

APPENDIX D

COUNCIL MINUTES

4 AUGUST 2008

7.4 AMENDMENT C92 – 4-18 ARTHURTON ROAD,
NORTHCOTE

MINUTE NO. 192

AUTHOR: Manager Urban Development – Michael Ballock

MANAGER: General Manager City Development – Kevin Breen

BUDGET

IMPLICATIONS: The Amendment will be managed within the existing budget

SUMMARY:

The Northcote Structure Plan envisages and promotes the intensive redevelopment of the Arthurton Road Precinct and particularly the Australian Horizons site. The Northcote Structure Plan will be incorporated into the Darebin Planning Scheme via Amendment C81 which will shortly be placed on public exhibition. Amendment C81 introduces the land use and development policy directions for the Arthurton Road Precinct but does not propose any change to the existing planning controls. This approach recognised the need for a separate amendment to rezone the land from the existing Industrial 3 Zone and apply a Development Plan Overlay or Design and Development Overlay to guide the development of the precinct.

Amendment C92 has been proposed by the owner of the Australian Horizons site in response to the Northcote Structure Plan and the policy directions contained in Amendment C81. This Amendment is the result of discussions with the owners and their representatives that have taken place since the commencement of the preparation of the Northcote Structure Plan.

CONSULTATION:

The proposal has been informally referred to the General Manager Community Assets and Leisure, Manager Transport Management and Planning, Manager Open Space Planning, Manager Asset Strategy and Manager Capital Works Management

COPY

COUNCIL RESOLUTION

MOVED: Cr. S. Tsitas

SECONDED: Cr. M Kundevski

THAT pursuant to Part 2 of the Planning and Environment Act 1987, Council request the Minister for Planning and Community Development for authorisation to prepare and exhibit Amendment C92 to the Darebin Planning Scheme.

CARRIED

REPORT**BACKGROUND**

The State Government's strategy to manage growth and change across metropolitan Melbourne, Melbourne 2030, indicates that Darebin is projected to accommodate an additional 8,253 people and 8,644 dwellings over the next 25 years. The Strategy encourages increased growth to occur within activity centres, which have the facilities and services to support more people. Channelling this growth to activity centres will assist in the protection of established residential areas in other parts of Darebin from unsuitable development. Through work already completed on structure planning and capacity analysis, it has been identified that Darebin's activity centres, key transport corridors along High Street and other key sites, have the capacity to accommodate the projected growth in new households.

Melbourne 2030 requires that Council prepare a structure plan for each activity centre to set a strategic framework for the use and development of land in and around the centre and give clear direction about appropriate land use and the preferred location and scale of future development throughout the centre.

Northcote is identified in Melbourne 2030 as a Major Activity Centre (Preston Central and Northland Shopping Centre are designated as Principal Activity Centres, and Reservoir is also a Major Activity Centre).

Council adopted the Northcote Activity Centre Structure Plan on 2 April 2007. The Structure Plan provides a framework for articulating how the Activity Centre will develop, defining the key areas where growth can be encouraged; and the actions that are needed to realise that goal.

On 18 February 2008, Council adopted Neighbourhood Character Guidelines as an appendix to the Northcote Activity Centre Structure Plan. The Guidelines will inform the preferred character outcomes for the medium and low change residential precincts in the Northcote Activity Centre. They will also provide the strategic direction for the proposed Clause 22 Northcote Activity Centre local policy, which forms part of Amendment C81 to the Darebin Planning Scheme.

On 17 April, 2008 Council received authorisation from the Minister for Planning and Community Development to prepare and exhibit Amendment C81. Amendment C81 is currently being prepared for public exhibition which should commence in August 2008.

CORE ISSUES

The Northcote Structure Plan identified the Arthurton Road Precinct, particularly the Australian Horizons site, as providing the most significant development opportunity in the structure plan area. It recognised that this area, currently zoned Industrial 3, was a suitable location for more intensive development. The policy framework developed for this precinct then set out the form that any redevelopment of the site should take. The policy directions set out in the Structure Plan for the precinct include the following objectives:

- Providing employment based activities that complement the core retail functions of High Street;
- Encouraging a variety of housing types including affordable housing and multi-level apartments;
- Ensuring development maximises development opportunities and avoids underdevelopment of key sites;
- Limiting the amount and location of retail in the precinct;

- Providing appropriately located pedestrian walkways through the precinct;
- Providing a high level of amenity on the street network;
- Provision of active frontages along Arthurton Road;
- Provision of a built form transition to established residential areas; and
- Encourage the development of live/work accommodation.

