an existing public road managed by the relevant responsible road authority (as defined by the <i>Road Management Act 2004</i>) in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forest and Lands Act 1987</i>).</li> </ul>
<b>Geothermal energy exploration and extraction</b>	<ul style="list-style-type: none"> <li>▪ The vegetation is to be removed, destroyed or lopped to enable the carrying out of geothermal energy exploration or extraction in accordance with the <i>Geothermal Energy Resources Act 2005</i>.</li> </ul>
<b>Greenhouse gas sequestration exploration</b>	<ul style="list-style-type: none"> <li>▪ The vegetation is to be removed, destroyed or lopped to enable the carrying out of geothermal energy exploration or extraction in accordance with the <i>Greenhouse Gas Geological Sequestration Act 2008</i>.</li> </ul>
<b>Greenhouse gas sequestration</b>	<ul style="list-style-type: none"> <li>▪ The vegetation is to be removed, destroyed or lopped to enable the carrying out of geothermal energy exploration or extraction in accordance with the <i>Greenhouse Gas Geological Sequestration Act 2008</i>.</li> </ul>
<b>Land management notices</b>	<ul style="list-style-type: none"> <li>▪ The vegetation is to be removed, destroyed or lopped to comply with land management notice issued under the <i>Catchment and Land Protection Act 1994</i>.</li> </ul>

**No permit is required to remove, destroy or lop vegetation to the minimum extent necessary if any of the following apply:**

<b>Land use conditions</b>	<ul style="list-style-type: none"> <li>The vegetation is to be removed, destroyed or lopped to comply with a land use condition served under the <i>Catchment and Land Protection Act 1994</i>.</li> </ul>
<b>Mineral Exploration</b>	<ul style="list-style-type: none"> <li>The vegetation is to be removed, destroyed or lopped to enable the carrying out of Mineral exploration.</li> </ul>
<b>Mineral extraction</b>	<ul style="list-style-type: none"> <li>The vegetation is to be removed, destroyed or lopped to enable the carrying out of Mineral extraction in accordance with a work plan approved under the <i>Mineral Resources (Sustainable Development) Act 1990</i> and authorised by a work authority granted under that Act.</li> </ul>
<b>Noxious weeds</b>	<ul style="list-style-type: none"> <li>The vegetation is a noxious weed the subject of a declaration under section 58 or section 58A of the <i>Catchment and Land Protection Act 1994</i>. This exemption does not apply to Australian Dodder (<i>Cuscuta australis</i>).</li> </ul>
<b>Pest animal burrows</b>	<ul style="list-style-type: none"> <li>The vegetation is to be removed, destroyed or lopped to enable the removal of pest animal burrows.</li> </ul> <p>In the case of native vegetation the written agreement of an officer of the Department responsible for administering the <i>Flora and Fauna Guarantee Act 1988</i> is required before the vegetation can be removed, destroyed or lopped.</p>
<b>Planted vegetation</b>	<ul style="list-style-type: none"> <li>The vegetation has been planted or grown as a result of direct seeding for Crop raising or Extensive animal husbandry.</li> </ul>
<b>Railways</b>	<ul style="list-style-type: none"> <li>The vegetation is to be removed, destroyed or lopped to maintain the safe and efficient function of an existing railway or railway access road, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forest and Lands Act 1987</i>).</li> </ul>
<b>Regrowth</b>	<ul style="list-style-type: none"> <li>The vegetation is regrowth which has naturally established or regenerated on land lawfully cleared of naturally established vegetation and is within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation.</li> </ul> <p>This exemption does not apply to land on which vegetation has been cleared or otherwise destroyed or damaged as a result of flood, fire or other natural disaster.</p>
<b>Road safety</b>	<ul style="list-style-type: none"> <li>The vegetation is to be removed, destroyed or lopped to maintain the safe and efficient function of an existing public road managed by the relevant responsible road authority (as defined by the <i>Road Management Act 2004</i>) in accordance with the written agreement of the Secretary of the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forest and Lands Act 1987</i>).</li> </ul>

**No permit is required to remove, destroy or lop vegetation to the minimum extent necessary if any of the following apply:**

- Stone exploration**
- The vegetation is to be removed, destroyed or lopped to enable the carrying out of the Stone exploration.
- The maximum extent of vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:
- 1 hectare of vegetation which does not include a tree.
  - 15 trees if each tree has a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.
  - 5 trees if each tree has a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.
- This exemption does not apply to vegetation to be removed, destroyed or lopped to enable costeaning and bulk sampling activities.
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- Stone extraction**
- The vegetation is to be removed, destroyed or lopped to enable the carrying out of Stone extraction in accordance with a work plan approved under the *Mineral Resources (Sustainable Development) Act 1990* and authorised by a work authority granted under that Act.
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- Surveying**
- The vegetation is to be removed, destroyed or lopped for establishing sight-lines for the measurement of land by surveyors in the exercise of their profession, and if using hand-held tools.
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**42.02-4**

18/11/2011  
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**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The statement of the nature and significance of the vegetation to be protected and the vegetation protection objective contained in a schedule to this overlay.
- The effect of the proposed use, building, works or subdivision on the nature and type of vegetation to be protected.
- The role of native vegetation in conserving flora and fauna.
- The need to retain native or other vegetation if it is rare, supports rare species of flora or fauna or forms part of a wildlife corridor.
- The need to retain vegetation which prevents or limits adverse effects on ground water recharge.
- The need to retain vegetation:
  - Where ground slopes exceed 20 percent.
  - Within 30 metres of a waterway or wetland.
  - On land where the soil or subsoil may become unstable if cleared.
  - On land subject to or which may contribute to soil erosion, slippage or salinisation.
  - In areas where the removal, destruction or lopping of vegetation could adversely affect the integrity or long term preservation of an identified site of scientific, nature conservation or cultural significance.

- Which is of heritage or cultural significance.
- The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.
- Any relevant permit to remove, destroy or lop vegetation in accordance with a land management plan or works program.
- Whether the application includes a land management plan or works program.
- Whether provision is made or is to be made to establish and maintain vegetation elsewhere on the land.
- Any other matters specified in a schedule to this overlay.

*Notes: Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of the land.*

*Check the requirements of the zone which applies to the land.*

*Other requirements may also apply. These can be found at Particular Provisions.*

19/01/2006  
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## **SCHEDULE 1 TO THE VEGETATION PROTECTION OVERLAY**

Shown on the planning scheme map as **VPO1**

### **SIGNIFICANT VEGETATION (RIVER REGUM GRASSY WOODLAND)**

#### **1.0**

19/01/2006  
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#### **Statement of nature and significance of vegetation to be protected**

Native vegetation in the Plenty Valley and surrounding areas of Mernda, Doreen and South Morang play an important role in the maintenance of the environmental and rural character providing areas of natural habitat for flora and fauna and assisting with minimising soil erosion and maintaining soil qualities. Vegetation within the Redgum Grassy Woodlands of particular significance includes; River Red Gum, Black Box, White Box and Grey Box, Yellow Box and various native grasses.

Reference:

- City of Whittlesea Local Conservation Strategy, City of Whittlesea, 1992
- NEROC Study
- City of Whittlesea General Plan

#### **2.0**

19/01/2006  
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#### **Vegetation protection objective to be achieved**

- To preserve and maintain significant vegetation and the character of the area;
- Maintain soil qualities and minimise the impacts of erosion;
- Preserve natural habitat for flora and fauna;

#### **3.0**

19/01/2006  
VC37

#### **Permit requirement**

No permit is required to remove, destroy or lop vegetation, which is not native vegetation.

