

*Planning and Environment Act 1987*

## **DAREBIN PLANNING SCHEME**

### **AMENDMENT C133**

#### **EXPLANATORY REPORT**

#### **Who is the planning authority?**

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

#### **Land affected by the amendment**

The amendment applies to various sites throughout Darebin City.

#### **What the amendment does**

The amendment corrects anomalies to the Darebin Planning Scheme through the rezoning of various parcels of land, corrections to overlays and various ordinance changes.

The amendment proposes to make the following changes to the Darebin Planning Scheme:

#### **1. Planning scheme maps:**

##### **Zoning maps:**

##### *Bundoora*

- Rezone 1 Research Avenue from Public Use 2 to Commercial 2 (Planning Scheme Map 8).
- Rezone 1050 Plenty Road from Public Use 3 to Mixed Use (Planning Scheme Map 8).
- Rezone 1-14/1A Main Drive from Public Use 3 to Mixed Use (Planning Scheme Map 8).
- Rezone Main Drive between Plenty Road and 103 Main Drive from Public Use 3 to the adjoining zoning (Planning Scheme 8).

##### *Coburg*

- Rezone various Council-owned parcels from General Residential to Public Park and Recreation.

##### *Fairfield*

- Rezone 1-8, 261 Station Street from Public Use 1 to Residential 1 (Planning Scheme Maps 14 & 15).
- Rezone 123 Station Street from Public Use 6 to Commercial 1 (Planning Scheme Map 17).
- Rezone 125 Station Street from Public Use 6 to Commercial 1 (Planning Scheme Map 17).
- Rezone part of 44 Gillies Street from General Residential to Commercial 1 (Planning Scheme Map 17).
- Rezone various Council-owned land from General Residential to Public Park and Recreation.

##### *Kingsbury*

- Rezone various Council-owned parcels from General Residential, Public Use 1 or Public Use 6 to Public Park and Recreation

#### *Macleod*

- Rezone 269 Waiora Road from Commercial 1 to Mixed Use (Planning Scheme Map 9).
- Rezone 271-285 Waiora Road from Public Use 2 to Public Conservation and Resource (Planning Scheme Map 8).
- Rezone Lot S23 Ernest Jones Drive from General Residential to Public Use 2 (Planning Scheme Map 8).

#### *Northcote*

- Rezone 18-44 Balgonie Place from Public Use 6 to General Residential (Planning Scheme Map 14).
- Rezone 42 Separation Street from Public Use 6 to General Residential (Planning Scheme Map 14).
- Rezone part of 496 High Street from General Residential to Commercial 1 (Planning Scheme Map 14).
- Rezone various Council-owned parcels from General Residential to Public Park and Recreation.

#### *Preston*

- Rezone 1 & 2, 233 Gower Street from Public Use 2 to General Residential (Planning Scheme Map 11).
- Rezone part of 8 Rennick Street from Public Use 1 to Industrial 1 (Planning Scheme Map 12).
- Rezone 522 Gilbert Road from Public Park and Recreation to Public Use 3 (Planning Scheme Map 10).
- Rezone 2 – 4 Pleasant View Drive from Public Use 2 to Public Use 3 (Planning Scheme Map 12).
- Rezone various Council-owned parcels from General Residential, Industrial 3 or Public Use 1 to Public Park and Recreation.

#### *Reservoir*

- Rezone 213-219 Edwardes Street from Public Use 1 to General Residential Schedule 1 (residential zone subject to the approval of Amendment C144) (Planning Scheme Map 5).
- Rezone part of 1 to 11 McMahon Road from General Residential to Public Park and Recreation (Planning Scheme Map 7).
- Rezone part of 36 Maclagan Crescent from Public Park and Recreation to Neighbourhood Residential 1 (residential zone subject to the approval of Amendment C144) (Planning Scheme Map 6).
- Rezone various Council-owned parcels from General Residential, Public Use 1 or Industrial 3 to Public Park and Recreation.

#### *Thornbury*

- Rezone 227 Collins Street from Public Use 2 to Residential 1 (residential zone subject to the approval of Amendment C144) (Planning Scheme Map 15).
- Rezone various Council-owned parcels from General Residential, Road Zone 1 or Industrial 3 to Public Park and Recreation.

#### **Overlay maps:**

*Alphington:*

- Remove existing HO39 from 1A, 1B & 18 Arbor Street (Planning Scheme Map 18HO).

*Bundoora:*

- Remove existing RXO from 1142 Plenty Road (Planning Scheme Map 8RXO).
- Modifications to the boundaries of HO7, HO108 and HO111 at 1056-1140 Plenty Road (Planning Scheme Map 8HO).