The Arthurton Road Precinct is predominantly within an Industrial 3 Zone. There is a small area in Elm Street that is zoned Residential 1 however, this forms part of the Australian Horizons car park. The Amendment to incorporate the Northcote Structure Plan into the Darebin Planning Scheme (Amendment C81) will incorporate the policy elements for the precinct into the Darebin Planning Scheme, however Amendment C81 does not propose to rezone the land to a Business 2 Zone as recommended by the Structure Plan. The Arthurton Precinct policy framework from the Northcote Structure Plan is attached in **Appendix A**. The rezoning of the precinct was not included as part of Amendment C81 to ensure that any redevelopment proposals were generally consistent with the Structure Plan. It was recognised that there would need to be separate amendments to rezone the land and introduce appropriate built form controls such as a Development Plan Overlay or Design and Development in conjunction with a proposal to develop the sites within the precinct. This approach is intended to ensure that the critical elements of the Structure Plan's policies would be implemented by any redevelopment of the precinct in general and on the Australian Horizons site specifically.

Given this approach, it was recognised that a separate amendment would be required to enable any development of the Australian Horizons site. The owner of the Australian Horizons site, the Meydan Group, has now formally applied to Council to amend the Darebin Planning Scheme to enable the redevelopment of the site. This proposal has been given the number Amendment C92. All the documentation, strategic justification and other information for this Amendment has been prepared by the applicant's consultants.

The Australian Horizons site is predominantly in an Industrial 3 Zone and partly in a Residential 1 Zone. The site is affected by a Development Contributions Plan Overlay and a Special Building Overlay. The part of the site on the south side of Arthurton Road (no. 9-13) is in an Industrial 3 Zone and affected by a Development Contributions Plan Overlay and a Public Acquisition Overlay.

Amendment C92 proposes to rezone all the land on the Australian Horizons site to a Mixed Use Zone with the introduction of a Development Plan Overlay and Environmental Audit Overlay. The Development Contributions Plan Overlay and the Special Building Overlay will be retained in their current form. The owner had indicated that the development enabled by these controls includes the following:

- Approximately 350 residential units in dwelling types ranging from row houses, apartments of varying size and type, and live/work spaces;
- Commercial and services floor space of approximately 10,000m², designed across a variety of buildings, designed to cater for corporate offices and smaller professional and business service providers;
- Some retail and service business inclusions such as convenience shops, food and drink premises, new retail businesses, showroom/office businesses and entertainment/recreational uses, in total less than 6,000m²;
- Provision of car parking, car rental bicycle and pedestrian facilities that will provide for the range of mobility options while encouraging reduced private car usage;
- Five to six star Greenstar design;

- On site car parking, predominantly in basement for approximately 750 cars;
- Arrangements to provide allocated space for a short term car rental service;
- Garden, pedestrian, and internal roadway areas;
- A high level of environmental design and performance;
- High quality design; and
- Major improvements to the public realm, particularly by the introduction of a wider, landscaped footpath to the north-side of Arthurton Road through the transfer of a 5 metre wide strip of land at ground level into the road reserve.

Council officers have been in discussion with the applicant and consultants since the commencement of the Structure Plan process proposal and is partly the result of these discussions as well as the policy directions contained in the Structure Plan. These discussions have shaped the form of the development in terms of the employment outcomes and the ESD design response. The proposal has adopted the objectives as well as the implementation projects/actions outlined in the Northcote Structure Plan for this precinct. In this respect, the Development Plan Overlay is an appropriate tool because it outlines the future framework for development of the site and requires the developer to obtain planning permits for the various stages of a development. Consideration may also be given to a Design and Development Overlay to provide guidance for the built form.

