

## BOROONDARA PLANNING SCHEME

### DRAFT AMENDMENT C376boro

#### EXPLANATORY REPORT

##### Who is the planning authority?

This amendment has been prepared by the Minister for Planning who is the planning authority for this amendment.

The amendment has been made at the joint request of The University of Melbourne (on behalf of UoMC Limited, a wholly owned subsidiary of the University and owner of the relevant land) and Hamton Group Pty Ltd.

##### Land affected by the amendment

The amendment applies to the land comprising the University of Melbourne's former Hawthorn Campus, located 442-450 Auburn Road and 9 Bills Street, Hawthorn (the Land), as shown in Figure 1 below.



Figure 1 – Land affected by the amendment

##### What the amendment does

The amendment rezones the land from a public use zone to a residential zone to identify that it is no longer required for a public purpose. The amendment also guides future use and development of the land with the Development Plan Overlay.

Specifically, the amendment proposes to:

- Rezone the land from Public Use Zone, Schedule 2 (PUZ2) to Residential Growth Zone (RGZ), and introduce and apply Schedule 2 the RGZ.
- Apply the Development Plan Overlay (DPO), and introduce and apply a new Schedule 4 to the DPO (DPO4) to guide the future use and development of the land in an integrated manner.

- Apply the Environmental Audit Overlay (EAO) to ensure that any significant effects the environment may have on the use or development are considered and appropriately mitigated.
- Amend Clause 15.01-5L (Neighbourhood Character) to reflect the change in zoning and exempt the land from the policy's application.

## **Strategic assessment of the amendment**

### **Why is the amendment required?**

#### Residential Growth Zone

The land is currently zoned for public education use, being a former campus of the University of Melbourne. As the land is now surplus to the University's needs, it must be rezoned to enable its sale to a private entity.

The application of the RGZ2 will facilitate the redevelopment of the land for residential purposes in an established residential neighbourhood, proximate to a range of facilities and services. The amendment will provide for the delivery of new, energy efficient, well-located, and accessible housing (including affordable housing), which will contribute to the supply and diversity of housing within the City of Boroondara.

#### Development Plan Overlay

A site-specific Development Plan Overlay is required to guide the integrated redevelopment of the site. The DPO4 provisions require a development plan to be prepared and approved, addressing the requirements identified in the schedule before a permit is granted.

Key components of DPO4 include:

- The provision of at Affordable Housing.
- Built form controls including maximum building heights and requirements relating to building siting and setbacks.
- Requirements for landscaping, including retention of existing mature trees.
- Public and private open space requirements.
- Minimum standards relating to environmental sustainable design.

#### Environmental Audit Overlay

Ministerial Direction No. 1 – Potentially Contaminated Land (Direction No. 1) requires planning authorities to satisfy themselves that the environmental conditions of land proposed to be used for a sensitive use (defined as residential, child-care centre, pre-school centre or primary school), agriculture or public open space are or will be suitable for that use.

To ensure that the environmental conditions of the land are suitable for any sensitive uses allowable under the RGZ, an Environmental Audit Overlay (EAO) is proposed to be applied to the land. The EAO will require an environmental audit to be conducted where a sensitive use or the construction of a building associated with a sensitive use is proposed on the land.

#### Planning Policy Framework

To avoid conflict with the character considerations within the proposed DPO4, an amendment is required to make clear that the neighbourhood character provisions at Clause 15.01-5L (Neighbourhood Character) do not apply to the land.

## **How does the amendment implement the objectives of planning in Victoria?**

The proposed amendment is consistent with the objectives of planning in Victoria, contained in Section 4 of the *Planning and Environment Act 1987* (the Act), as follows:

- The amendment ensures the fair, orderly, economic and sustainable use and development of land that is consistent with the surrounding pattern of land use, in accordance with Objective 1(a).
- The amendment facilitates the renewal and efficient use of inner-urban land, thereby reducing pressure on fringe development and its associated resource consumption. It also ensures the retention of existing canopy vegetation (Objective 1(b)).
- The amendment will ensure that potentially contaminated land is remediated prior to the commencement of any sensitive uses (Objective 1(c)).
- The subject land does not feature any places of known scientific, aesthetic or architectural value. Consideration of Aboriginal cultural heritage values will be required prior to the granting of a planning permit that allows for any significant ground disturbance. (Objective 1(d)).
- The amendment facilitates the provision of affordable housing by requiring affordable housing as part of any residential redevelopment (Objective 1(fa)).

## **How does the amendment address any environmental, social and economic effects?**

### *Social and Economic*

The amendment will deliver new housing, including 10% as affordable housing, and will contribute to housing choice and affordability in a location well-placed to provide a high standard of amenity and liveability. The development will provide a diverse mix of dwelling types including, one-, two- and three-bedroom dwellings, and accessible and adaptable housing.

The amendment facilitates the redevelopment of surplus public land for residential purposes in a location with convenient access to open space, pedestrian and cycling networks, public transport and activity centres, consistent with policy to create neighbourhoods within a 20-minute walk, cycle or local public transport trip from people's everyday needs.

The amendment will facilitate the development of the land with a project that will generate an estimated capital expenditure of \$224 million and create an estimated 585 direct (full-time equivalent) and 1,945 indirect (full-time equivalent) jobs. This will have a positive impact on the Victorian economy.

### *Environmental*

The amendment facilitates the following positive environmental outcomes:

- A development of the land that achieves net zero carbon certification under the Climate Active Framework, 5-star GreenStar and 7-star NatHERS ratings, leading to a more climate resilient community.
- The retention and protection of over 50 established canopy trees on the site, which are presently not protected by the Boroondara Planning Scheme.
- The creation of new substantial landscaped areas to retain and protect existing trees, and to provide for the planting of new trees and vegetation to reduce urban heat island effects and improve urban ecology.