*Northcote:*

- Remove existing HO85 from 1B Walker Street and the rear of 4/4A McLachlan Street (Planning Scheme Map 16HO).
- Remove existing HO157 from 72 Waterloo Road and apply HO157 to 72 Waterloo Road (Planning Scheme Map 14HO).
- Remove existing HO158 from 155 Westgarth Street (Planning Scheme Map 17HO).

*Preston:*

- Remove existing HO170 from 161 High Street (Planning Scheme Map 11HO).
- Remove existing EAO from 194-210 Miller Street, 1-21 Parkside Row, 1-19 The Mews (Planning Scheme Map 11EAO)

*Thornbury:*

- Remove existing HO47 from 723 High Street (Planning Scheme Map 14HO).

*Reservoir:*

- Remove existing EAO from 1 Wild Street (Planning Scheme Map 6EAO).
- Remove existing HO271 from 740 High Street (Planning Scheme Map 6HO).

**2. Planning scheme ordinance:**

- Clause 43.01, Heritage Overlay: Replace the Schedule with a new Schedule.
- Clause 37.02, Schedule 2 to the Priority Development Zone: Replace the Schedule with a new Schedule.
- Clause 43.02, Schedule 5 to the Design and Development Overlay: Replace the Schedule with a new Schedule.
- Clause 43.02, Schedule 14 to the Design and Development Overlay: Replace the Schedule with a new Schedule.
- Clause 52.27, Licenses Premises: Replace the Schedule with a new Schedule.

**Strategic assessment of the amendment**

**Why is the amendment required?**

**Zoning changes**

The amendment is required to correct errors and anomalies within the planning scheme, as detailed below.

Public Use Zone

Land in the public use zone is being rezoned to reflect existing uses and/or ownership. Certain parcels are no longer in public ownership or used for a public purpose, and are being rezoned to accurately reflect the use of the land. Other properties are within the

incorrect public land zone. One property (Lot S23 Ernst Jones Drive) is being rezoned from General Residential to Public Use 2 to reflect the use and ownership of the land.

### Public Park and Recreation Zone

Darebin-owned parkland is being rezoned to reflect the use of the land and provide the greatest level of protection within the Planning Scheme.

### Other

Land currently within two zones is being rezoned to be within a single zone, and one property (269 Waiora Road, Macleod) is being rezoned to more accurately reflect the use of the land.

## **Overlay changes**

### Heritage Overlay (HO)

The majority of proposed changes to the Heritage Overlay are being made to properly describe and outline the land to which the overlay applies and in several cases, remove the overlay from land that does not have heritage value and the overlay has been applied in error.

Council's approval of the amendment to the Polaris Development Plan (at 1056-1140 Plenty Road, Bundoora) at the Council Meeting of 16 December 2013 necessitates changes to the heritage controls for the former Larundel site. This includes new Statements of Significance for HO107, HO108 and HO111, an updated Incorporated Plan and several mapping changes. A review of the existing controls has been carried out by Lovell Chen on Council's behalf and the recommended changes from this Study have been included in Amendment C133.

### Road Closure Overlay (RXO)

*1142 Plenty Road, Bundoora:* The RXO is being removed from the land as the road is closed and the overlay is no longer required.

### Environmental Audit (EAO)

*1 Wild Street, Reservoir:* The EAO is being removed from the land as the overlay is not required due to the land being continuously for residential purposes since 1890 (construction date of the existing dwelling), having never been used for a potentially contaminating activity and the site inadvertently being rezoned to an industrial zone at the translation of the planning schemes to the new format. The site was rezoned as part of Amendment C36 and the EAO was applied without investigation into the site's history.

*194-210 Miller Street, 1-21 Parkside Row, 1-19 The Mews, Preston:* The EAO is being removed from the land as a Statement of Environmental Audit has been issued for the site.

## **Planning scheme ordinance**

- Clause 43.01, Heritage Overlay: The Schedule is being amended to give correct legal and descriptive reference to various heritage places in Alphington, Northcote, Preston and Reservoir and delete HO47, 731 High Street, Thornbury, which duplicates HO137 and was applied to a non-significant building.
- Clause 37.06, Schedule 2 to the Priority Development Zone: The Schedule is being amended to move convenience restaurant to a section 1 use with the condition that it must form part of an integrated development. The current schedule has had the unintended impact of prohibiting all convenience restaurants within the PDZ, unless the site is redeveloped.
- Clause 43.02, Schedule 5 to the Design and Development Overlay: The Schedule is being amended to include permit exemptions for buildings less than 8 metres in height. The drafting of this schedule has had the unintended impact of requiring a planning permit for all buildings and works.

- Clause 43.02, Schedule 14 to the Design and Development Overlay: The Schedules I being amended to reference commercial zones instead of business zones. The business zones were replaced with commercial zones in 2013.
- Clause 52.27, Licences Premises: The Schedule is being amended to align exemptions from the need for planning permit for licences for convenience restaurant, restaurant, tavern, hotel and shop with planning scheme definitions and to reflect existing exemptions from the need for planning permit under Clause 52.27, and to update the schedule in line with changes to the *Liquor Control Reform Act*.

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

The amendment implements the objectives of planning in Victoria as outlined in Section 4 of the *Planning and Environment Act 1987* through:

- Providing for the fair, orderly, economic and sustainable use and development of land.
- Providing for the protection of natural and man-made resources.
- Securing a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- Protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.
- Balance the present and future interests of all Victorians.
- Ensuring sound, strategic planning and co-ordinated action at State, regional and municipal levels.
- Enabling land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels.
- Facilitating development that achieves the objectives of planning in Victoria and planning objectives set up in planning schemes.
- Ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.

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

The amendment will have no significant effect on the environment or the environment on the use or development envisaged in the amendment. Overall, the amendment is expected to have positive social and economic benefits for landowners, Darebin City Council and the general community. Positive social and economic effects will accrue from the amendment through correct zoning and overlay application to match the ownership, use and intention for land and surrounding land use activities.

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

The amendment does not address bushfire risk as the affected land is not subject to bushfire risk or planning controls.

### **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.

The amendment complies with:

- The Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.
- Ministerial Direction No 9, *Metropolitan Strategy*.

- Ministerial Direction No 11, *Strategic Assessment of Amendments* and DTPLI Practice Note 46, *Strategic Assessment Guidelines*, October 2013. All requirements to be met under the direction have been considered and met in the preparation of the amendment.
- Ministerial Direction No 15, *The Planning Scheme Amendment Process* and DTPLI Advisory Note 48, *Ministerial Direction No. 15 – the planning scheme amendment process*, September 2012.
- Ministerial Direction No 16, *Residential Zones* and DTPLI Practice Note 78, *Applying the Residential Zones*, December 2013.

The amendment is not affected by any other Ministerial Direction.

The amendment complies with Practice Note 2, *Public Land Zones*, October 2013.

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

The amendment complies with and implements the State Planning Policy Framework of the Darebin Planning Scheme, generally implementing land use strategies for settlement, environment, economic development and infrastructure.

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

The amendment complies with and implements the Local Planning Policy Framework of the Darebin Planning Scheme, generally implementing land use strategies for settlement, environment, economic development and infrastructure.

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

The amendment makes proper use of the Victoria Planning Provisions as it proposes to correct errors and anomalies in the existing zones, overlays and planning scheme ordinance. The amendment rezones land to accurately reflect the ownership and/or use of the land; removes and/or applies overlays where appropriate; and corrects ordinance errors. It will ensure the planning scheme makes better use of the Victoria Planning Provisions.

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

The amendment has been prepared with a view to meeting the views and guidelines of relevant departments, authorities and agencies. Preliminary consultation has been undertaken with these bodies and direct notification of this amendment has been given to all relevant departments, authorities and agencies, which may make a formal submission to the amendment if required.

Preliminary consultation has been undertaken with the Department of Transport, Planning and Local Infrastructure regarding the intent of the proposed amendment.

Direct notification of this amendment has been given to all relevant departments, authorities and agencies, as well as landowners and occupiers of affected properties, who may make a formal submission to the amendment if required.

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

*Is the amendment likely to have a significant impact on the transport system, as defined by section 3 of the Transport Integration Act 2010?*

The amendment is not considered to have a significant impact on the transport system.

*Are there any applicable statements of policy principles prepared under section 22 of the Transport Integration Act 2010?*

There are no statements of policy principles applicable under section 22 of the *Transport Integration Act 2010*.

## **Resource and administrative costs**

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

There will be no adverse impact on the resource and administrative costs of the responsible authority. Future proposals for use and development will be considered on their merits through a planning permit process, based on correct zoning, overlays and planning controls.

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

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

Darebin City Council  
274 Gower Street  
PRESTON

The amendment can also be inspected free of charge at the Department of Transport, Planning, and Local Infrastructure website at <http://www.dpcd.vic.gov.au/planning/publicinspection>.

## **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 **13<sup>th</sup> November 2014**.

A submission must be sent to:

Rasiah Dev  
Chief Executive  
Darebin City Council  
PO Box 91  
PRESTON VIC 3072

## **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: Early February 2015**
- **Panel Hearing: Late February 2015**