However, Amendment C92 diverges from the Structure Plan in two key areas. The first difference is the proposed Mixed Use Zone (MUZ) for the Australian Horizons site. The Structure Plan recommended a Business 2 Zone (B2Z) or a "specific development zone".

The second difference is in the proposed heights of the development. The Structure Plan envisaged a built form with a combination of eight, five and three storeys. Amendment C92 proposes a combination of twelve, eight, five and three storeys. A comparison of the Structure Plan and Amendment C92 building heights is contained in **Appendix B**.

Amendment C81 is essential to implement the Northcote Structure Plan. It envisaged an intensive development on the Australian Horizons site. Amendment C92 derives much of its strategic justification from the Northcote Structure Plan and cannot proceed without the structure plan in place.

The developers argue that the extra height is necessary because of the risk involved in promoting office development on the site. If 10,000m² of office floorspace is provided, then this site will be one of the largest office developments in the northern suburbs, outside the universities and hospitals. And not a development that could proceed within the current office market.

The heights recommended in the Structure Plan are not mandatory and provide guidance as to the preferred level of development. Generally, mandatory height limits would not be supported by DPCD. In any planning document, a height limit is meant to be a guide to the built form with the flexibility to deal with innovative developments that provide a different, design response. The heights proposed by the Structure Plan appear to be consistent with provisions of the High Street policy. However the Structure Plan does not provide any explanation of the heights chosen. Nevertheless Council has engaged in a public consultation process in the development and adoption of the Northcote Structure Plan. Consequently it is important that the Structure Plan be placed on public exhibition in the form it was adopted by Council, which is what Amendment C81 does.

The proposed development of the Australian Horizons site is the owner's response to the provisions and policies of the Northcote Structure Plan that is worthy of consideration. Part of this consideration should be public comment on the proposed development. From this perspective it would be appropriate to place the Amendment on public exhibition in the form proposed by the owner without assessment by Council. Whilst this is an Amendment to the Darebin Planning Scheme the process is similar to the way planning permit applications are advertised to adjoining owners/occupiers. This process would also provide Council with the opportunity to refer the proposal to an Independent Panel for advice before finally considering the proposal.

Council has the ability to request the Minister for Planning and Community Development to authorise the preparation and exhibition of Amendment C92 without express support for the proposal. In other words Council has the ability to put an Amendment on exhibition without assessing the merits of, or supporting the Amendment. This is an approach that has been adopted in other Amendments and Panels Victoria has confirmed that this is an acceptable approach. This approach provides Council with the ability to advise the community of the proposal, seek their views, make a submission to a Panel and then receive the Panel's advice before making a decision as to whether the Amendment should proceed. This is the course of action recommended for Amendment C92.

In conclusion, Amendment C92 implements most of the policy elements of the Northcote Structure Plan, it does not accord with the recommended heights, however, there is sufficient compliance with the Structure Plan to bring the proposal forward and place it on public exhibition.

FINANCIAL IMPLICATIONS

Exhibition of the Amendment and an Independent Panel will need to be financially supported which has been provided for in the 2008/2009 budget. Some costs will be recouped from the proponent.

FUTURE ACTIONS

Following authorisation from the Minister, Amendment C92 will be placed on public exhibition

RELATED DOCUMENTS

High Street Urban Design Framework (David Lock & Associates et al, 2002).

Darebin Retail Activity Centre Strategy (Essential Economics et al, 2003)

Melbourne 2030

Council Report – 18 October 2004 Northcote Structure Plan Status Report

Council Report – 16 May 2005 Northcote Place Making Project Status Report

Council Report – 18 July 2005 Report on Community Working Group

Council Report – 7 August 2006 Draft Northcote Structure Plan Release for Comment

Council Report – 2 April 2007 Northcote Structure Plan – Consideration of Public Comment, Recommended Changes and Adoption of the Final Structure Plan. (SUB/161-01)

Council Report – 18 February 2008 Adoption and Inclusion Of Neighbourhood Character Guidelines For Medium And Low Change Residential Areas In The Northcote Activity Centre Structure Plan, 2007

Appendix A – Arthurton Precinct policy framework from the Northcote Structure Plan

Appendix B – Comparison of the Structure Plan and Amendment C92 building heights