### **Does the amendment address relevant bushfire risk?**

The amendment will not increase the risk to life, property or community infrastructure from bushfire as the land is in a low-risk, urban metropolitan location that is not affected by a Bushfire Management Overlay or identified as a bushfire prone area.

### **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment complies with all Minister's Directions under Section 12 of the *Planning and Environment Act 1987*. Specifically, the Amendment has considered and complies with the following Ministerial Directions:

#### Ministerial Direction - The Form and Content of Planning Schemes

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

#### Ministerial Direction No. 1, Potentially Contaminated Land

The Environmental Audit Overlay is to be applied to the land to ensure that potentially contaminated land is appropriately assessed and remediated prior to future residential use and development.

#### Ministerial Direction No. 9, Metropolitan Strategy

The amendment is consistent with and will deliver on the following directions and policies of the Metropolitan Strategy (Plan Melbourne 2017-2050):

- Direction 2.1 Manage the supply of new housing in the right locations to meet population growth and create a sustainable city.
- Direction 2.2 Deliver more housing closer to jobs and public transport.
- Direction 2.3 Increase the supply of social and affordable housing.
- Direction 2.5 Provide greater choice and diversity of housing.
- Direction 4.3 Achieve and promote design excellence.
- Direction 5.1 Create a city of 20-minute neighbourhoods.
- Direction 5.2 Create neighbourhoods that support safe communities and healthy lifestyles.
- Direction 5.4 Deliver local parks and green neighbourhoods in collaboration with communities.
- Direction 6.1 Transition to a low-carbon city to enable Victoria to achieve its target of net zero greenhouse gas emissions by 2050.
- Direction 6.4 Make Melbourne cooler and greener.

#### Ministerial Direction No.11 – Strategic Assessment of Amendments

The Amendment has been strategically assessed and justified in accordance with Ministerial Direction 11.

### **How does the amendment support or implement the Planning Policy Framework and any adopted State policy?**

The amendment supports and implements the Planning Policy Framework as follows:

### Clause 11.02 – Managing Growth

The amendment facilitates the redevelopment of under-utilised land within a well-serviced, established suburb of metropolitan Melbourne. The land is in proximity to open space, pedestrian and cycling networks, public transport and activity centres, which will support local living for future residents.

### Clause 13 – Environmental Risks and Amenity

The amendment applies the Environmental Audit Overlay to the land to ensure that any site contamination is identified and appropriately remediated before any sensitive land use commences.

### Clause 15.01 – Built Environment

The amendment applies the Schedule to the DPO to the land, which sets out the requirements for a Development Plan, as well as mandatory conditions for planning permits. Under the Schedule, the Development Plan is required to establish a planning framework that guides urban design, built form, landscape and environmentally sustainable design outcomes that are appropriate to the physical and strategic context of the site.

### Clause 15.02 - Sustainable Development

The amendment applies the Schedule to the DPO to the land, which imposes a requirement to deliver a net zero carbon development under the Climate Active Framework, 5-star Greenstar rating, a 7-star NatHERS rating and best practice stormwater management. This is in addition to the urban ecology and heat island mitigation of retaining existing vegetation on the land.

### Clause 16.01 – Residential development

The amendment will facilitate the redevelopment of under-utilised land, contributing to the diversity of housing and providing greater access to affordable housing in an area with good access to open space, pedestrian and cycling networks, public transport and other essential services and facilities. The additional housing will help to service a growing population.

### Clause 18.02 – Movement networks

The amendment facilitates the redevelopment of land that has convenient access to pedestrian and cycling networks as well as public transport, with sufficient potential for on-site parking and traffic impact mitigation.

## **How does the amendment support or implement the Municipal Planning Strategy?**

The Boroondara Municipal Planning Strategy has a vision for the municipality to be “a vibrant and inclusive city, meeting the needs and aspirations of its community”.

The amendment supports and implements the Municipal Planning Strategy by:

- Encouraging environmentally sustainable design.
- Requiring the retention of trees, the planting of new trees and the creation of new areas of publicly accessible open space.
- Facilitating the provision of affordable housing.
- Guiding development of the land that is well-designed and respectful to the character of the area.

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

The amendment makes proper use of the Victoria Planning Provisions and is consistent with the Ministerial Direction on the Form and Content of Planning Schemes.

The amendment applies a Residential Growth Zone which reflects the land’s residential context and the strategic opportunity provided by the siting and size of the land, to accommodate more intensive, diverse and affordable housing.

The Development Plan Overlay reflects the need for an integrated approach to the future development of large site in an established neighbourhood, whilst delivering certainty of outcomes for all community stakeholders.

The use of the Environmental Audit Overlay is appropriate to ensure that risk related to human health as a result of potentially contaminated land is suitably addressed before residential use and development can commence.

The changes proposed by the amendment to the policy framework of the planning scheme make proper use of Victoria Planning Provisions to achieve intended outcomes and the vision of Council.

**How does the amendment address the views of any relevant agency?**

Relevant agencies have been consulted in the preparation of this amendment, including Boroondara City Council. Where relevant, recommendations of agencies have informed the content of the amendment.

**Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment complies with the relevant requirements of the Transport Integration Act 2010, as it will facilitate development that integrates with and promotes better transport accessibility, housing affordability and sustainable communities.

**Resource and administrative costs**

**What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The new planning provisions are not expected to have a significant impact on the resource and administrative costs of the responsible authority.

The Boroondara City Council will remain responsible for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority.