

Government Land Standing Advisory Committee

Tranche 18 Report

Melrose Drive, Tullamarine

29 May 2018

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List of Abbreviations

DCPO	Development Contributions Plan Overlay
DELWP	Department of Environment, Land, Water and Planning
GLSAC	Government Land Standing Advisory Committee
NRZ1	Neighbourhood Residential Zone – Schedule 1
RZ1	Road Zone Category 1

About this report

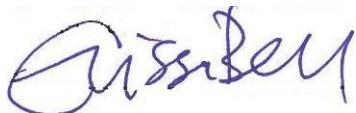
On 21 December 2017, the Minister for Planning referred the following sites to the Government Land Standing Advisory Committee as Tranche 18:

- Melrose Drive, Tullamarine
- 20-24 Coonans Road, Pascoe Vale South

This is the report under Section 151 of the *Planning and Environment Act 1987* of the Government Land Standing Advisory Committee for Melrose Drive, Tullamarine.



Mandy Elliott, Chair



Elissa Bell, Member

29 May 2018

1 Summary and recommendation

1.1 The site

Figure 1: Site location



The subject site at Lot 1 on Title Plan 106527F is located at the northern edge of an established residential area and to the south of the Western Ring Road. It is bound by Melrose Drive to the west which provides road access and the off ramp of the Tullamarine Freeway to the east. Adjacent land to the north is vacant and contains high voltage power lines. Residential land to the south includes residences on Warwick Place, which terminates at a courtbowl abutting the site. The residential area is characterised by single and multi-unit development, of one and two storeys. The site is 3,641 square metres and is currently vacant except for perimeter fencing and vegetation.

1.2 Issues raised

No written submissions were received during the exhibition period. At the Hearing, the site owner elaborated on its proposal and provided the Committee with information relating to *No Go Zones* for Transmission overhead power lines (Document 3). Further, the site owner and Council discussed the potential for contamination at the site from previous land uses, including use of the land as a materials storage area during construction of adjacent freeways, and whether an Environmental Audit Overlay (EAO) should be applied.

1.3 Committee conclusion

The site owner proposes to rezone the subject land from Road Zone – Category 1 (RZ1) to the Neighbourhood Residential Zone – Schedule 1 (NRZ1). The Committee agrees that this is an appropriate zone if the land is to be sold.

With respect to the potential for contamination at the site, the Committee notes that the site owner committed to undertake an environmental site assessment prior to the gazettal of the Amendment. This assessment would include surface soil samples to identify any contamination and the need for remediation. The Committee considers an EAO is an appropriate measure if any identified contamination cannot be remediated prior to the gazettal of the Amendment.

The proposed planning provisions make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the *Ministerial Direction on The Form and Content of Planning Schemes*.

Table 1: Existing and proposed controls

Current planning scheme controls	Proposed planning scheme controls	Advisory Recommendation	Committee Recommendation
Road Zone – Category 1	Neighbourhood Residential Zone – Schedule 1	Neighbourhood Residential Zone – Schedule 1	
Developer Contributions Plan Overlay – Schedule 1	Retain	Retain	

1.4 Recommendation

The Committee recommends that:

A planning scheme amendment be prepared and approved to rezone Lot 1 on Title Plan 106527F Melrose Drive, Tullamarine from Road Zone – Category 1 to Neighbourhood Residential Zone - Schedule 1.

The Committee notes that the application of an EAO may be necessary to manage potential contamination risk.

2 Process issues for this site

2.1 Process summary

The following tables set out the details of the process for this matter.

Table 2: Proposal summary

Proposal summary	
Tranche	18
Site address	Lot 1 on Title Plan 106527F Melrose Drive, Tullamarine
Previous use	Vehicular staging and materials storage associated with freeway construction.
Site owner	VicRoads
Council	Moreland City Council
Exhibition	26 February – 6 April 2018
Submissions	0

Table 3: Proposed planning scheme changes

Existing controls	Proposed changes
Road Zone – Category 1	Neighbourhood Residential Zone – Schedule 1
Developer Contributions Plan Overlay – Schedule 1	Retain

Table 4: Committee process

Committee process	
Members	Mandy Elliott (Chair) and Elissa Bell
Information session	20 March 2018
Hearing	30 April 2018
Appearances	VicRoads represented by Matthew Gilbertson of Glossop Town Planning Moreland City Council represented by officers Ms Kim Giaquinta, Strategic Planning Manager and Mr Craig Griffiths, Traffic Engineer.
Date of this Report	29 May 2018

2.2 Process issues

No submissions were received for this site. The Committee considered assessing the proposal '*on the papers*', however concluded that it would be more efficient to have a short

hearing with the site owner and Council to clarify matters considered by the Committee. Whilst Council did not provide a submission during public exhibition, the Committee requested its presence at the Hearing and received oral submissions from Council officers.

3 Site constraints and opportunities

3.1 Planning context

Figures 2 and 3 show the current and proposed zonings.

Figure 2: Current zoning

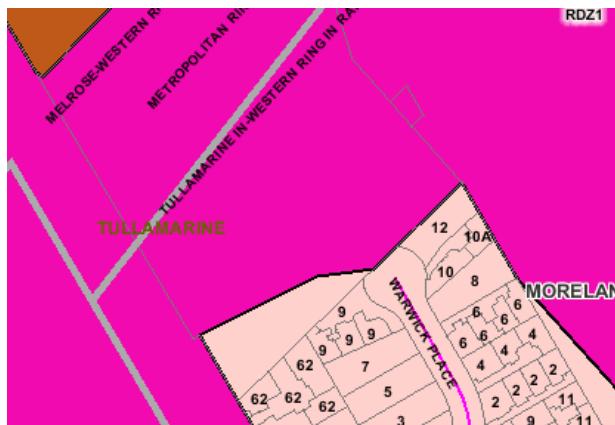
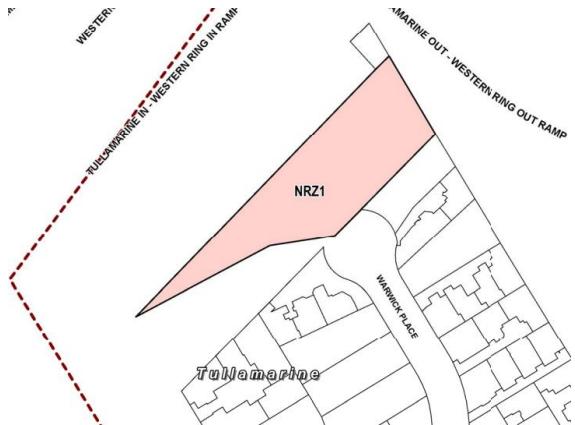


Figure 3: Proposed zoning



The land is subject to a Development Contributions Plan Overlay – Schedule 1 (DCPO1), which requires that any permit granted in relation to the subject site must include any conditions required to give effect to any contributions, levies, conditions or requirements set out in the Schedule.

3.2 Physical constraints

(i) History of the site

The site has an area of 3,641 square metres and is currently vacant except for perimeter fencing and vegetation. The site was used during the construction of adjacent roads and freeways for vehicular staging and materials storage.

(ii) Asset easements

The site is partially affected by an easement for the high voltage power lines which exist in the adjacent land to the north. The easement is in favour of the State Electricity Commission and provides that no works can be undertaken within 8 metres of the edge of a transmission tower. The Committee was advised by the site owner at the Hearing that accounting for this easement, the land available for development is approximately 28 metres wide.

(iii) Current site conditions

The site is relatively flat and is currently vacant. It has perimeter fencing and some vegetation, predominately along the southern boundary.

(iv) Interface with surrounds

The site is located at the northern edge of an established residential area and to the south of the Western Ring Road. It is bound by Melrose Drive to the west, which provides road

access and the off ramp of the Tullamarine Freeway to the east. Adjacent land to the north is vacant and contains high voltage power lines. Residential land to the south includes residences on Warwick Place that terminates at a court bowl abutting the site. The surrounding residential area is characterised by single and multi-unit development, of one and two storeys.

The site is located proximate to the Westfield Shopping Centre, Airport West, the Moonee Ponds Creek and recreation reserves, Melbourne Airport and other employment generating uses.

(v) Access

Vehicular access is provided by Melrose Drive to the west of the site.

4 Issues with the proposed changes

4.1 What zone is suitable

(i) Evidence and submissions

The site owner proposes to rezone the land from RCZ1 to NRZ1. No submissions were received and Council did not raise any issue with the proposed rezoning at the Hearing.

(ii) Discussion

With the exception of the surrounding roads, the NRZ1 applies to adjacent land to the south. The Committee considers the NRZ1 is an appropriate zone for the site.

(iii) Recommendation

The Committee recommends that an amendment be prepared to:

Apply the Neighbourhood Residential Zone - Schedule 1 to the land.

4.2 What overlays are suitable

(i) Evidence and submissions

A DCPO currently applies to the land and the site owner proposes for this to be retained. No submissions were received in relation to the application of this overlay.

The site owner informed the Committee that historic uses of the site may have included chemical and fuel storage and filling with imported soil. The site owner acknowledged that such activities are identified as having a “medium” potential for contamination in accordance with the *Department of Sustainability and Environment Potentially Contaminated Land General Practice Note, June 2005*. The Practice Note recommends a site assessment be undertaken for medium potential sites if there is insufficient information to determine the need for an environmental audit.

In preparing the amendment, the site owner undertook a Preliminary Environmental Site Assessment which recommended that soil testing be undertaken to ensure the site is suitable for the proposed intended use as residential. In the absence of such testing, the report was unable to conclude whether an audit was justified. To resolve this matter, the site owner committed to undertake an environmental site assessment prior to the gazettal of the Amendment.

Citing the *Victorian Government Land Transactions Policy and Guidelines, April 2016* Council submitted its preference would be for any identified contamination to be remediated by the site owner prior to sale. Failing that, Council submitted any requirements for remediation ought be clearly set out in the contract of sale consistent with the Guidelines.

(ii) Discussion

The Committee considers there is currently insufficient information to determine whether an EAO is necessary.

The Victorian Government Land Transaction Policy and Guidelines sets out a tiered process whereby the site owner must consider and assess: the contamination status of the land; any potential legal risk associated with an ongoing contamination liability and the means by which any potential risks may be satisfactorily managed. The Committee notes the Guidelines mention that such risks may be satisfactorily mitigated by incorporating special conditions in the contract of sale, or by undertaking remediation prior to sale. In the absence of information to the contrary, the Committee considers the application of an EAO may be necessary to manage potential contamination risk.

The Committee also notes the site owner's commitment to undertake an environmental site assessment prior to the gazettal of the Amendment which may determine whether the EAO is required or not.

(iii) Conclusion

The Committee concludes that in the absence of sufficient information regarding the potential contamination of the site, the application of an EAO may be necessary to manage potential contamination risk.

Appendix A: About the Government Land Standing Advisory Committee

The Government Land Planning Service is a 2015 initiative to deliver changes to planning provisions or correct planning scheme anomalies for land owned by the Victorian Government. The Government Land Standing Advisory Committee (the Committee) was appointed under Part 7, section 151 of the *Planning and Environment Act 1987* in July 2015.

A revised Terms of Reference for the Committee was approved in April 2018.

The Committee consists of:

- Chair: Lester Townsend
- Deputy Chairs: Trevor McCullough and Mandy Elliott
- Members: Gordon Anderson, Elissa Bell, Alan Chuck, Jenny Fraser, Prue Mansfield, Jane Monk, Rachael O'Neill, John Ostroff, Tania Quick, Cazz Redding and Lynn Sweeney.

The Committee is assisted by Ms Emily To, Project Officer with Planning Panels Victoria.

The Committee's Terms of Reference state that the purpose of the Advisory Committee is to:

- a. advise the Minister for Planning on the suitability of new changes to planning provisions for land owned, proposed to be acquired or to land required to facilitate the delivery of priority projects by the Victorian Government, and
- b. provide a timely, transparent and consultative process to facilitate proposed changes to land owned or proposed to be acquired; or to support delivery of priority projects by the Victorian Government.

The Advisory Committee must produce a written report for the Minister for Planning providing:

- a. an assessment of the appropriateness of any changes of planning provisions in the context of the relevant planning scheme and State and Local Planning Policy Frameworks,
- b. consideration of whether the proposed planning provisions make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the Ministerial Direction on The Form and Content of Planning Schemes,
- c. an assessment of whether planning scheme amendments could be prepared and adopted for each proposal, including the recommended planning provisions,
- d. an assessment of submissions to the Advisory Committee,
- e. any other relevant matters raised during the hearing(s),
- f. a list of persons who made submissions considered by the Advisory Committee,
- g. a list of persons consulted or heard,
- h. endorsement by the Chair or the Deputy Chair.

Appendix B: Document list

Documents Presented to Hearing (No.)	Description	Presented By
1	The site owner submission and supporting documents	Mr Gilbertson, for the site owner
2	Crown land diagram pertaining to Coonans Road site	Mr Gilbertson
3	Transmission overhead powerlines – No Go Zones	Mr Gilbertson
4	Council submission	Ms Giaquinta, Moreland City Council
5	Victorian Government Land Transactions Policy and Guidelines	Ms Giaquinta