

**21.02**31/08/2017  
GC42**ENVIRONMENT**

This Clause provides local content to support Clause 11.03 (Open Space), Clause 12 (Environmental and Landscape Values), Clause 13 (Environmental Risks), Clause 14 (Natural Resource Management) and Clause 15 (Built Environment and Heritage) of the State Planning Policy Framework.

**21.02-1**15/10/2015  
C138**Strategic Environment Framework**

‘The environment’ encompasses all the circumstances, objects or conditions that surround us as we live, work and recreate – from the climate, soil, water and other living things to open spaces, buildings, and urban streetscapes. In land use planning, ‘natural’ and ‘built’ environments are generally distinguished separately as they are in the objectives. However, they are interconnected in how they interface and collectively contribute to the experience of life in Darebin. Council supports an approach to natural and built environments that:

- Protects and enhances natural environmental assets, in particular creek and habitat corridors, and manages visual and physical impacts from land use and development in a way that does not preclude accessibility and, where appropriate, the physical and visual integration between urban and natural environments.
- Promotes urban environments and open spaces designed for liveability and environmental sustainability, and making a positive contribution to the health and wellbeing of Darebin residents, workers and visitors.
- Recognises and protects areas and sites of natural, cultural and built heritage value.

Objectives and strategies for these are set out in the clauses below.

**21.02-2**31/08/2017 - / - / - - -  
GC42 Proposed C186 dare**Natural Environment****Overview**

Areas of natural environmental significance in Darebin include native grasslands at Central Creek Reservoir and Cherry Street Macleod; two major creek systems (Merri and Darebin); significant remnant vegetation (River Red Gums at Mount Cooper and Bundoora Park); and native habitat forest (Gresswell Forest and Hill, and La Trobe Wildlife Sanctuary) which also support significant native animal species.

The Merri and Darebin Creeks, Gresswell Habitat Link and Hurstbridge Rail Reserve provide a cohesive network of natural spaces and corridors. Appropriate landscape and water management on land adjoining this network can contribute to the protection of these habitats. Additionally, areas around Darebin and Merri Creeks that are popular for recreation, cycling and walking require planning to ensure they are safe spaces to access.

Refer to the Strategic Framework Plan at Clause 21.01-6 showing areas of natural environment significance.

**Key Issues**

- Protection of remnant natural areas in Darebin from the impacts of development.
- Pressure for redevelopment of residential creek-side lots.
- Impact of industrial development on creek-side environs with regard to location of storage areas, car parking and design of the built form.
- Maintaining long term protection of remnant native vegetation in estates such as Springthorpe in Macleod and Mt. Cooper and Lancaster Gate in Bundoora.
- Impacts of land use activities on local and regional waterways through substances released into the stormwater system, run-off from roads, and litter.



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- Maintaining a cohesive network of linked natural spaces and corridors to provide havens and corridors for wildlife and enhance water quality in the creeks.
- Balancing the need for preserving a natural landscape feel with the need for passive surveillance at interfaces between natural and built environments.

### **Objective 1 – Protect and Enhance**

To protect, maintain and enhance Darebin's natural environment including the major creek systems.

#### **Strategies**

- Ensure that remnant vegetation is identified and conserved.
- Ensure that places and areas of natural heritage significance are conserved and enhanced.
- Encourage the use of indigenous vegetation and planting on private and public land to increase biodiversity.
- Manage landscapes in ways that contribute to the creation of a more ecologically sustainable natural environment.
- Ensure development of urban areas maintains or improves river and wetland health, waterway protection and flood plain health through appropriate stormwater and overland flow management and integrated water management planning of precincts.
- Provide for a consistent and coordinated planning approach to protect, maintain and enhance the natural, landscape, cultural and built character of the Darebin and Merri Creek environs.

### **Objective 2 – Interfaces**

To achieve a balance between the protection of the natural environment and the safety and surveillance objectives of recreational users of public open space.

#### **Strategies**

- Ensure that land use and development is compatible and appropriately integrated with areas of natural heritage and environmental significance.
- Ensure that development adjacent to the Darebin and Merri Creeks retains and enhances each creek's unique contribution to the community and wider ecology.
- Balance the need to ensure the aesthetic impact of development adjacent to creeks is sensitive to existing creek environs, view lines and landscape works with the need to provide passive surveillance over creek-side environs, particularly around access points to public land and along pedestrian and cycling pathways.
- Consider fencing strategies for development adjacent to parks and reserves, which ensures fencing not only defines the transition from public to private realm but promotes good surveillance.
- Ensure development of private land adjoining the perimeter of Bundoora Park is designed and orientated to provide frontage to the park and avoid high fencing and expanses of wall at the park interface. Development should provide visual and physical connections to the park (via active frontages with appropriate land uses at ground level, pedestrian paths and links, and windows, terraces/balconies orientated to overlook the park) wherever possible.

### **Implementation**

The strategies in relation to natural environment will be implemented through the planning scheme as follows:

### Policy Guidelines

Apply Clause 22.03 Darebin Creek – Adjacent Land Design and Development in considering applications for development or subdivision of land adjacent to Darebin Creek.

### Application of Zones and Overlays

- Apply the Public Conservation and Resource Zone over the Gresswell Habitat Link, Gresswell Forest Nature Conservation Reserve and Central Creek Grasslands.
- Apply Vegetation Protection Overlays to provide for the long term preservation of significant vegetation on the Mount Cooper, Springthorpe and Lancaster Gate Estates and the former Kingsbury Centre.
- Apply Environmental Significance Overlays to protect remnant vegetation sites and other areas of identified environmental significance.
- Apply Design and Development Overlays over private and public land adjacent to the Darebin and Merri Creeks to manage the impact of development on and provide appropriate interfaces with creek-side areas.
- Apply the Urban Floodway Zone and Land Subject to Inundation Overlay provisions as appropriate around waterways to minimise flood-related soil erosion, sedimentation and silting and to protect water quality.

### Further Strategic Work

- Review the application of the Urban Floodway Zone along parts of the Merri, Darebin and Edgars Creeks.
- Review the Environmental Significance Overlays along Darebin Creek and Merri Creek to ensure that the boundary of each overlay covers areas where development is likely to have an impact on the creek environs.
- Review the Darebin Creek Design and Development Guidelines (2000) to inform preparation of a Design and Development Overlay for land adjacent to Darebin Creek.
- Review the Development Guidelines for Merri Creek (Merri Creek Management Committee, 2004) to inform preparation of a Design and Development Overlay for land adjacent to Merri Creek.
- Include an integrated water management plan and ecological improvement initiatives for Darebin Creek in the formulation of the Northland Structure Plan.

### Reference Documents

Bundoora Park Master Plan 2012

Central Creek Grassland 5 Year Management Plan 2011-2016

Darebin Creek, Design and Development Guidelines, City of Darebin, 2000

Darebin Litter Plan 2011-2013

Breathing Space: The Darebin Open Space Strategy, ~~2007-2017~~ (2008) (Darebin City Council, 2019)

Development Contributions Plan

Development Guidelines for Merri Creek, Merri Creek Management Committee, 2004

Lower Darebin Creek Concept Plan, Parks Victoria/Melbourne Water, 1996

Merri Creek and Environs Strategy 2009-2014, Merri Creek Management Committee, 2009

Springthorpe Conservation Plan, February 2001

Springthorpe Tree Conservation Plans

Watershed: Towards a Water Sensitive Darebin, Darebin City Council Whole of Water Cycle Management Strategy 2015-2025

Watershed: Towards a Water Sensitive Darebin, Implementation Plan 2015-2025

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**Built Environment**

**Overview**

The design and quality of the built environment, including buildings, public spaces, infrastructure and streetscapes plays an important role in enhancing civic pride, liveability and social connectedness, and provides opportunities for creating a more sustainable city.

Good urban design acknowledges the collective impact of development both within and beyond the boundaries of individual sites and enables positive outcomes for the public realm that enhance people's wellbeing and experience of the built environment.

Darebin City Council is committed to environmental sustainability and actively encourages sustainably-designed buildings that reduce energy consumption and water use, encourage recycling and sustainable transport and that use recycled and sustainable materials.

**Key Issues**

- Achieving high-quality design in development across a variety of urban environments, including activity centres and industrial/employment precincts.
- Impacts of large-scale development on streetscape amenity and pedestrian experience, and increased reliance on the public realm in providing visual appeal and amenity.
- How design might improve the interface and interaction of new developments with the public realm (including parks and open spaces).
- Incorporating Environmentally Sustainable Design (ESD) principles in the design and development of built environments and strengthening requirements at planning permit stage.
- Striking a balance between the understandable need for businesses to advertise and community expectations for an environment devoid of unattractive visual clutter.

**Objective 1 – Urban Design Excellence**

To ensure development in Darebin exhibits good urban design and provides distinctive, attractive and engaging places in which to reside, visit or work.

**Strategies**

- Encourage high quality design and buildings that respond to characteristics of the locality.
- Develop and implement detailed design guidelines for areas where substantial housing change and growth is encouraged.
- Ensure that important public views and vistas, where identified in a strategy or guideline adopted by Council, are recognised, protected and enhanced.
- Apply urban design principles when developing structure plans, land use strategies, and urban design guidelines.
- Promote land use and development in activity centres, strategic corridors and strategic development precincts in accordance with adopted Structure Plans, precinct plans or strategies.
- Ensure development in activity centres, strategic corridors and strategic development precincts:
  - is responsive to its environment with a high quality appearance
  - promotes an urban scale and character that is appropriate to the role and function of the activity centre or strategic corridor precinct

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- encourages consolidation of commercial areas along strategic corridors to create strong, vibrant hubs to serve the local community
  - manages negative off-site impacts and interface issues with surrounding sensitive land uses
  - promotes visual and physical improvements to the public realm
  - encourages a safe and accessible environment for pedestrians, cyclists, public transport users and motorists.
- Ensure that development in industrial and commercial areas:
    - achieves a high standard of building design and provides for suitable landscaping and treatments to improve the visual character, function and layout of such areas
    - minimises the impact of traffic, noise and emissions from industrial land uses on the amenity of surrounding residential areas
    - reduces and minimises conflict between industrial and non-industrial land uses.
  - Encourage streetscape upgrades and street tree planting, particularly in areas where Substantial Housing Change is envisaged.
  - Collect development contributions from private development for streetscape upgrades.
  - Undertake streetscape upgrades to Edwardes Street, Broadway and other streets in Reservoir Activity Centre.

### **Objective 2 – Safe Urban Environments**

To promote safety through well-designed and well-maintained urban environments.

#### **Strategies**

- Encourage designs that incorporate elements that promote safety, such as clear sightlines, safe movement, passive surveillance, good connections, good access, mixed use and activities that promote public use.
- Ensure that public spaces, access routes and areas in the vicinity are attractive, safe, uncluttered and work effectively for all.
- Ensure new retail and/or mixed use development incorporates verandahs over footpaths where appropriate.
- Ensure that buildings at ground level provide active frontages and a high level of pedestrian amenity.
- Encourage day and evening activity in activity centres, other precincts and key development.
- Consider the above strategies in assessments and when developing strategies and urban design guidelines.

### **Objective 3 – Environmentally Sustainable Design**

To promote and facilitate development that incorporates best practice environmentally sustainable design and promotes sustainable living and business practices.

#### **Strategies**

- Encourage the adaptive reuse of buildings to reduce the amount of waste going to landfill.
- Encourage the design of new and retrofitted buildings and public spaces to incorporate high standards of energy efficient design, water sensitive urban design, sustainable transportation, waste reduction and protection of biodiversity.
- Promote the integration of land use and sustainable transport (walking, cycling and public transport) in accordance with the strategies in Clause 21.05-1.

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- Encourage best practice industrial and commercial development to minimise amenity impacts and achieve long term environmental sustainability.
- Require the preparation of Sustainable Design Assessments and Sustainability Management Plans for residential and non-residential development as part of the planning permit approval process.

### **Objective 4 - Signage**

To ensure signage is integrated into development and streetscapes.

#### **Strategies**

- Minimise visual clutter and prevent the proliferation of signs, particularly along major gateways, road reservations, commercial/retail areas and industrial estates.
- Ensure that outdoor signage presents a coordinated and high quality image.
- Ensure outdoor signage is located on the land to which it relates.
- Encourage simple, clear, consistent and non-repetitive advertising that is displayed in appropriate locations and planned as an overall signage package for a site.
- Ensure outdoor advertising is appropriate with regard to the architectural design of buildings on which signs are displayed.
- Incorporate outdoor advertising into the design of new buildings and major renovations and ensure signage is planned for at the beginning rather than at the end of development.

#### **Implementation**

The strategies in relation to built environment will be implemented through the planning scheme as follows:

#### **Policy Guidelines**

- Apply Clause 22.01 Junction Framework Plan in considering applications for use and development in the Junction Strategic Development Precinct.
- Apply Clause 22.04 Industrial and Commercial Activity in considering applications for use and development in the Industrial 1, Industrial 3 and Commercial 2 Zones.
- Apply Clause 22.05 High Street Corridor Land Use and Urban Design in considering applications for use and development in the High Street corridor.
- Apply Clause 22.06 in considering applications for Residential or Mixed Use Development in a Residential Growth Zone, Mixed Use Zone, Commercial Zone, Priority Development Zone and, where considered relevant, General Residential Zone.
- Apply Clause 22.08 Northcote Activity Centre in considering applications for use and development in the Northcote Activity Centre.
- Apply Clause 22.09 Preston Central (Incremental Change) in considering applications development in residential precincts of the Preston Activity Centre.
- Apply Clause 22.12 Environmentally Sustainable Development in considering applications for residential and non-residential development.

#### **Application of Zones and Overlays**

- Apply the Activity Centre Zone to activity centres, incorporating urban design frameworks and guidelines.
- Apply the Design and Development Overlay to ensure that key public views and vistas are protected and enhanced.

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- Apply the Design and Development Overlay to sites and precincts to achieve specific desired built form outcomes, design principles and treatment of interfaces (as required by structure plans, strategies, or site studies).
- Apply Design and Development Overlays along strategic corridors to achieve high quality development in accordance with relevant urban design frameworks.
- Apply the Development Plan Overlay to strategic redevelopment sites and precincts.

### Further Strategic Work

- Develop an Environmentally Sustainable Development Strategy that will:
  - establish a framework to coordinate the various environmental policies of Council and provide strategic directions for energy efficiency, waste management and integrated water management
  - set design guidelines for achieving sustainable development that minimises energy and water consumption and encourages reuse of water and waste; and
  - provide the basis for other planning measures such as overlays for achieving sustainable development at both site and precinct scale.
- Prepare and implement Urban Design Frameworks and guidelines for development in:
  - Northland Activity Centre
  - Reservoir Activity Centre
  - Fairfield Village and Miller-on-Gilbert Neighbourhood Centres
  - Heidelberg Road Corridor
  - The Junction – South Preston and Oakover Village Strategic Redevelopment Precincts.
- Review the *Preston Structure Plan 2006 (as amended)* and *Northcote Structure Plan (2007)* to ensure the strategic directions in these plans address contemporary issues and reflect the broader strategic vision for municipal growth and change.
- Review the *High Street Urban Design Framework (2005)* and implement Design and Development Overlay controls for intermodal areas of High Street.
- Review the *Bell Street Corridor Strategy(2006)* and implement Design and Development Overlay controls to encourage high quality development along the Bell Street Corridor.
- Identify important public views and vistas in the municipality.
- Explore opportunities to incorporate public art elements in high profile developments.
- Identify and support the delivery of streetscape upgrades in Substantial Housing Change areas.

### Reference Documents

Bell Street Corridor Strategy, Hansen Partnership, 2006

Climate Change and Peak Oil Adaptation Plan, 2009

Community Climate Change Action Plan 2009-2020

Community Health and Wellbeing Plan 2009-2013

Darebin Community Safety Strategy 2012-2016

Darebin Housing Strategy 2013 (revised 2015)

Darebin Waste and Litter Strategy 2015-2025

Green Streets Strategy 2013

High Street Urban Design Framework and High Street Study Precinct Guidelines, 2005

Northcote Activity Centre Structure Plan, 2007, and Medium and Low Change Residential Areas Precinct Guidelines, 2008

Northland Residential Neighbourhood Precinct Structure Plan, 2014

Plenty Road Integrated Land Use and Transport Study, 2013

Preston Central Structure Plan 2006 (as amended) and Urban Design Framework and Guidelines, 2006

Reservoir Structure Plan, 2012

Residential Built Form Guidelines, 2014

Safer Design Guidelines for Victoria, 2005

Urban Design Charter for Victoria, 2010

Urban Design Framework 2015 St Georges Road and Plenty Road Corridors

Watershed: Towards a Water Sensitive Darebin, Darebin City Council Whole of Water Cycle Management Strategy 2015-2025

Watershed: Towards a Water Sensitive Darebin, Implementation Plan 2015-2025

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**Heritage**

**Overview**

Darebin municipality's rich and diverse natural heritage and history of human settlement, from pre-contact inhabitation, through European colonisation to the modern era, has created a heritage fabric characterised by many layers and types of significance.

The extensive stock of older buildings can provide opportunities for redevelopment that demonstrate principles of cultural and ecological sustainability, possibly through adaptive reuse, urban design and architectural excellence. Some heritage places have the potential to increase and enhance local and regional tourism opportunities.

**Key Issues**

- Providing a balance between conservation needs and capacity for new infill development within heritage precincts to deliver a good design outcome.
- Balancing diversity of experience and conservation of biodiversity values around natural heritage assets.

**Objective 1 – Heritage Places and Areas**

To ensure that places and areas of cultural and natural heritage significance are conserved and enhanced.

**Strategies**

- Encourage the retention of any significant original fabric in development proposals.
- Discourage demolition or relocation of locally significant heritage buildings.
- Encourage appropriate use of heritage places in keeping with heritage significance.
- Identify and protect sites of identified Aboriginal cultural heritage significance.
- Identify and protect sites of natural heritage significance.

**Objective 2 – Development and Heritage**

To promote sympathetic infill and redevelopment of heritage places and areas.

### Strategies

- Ensure development within heritage areas is sympathetic with the heritage character of the area.
- Ensure that redevelopment of heritage buildings and areas is visually compatible with existing forms.
- Promote innovative responses that makes a positive contribution to the heritage places and areas.
- Facilitate designs that are sensitive to heritage and urban character.
- Require conservation management plans for key sites prior to approval and commencement of works.

### Implementation

The strategies in relation to heritage will be implemented through the planning scheme as follows:

#### Application of Zones and Overlays

- Apply the Heritage Overlay to places of local, regional, State or national heritage significance.
- Apply the Environmental Significance Overlay to places of natural heritage significance and culturally significant landscapes, trees and/or vegetation.

#### Further Strategic Work

- Review the Darebin Heritage Strategy, which should include the development of design guidelines on demolition and redevelopment of heritage places, and provide the strategic basis for development of a local policy to guide decision making.
- Prepare a Natural Heritage Study to identify sites of natural heritage significance and form strategies for ongoing conservation and management.

#### Reference Documents:

City of Darebin Heritage Study: Volume 3, Key Findings & Recommendations, 2008

City of Darebin Heritage Study: Volume 4a, Preston Central Heritage Assessment, Key Findings and Recommendations, 2008

City of Darebin Heritage Study, Volume 4b, Preston Central Heritage Place Citations, 2008

Darebin Heritage Review Volumes 1, 2, & 3, 2002

Darebin Housing Strategy 2013 (revised 2015)

City of Darebin Citations for Individually Significant Buildings, 1996

### 21.02-5

## Open Space

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### Overview

Access to and enjoyment of open space is a key contributor to quality of life and local amenity. Council aims to improve the **quantity and** quality of open space and encourage the use and development of waterways and linkages. Priorities for managing open space are guided by **the Breathing Space: The Darebin Open Space Strategy 2007-2017, which identifies and categorises open spaces by state down to local** (Darebin City Council, 2019), which classifies open spaces according to their size and role, and the range of functions each space should fulfil.

### Key Issues

- Darebin is a developed municipality with limited opportunities for creating additional open space. Existing open space is highly valued by the community.

- There are areas in Darebin which currently have limited access to open space.
- Provision of sufficient open space, as the City grows, particularly in higher density living precincts where there is higher reliance on ~~for~~ communal facilities for outdoor activities and recreation.
- Provision of open spaces that cater to different user groups and are inclusive of all members of the community.

### Objective

To provide a safe, accessible and high quality open space network that is equitably distributed across the municipality.

### Strategies

- Increase the quality and quantity of open space to address gaps in Darebin's open space network.
- Ensure that strategic redevelopment sites that seek high residential densities provide an appropriate level of open space to cater for the intended population.
- Encourage opportunities for public and communal open spaces adjacent to the creek environs.
- Protect and enhance existing open spaces where possible.
- Encourage linear open space linkages along waterways including pedestrian and bicycle access.
- Include provision for acquisition and improvement of open space in Development Contributions Plans.
- Consider opportunities for 'greening' in areas of higher density development, including alternative to traditional ground level landscaping e.g. green roofs and walls.
- Ensure open spaces contribute to increasing biodiversity, including through strategic land acquisition.
- Design public open spaces that are welcoming, safe, multipurpose and easy to access for all members of the community.
- Encourage the design of public open spaces to recognise Aboriginal and Torres Strait Islander cultural heritage.
- Encourage opportunities for urban food production in open spaces.

### Implementation

The strategies will be implemented through the planning scheme as follows:

#### ~~Application of Zones and Overlays~~

- Application of Zones and Overlays
- Apply the Public Park and Recreation Zone to all municipal reserves.
- Apply the Public Conservation and Resource Zone to undeveloped municipal reserves which contain significant levels of indigenous vegetation or high biodiversity values.
- Apply the Heritage Overlay to open space of recognised cultural and social heritage value.

### Further Strategic Work

- Create a strategic land acquisition plan to guide decisions on the selection of open space.
- Review and rezone public open space in accordance with relevant strategies.

- Review the Environmental Significance Overlays along Darebin Creek and Merri Creek to ensure that the boundary of each overlay covers areas where development is likely to have an impact on the creek environs.
- Undertake an assessment of the heritage significance of the City's older reserves as a basis for conservation planning and management, including Oldis Gardens, Johnson Park, LW Williams Reserve, JS Grey Reserve, Adam Reserve, Batman Park, Penders Park and AG Davis Reserve.

### Reference Documents

Bundoora Park Precinct Master Plan, 2012

Breathing Space: The Darebin Open Space Strategy, ~~2007-2017~~(2008)(Darebin City Council, 2019)

Open Space Contributions Review (SGS Economics and Planning, 2019)

Development Contributions Plan

Leisure Strategy 2010-2020

Playspace Strategy 2010-2020

## 21.02-6

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### Environmental Risk

#### Overview

Environmental risk in land use planning encompasses a broad range of issues, including the efficient management and protection of natural resources, dealing with contaminated land and developing resilience to impacts of climate change and peak oil.

#### Key Issues

- Consideration in planning strategies and permit assessments about potential environmental risks, such as land contamination, noise and air pollution, as well as the impacts of climate change including flooding, soil erosion, wildfire and heatwaves.
- Efficient management and protection of natural resources and ensuring risks of contamination, soil erosion, oil spill and industrial runoff into water bodies are considered in assessments.

#### Objective

To ensure appropriate development in areas prone to environmental risk.

#### Strategies

- Require assessment of environmental risk, and as appropriate require environmental audits be undertaken, where a sensitive use is proposed on potentially contaminated land.
- Assess risk prior to development in flood prone areas, in accordance with relevant flood management plans.

#### Implementation

The strategies in relation to environmental risk will be implemented through the planning scheme as follows:

#### Application of Zones and Overlays

- Apply the Environmental Audit Overlay to potentially contaminated land that may be used for sensitive uses in accordance with the requirements of *Ministerial Direction No.1 – Potentially Contaminated Land*.
- Apply the Special Building Overlay to land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority.

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### Further Strategic Work

- Compile a register of non-conforming industrial sites for which a change to a sensitive land use is likely, with a view to applying the Environmental Audit Overlay.
- Develop a local planning policy for consideration of use or development of land which has potential for contamination to ensure proposed uses and developments are suitable, and require remediation of contaminated land to a level that is compatible with the desired future uses of the site.

### Reference Documents

Climate Change and Peak Oil Adaptation Plan, 2009

Ministerial Direction No.1 – Potentially Contaminated Land

Watershed: Towards a Water Sensitive Darebin, Darebin City Council Whole of Water Cycle Management Strategy 2015-2025

Watershed: Towards a Water Sensitive Darebin, Implementation Plan 2015-2025

## DAREBIN PLANNING SCHEME

NB – Edits shown in green are proposed in response to submissions.

### SCHEDULE TO CLAUSE 53.01 PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION

#### 1.0 Subdivision and public open space contribution

Type or location of subdivision	Amount of contribution for public open space
The subdivision of land that creates:	
All land in the municipality (other than a subdivision specifically referred to in this schedule)	10%
Any subdivision of land bordered by Walker Street, High Street and Merri Creek Northcote (being all lots associated with Vol 11005 Folio 149, Volume 00677 Folio 340, Volume 01399 Folio 689, Volume 01619 Folio 716, Volume 02910 Folio 813, Volume 05698 Folio 411, Volume 06051 Folio 051)	5%
Any subdivision of land situated at 20-30 Oakover Road and 1-13 Railway Place West, Preston (being Lot 1 TP 747127V, Vol 03508, Folio 521)	5%
Any consolidation and subsequent subdivision of the Preston Housing Renewal Project land parcels at Stokes, Showers and Penola Streets (being Lots 3 to 21, 49 to 62 and 64 to 73 PS 433084B Vol 10513 Folio 434)	5%
1 additional lot	None specified
2 additional lots	2%
3 additional lots	3%
4 additional lots	4%
5 or more additional lots	5%

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**SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS**

**1.0**

**Background documents**

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Name of background document	Amendment number - clause reference
<del>None specified</del> Breathing Space: The Darebin Open Space Strategy (Darebin City Council, 2019)	C186
Open Space Contributions Review (SGS Economics and Planning, 2019)	C186

# DAREBIN PLANNING SCHEME

## AMENDMENT C186dare

### EXPLANATORY REPORT

#### Who is the planning authority?

This amendment has been prepared by the Darebin City Council, who is the planning authority for this amendment.

The Amendment has been made at the request of Darebin City Council.

#### Land affected by the Amendment

The Amendment applies to all land in the municipality.

#### What the amendment does

The amendment proposes to increase the public open space contribution rate for all subdivisions, by amending the schedule to Clause 53.01 (Public Open Space Contribution and Subdivision) and amending the Municipal Strategic Statement (MSS).

The amendment:

- Amends the schedule to Clause 53.01 Public Open Space and Subdivision of the Darebin Planning Scheme to require a 10% open space levy for all land in the municipality.
- Amends Clause 21.02 of the Local Planning Policy Framework to:
  - o Update local policy to implement relevant strategies of *Breathing Space: The Darebin Open Space Strategy (City of Darebin, 2019)*
  - o Update reference documents to include *Breathing Space: The Darebin Open Space Strategy (City of Darebin, 2019)* and *Open Space Contributions Review Report (SGS Economics and Planning, 2019)*
- Amends the schedule to Clause 72.08 Background documents to include *Breathing Space: The Darebin Open Space Strategy (City of Darebin, 2019)* and *Open Space Contributions Review Report (SGS Economics and Planning, 2019)*

#### Strategic assessment of the Amendment

#### Why is the Amendment required?

Access to open space is essential to people's health and wellbeing. Darebin's population is expected to reach approximately 196,000 people by 2028. This will create greater pressure on existing public open spaces.

There are areas within Darebin that do not currently have access to open space within 500 metres and current access to open space per capita in Darebin is 19.6 square metres (as at 2018). Without creation of new open spaces, there will be a reduction in the open space per capita rates and an increase in the number and proportion of residents who do not have access to open space within 500 metres. Furthermore, residents living in higher density developments are anticipated to rely more heavily on open spaces for their needs.

30 square metres of open space per capita is recommended to deliver a reasonable standard of open space provision. In the absence of a state wide standard the determination of a benchmark of 30 square metres per person is based on an assessment of open space provision standards internationally, nationally and other examples from within Victoria. Open space strategies for the City of Kingston, City of Wyndham, City of Frankston and City of Monash for example have open space

provisions between 24 and 30.3 square metres (as demonstrated on p. 5 of the *Open Space Contributions Review Report, SGS Economics and Planning, 2019*).

It is not just access and proximity to open space that is important, but also the quality and useability of that open space. In a developed municipality, it is difficult to acquire enough land to ensure all occupants have access to an optimal per capita rate of public open space. It is therefore important to improve the quality of open spaces to deliver a greater level of open space services to the local community.

The current open space levy rates in the Darebin Planning scheme will not be sufficient to provide for the open space needs of the future population. The funds made available from the increased open space levy will be used to invest directly back into open spaces to improve the quality of existing spaces and to acquire more open space to grow the network.

*Breathing Space: The Darebin Open Space Strategy (City of Darebin, 2019)* was adopted by Council in September 2019. The strategy guides future open space planning in the municipality. A key action of the strategy is to undertake a planning scheme amendment to increase the open space contribution rate in the Darebin Planning Scheme.

*The Open Space Contributions Review Report (SGS Economics and Planning, 2019)* provides an independent analysis of public open space contribution requirements for Council based on expected growth rates and demand for future open spaces.

The report finds that there is need for an 18.2% open space contributions rate across land uses in Darebin to reach optimum quality of open space (30 square metres per capita). However, the report recommends an increase in the levy to a 10% open space contributions rate in Darebin across all land uses, to help ensure that the future community will have access to a reasonable standard of public open space provision. A 10% open space contributions rate equates to approximately 16 square metres (or equivalent) of open space provision per capita.

The calculation of open space contribution requirements is founded on three key principles:

1. The City of Darebin is considered a single planning unit for open space planning purposes. Clause 53.01 allows for open space contributions collected to be spent anywhere within the municipality.
2. All residents (existing and future) of the City of Darebin are entitled to enjoy access to a reasonable standard of open space and planning for future open space acquisitions and upgrades should seek the most equitable distribution of open space services across the city.
3. An inclusionary provisions approach means that all development should equip itself with sufficient open space to meet its needs as indicated by planning standards, and this can be through land or cash in kind contributions.

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

The amendment implements the objectives of planning in Victoria contained in section 4(1) in the following ways:

- To provide for the fair, orderly, economic and sustainable use and development of land;
- To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.
- To balance the present and future interests of all Victorians.

The amendment helps to implement these objectives by:

- Providing a fair and equitable method of collecting contributions for open space.
- Providing public open space to meet the needs of the present and future population.

- Providing for the protection of natural and man-made resources and, protection and orderly provision and co-ordination public facilities by increasing the funding method to support improvements to public open spaces.

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

#### Environmental Effects

The amendment will provide immense environmental improvements as it implements *Breathing Space: The Darebin Open Space Strategy (City of Darebin, 2019)* which reflects leading practice and actions regarding the climate emergency.

*Breathing Space: The Darebin Open Space Strategy (City of Darebin, 2019)* has three key directions:

- Meeting community open space needs
- Rewilding Darebin: Improving Biodiversity
- Creating a Green Streets Network

The amendment proposes an increase to the funding mechanism to contribute to improving existing and acquiring new open spaces which will be conserved to support a cooler City, increased biodiversity and nature habitat corridors.

#### Social Effects

The amendment will provide a strong benefit for the community as there is a clear link between health and wellbeing and access to quality open space. The open space contributions will contribute to funding improvements for open spaces that cater for all of Darebin's residents regardless of culture, gender, sexual orientation, age, socioeconomic condition and disability.

#### Economic Effects

The amendment will result in more financial resources to fund new open spaces and improve existing open space. The amendment will provide an equitable collection of contributions from subdivisions across the municipality. The flat rate levy will provide greater certainty to developers and a more equitable means of distributing costs.

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

The changes proposed in the amendment will not result in any increase to the risk to life as a priority, property, community infrastructure and the natural environment from bushfire.

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

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

In accordance with Section 12 (2) (a) of the Planning and Environment Act, The Minister's Directions relevant to the amendment are:

#### Ministerial Direction No. 9 – Metropolitan Planning Strategy

The amendment is consistent with and implements the following aspects of Ministerial Direction No. 9 Metropolitan Planning Strategy, *Plan Melbourne 2017-2050*:

- Direction 5.1 – Create a city of 20-minute neighbourhoods. A 20 minute neighbourhood must offer high-quality public realm and open space.
- Direction 5.4 – Deliver local parks and green neighbourhoods in collaboration with communities.
  - 5.4.1 – Develop a network of accessible, high-quality, local open spaces.

- Direction 6.4 – make Melbourne cooler and greener.
  - o 6.4.1 – support a cooler Melbourne by greening urban areas, buildings, transport corridors and open spaces to create an urban forest.
  - o 6.4.2 – Strengthen the integrated metropolitan open space network.
- Direction 6.5 – protect and restore natural habitats
  - o 6.5.1 – Create a network of green spaces that support biodiversity conservation and opportunities to connect with nature.

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

The requirements of Ministerial Direction No 11 are addressed through this Explanatory Report and accompanying strategic justification in support of this amendment.

#### Ministerial No. 15 – The planning scheme amendment process

The requirements of Ministerial Direction No 15 are addressed through complying with the specified planning scheme amendment process and associated timeframes.

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

The amendment supports the following provisions of the Planning Policy Framework:

- Clause 11- *Settlement* 'Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure'.

The amendment supports this clause by requiring all new subdivisions to contribute to the future open space needs of the municipality.

- Clause 12 – *Environmental and Landscape Values*. The objective at clause 12.05-2S *Landscapes* is 'to protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments'.

The amendment supports this clause by improving valued open spaces in the municipality.

- Clause 15- *Built Environment and Heritage*. The objective at clause 15.01-3S *subdivision design* is 'to ensure the designs of subdivision achieves attractive, safe accessible, diverse and sustainable neighbourhoods'.

The amendment supports this clause by providing the funding to create a network of open spaces and by protecting and enhancing native habitat.

- Clause 19- *Infrastructure*. The objective at clause 19.02-6S *Open space* is 'to establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community'. The objective at clause 19.02-6R *Open space – Metropolitan Melbourne* is to strengthen the integrated metropolitan open space network'.

The amendment supports this clause by providing the funding to improve and acquire new open spaces that meet the needs of the community.

### **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment supports and amends the following clauses of the Local Planning Policy:

Clause 21.02-2 Natural Environment – the amendment is consistent with objectives to protect, maintain and enhance Darebin's natural environment.

Clause 21.02-5 Open Space – amends this clause by updating the key issues, strategies and further strategic work in-line with the recommendations of *Breathing Space: The Darebin Open Space Strategy (City of Darebin, 2019)*.

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

The Darebin Planning Scheme is scheduled for translation into the new planning scheme format in 2020. As part of this translation, the above clauses in the Municipal Strategic Statement will be redrafted. It is considered that the proposed changes to the current format will not hinder the translation process and will be able to be translated into the new format, with the rest of the local content as scheduled.

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

The amendment introduces and amends schedule to clause 53.01. This schedule is specifically provided in the Victorian Planning Provisions to allow councils to specify open space contribution rates appropriate for their local circumstances.

### **How does the Amendment address the views of any relevant agency?**

The exhibition of the amendment will provide a formal opportunity for all relevant agencies to comment on the amendment. The amendment does not create any new referral agencies or referral requirements.

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

The requirements of the Transport Integration Act 2010 are not considered to be relevant to this amendment.

### **Resource and administrative costs**

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

The amendment may have an impact on the legal and administrative costs of the responsible authority. Increasing the open space levy rate across the municipality for all subdivisions may result in Council receiving additional legal appeals for those 2 lot subdivisions where council considers it likely that the land can be further subdivided and therefore applying the open space levy.

### **Where you may inspect this Amendment**

The amendment is available for public inspection, free of charge, during office hours at the following places:

- City of Darebin (Planning Counter), Level 1, 274 Gower Street, Preston
- Northcote Customer Service Centre, 32-38 Separation Street, Northcote
- Reservoir Community and Learning Centre, 23 Edwardes Street, Reservoir
- Preston Library, 266 Gower Street, Preston
- Fairfield Library, 121 Station Street, Fairfield

The amendment can be viewed online at [www.darebin.vic.gov/C186dare](http://www.darebin.vic.gov/C186dare)

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).

### **Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by 16 December 2019.

A submission must be sent to:

Coordinator Strategic Planning  
Darebin City Council  
PO Box 91  
Preston Victoria 3072

or via email to: [planningservices@darebin.vic.gov.au](mailto:planningservices@darebin.vic.gov.au)

or online [www.darebin.vic.gov.au/c186dare](http://www.darebin.vic.gov.au/c186dare)

### **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: To commence in the week of Monday, 30 March 2020
- panel hearing: To commence in the weeks of Monday 27 April 2020 and Monday 4 May 2020



*Planning and Environment Act 1987*

**DAREBIN PLANNING SCHEME**

**AMENDMENT C186dare**

**INSTRUCTION SHEET**

The planning authority for this amendment is the Darebin City Council

The Darebin Planning Scheme is amended as follows:

**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

1. In **Local Planning Policy Framework** – replace Clause 21.02-2 with a new Clause 21.02-2 in the form of the attached document.
2. In **Local Planning Policy Framework** – replace Clause 21.02-5 with a new Clause 21.02-5 in the form of the attached document.
3. In **Particular Provisions** – Clause 53.01, replace the Schedule with a new Schedule in the form of the attached document.
4. In **Operational Provisions** – Clause 72.08, replace the Schedule with a new Schedule in the form of the attached document.

End of document