

Planning and Environment Act 1987

Panel Report

Darebin Planning Scheme

Amendments C136, C137 and C138

MSS review and corridor plans for St Georges Road and Plenty Road

31 July 2014

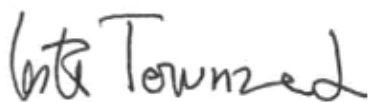


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Panel Report pursuant to Section 25 of the Act

Darebin Planning Scheme Amendments C136, C137 and C138

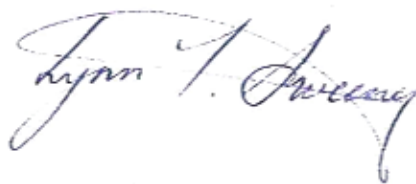
MSS review and corridor plans for St Georges Road and Plenty Road

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Lester Townsend, Chair

A handwritten signature in blue ink that reads "Suzanne Barker". The signature is written in a cursive style with a large initial 'S'.

Suzanne Barker, Member

A handwritten signature in blue ink that reads "Lynn Sweeney". The signature is written in a cursive style with a large initial 'L'.

Lynn Sweeney, Member

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List of Abbreviations

| | |
|-------|--|
| C1Z | Commercial 1 Zone |
| C2Z | Commercial 2 Zone |
| DDO | Design and Development Overlay |
| DELUS | Darebin Economic Land Use Strategy, 2013 |
| DHS | Darebin Housing Strategy, 2013-2033 |
| DPO | Development Plan Overlay |
| DTPLI | Department of Transport, Planning and Local Infrastructure |
| EAO | Environmental Audit Overlay |
| EPA | Environment Protection Authority |
| GRZ | General Residential Zone |
| HO | Heritage Overlay |
| LPPF | Local Planning Policy Framework which includes the MSS and local planning policies |
| MAA | Major Activities Area |
| MSS | Municipal Strategic Statement |
| NCO | Neighbourhood Character Overlay |
| NMIT | Northern Metropolitan Institute of TAFE |
| NRZ | Neighbourhood Residential Zone |
| PPF | Planning Policy Framework |
| RGZ | Residential Growth Zone |
| RSP | Reservoir Structure Plan 2012 |
| RZSAC | Residential Zones Standing Advisory Committee |
| SBO | Special Building Overlay |
| SPPF | State Planning Policy Framework |
| UDF | Urban Design Framework |
| VPP | Victoria Planning Provisions |

Amendments C136, C137, C138 Summary

Table 1: Amendment Summary

| | |
|------------------------------|--|
| The Amendments | Darebin Planning Scheme Amendments C136, C137 and C138 |
| Purpose of Amendments | Revise Darebin's Municipal Strategic Statement (Amendment C138) and implements land use and built form controls for the Junction, Oakover precinct, St Georges (Amendment C136) and Plenty Road corridors (Amendment C137) |
| Planning Authority | Darebin City Council |
| Exhibition | 7 August to 7 October, 2013 |
| Submissions | 253 submissions in total: <ul style="list-style-type: none"> • Amendment C136 – 121 submissions • Amendment C137 – 87 submissions • Amendment C138 – 45 submissions |

Panel Process

Table 2: Panel Process

| | |
|----------------------------|---|
| The Panel | Lester Townsend (Chair), Suzanne Barker, Lynn Sweeney |
| Directions Hearing | 16 December 2013 |
| Panel Hearing | 17 February to 6 March and 19 May 2014 |
| Site Inspections | A number of unaccompanied inspections were made. |
| Appearances | See Appendix A |
| Submissions | See Appendix A |
| Date of this Report | 31 July 2014 |

1 Executive summary

1.1 Conclusions

Amendments C136, C137 and C138 to the Darebin Planning Scheme were prepared as a package of amendments to:

- Review the planning scheme
- Implement land use and built form directions for the Junction, Oakover precinct, St Georges and Plenty Road corridors
- Implement new strategies:
 - *Darebin Economic Land Use Strategy (DELUS)*
 - *Darebin Housing Strategy 2013-33 (DHS)*
 - *Reservoir Structure Plan (RSP)*.

The Panel was impressed with the detailed and strategic planning which underpinned the preparation of a broad suite of documentation supporting the Amendments.

Council has worked diligently to keep up with the fast moving planning environment which has seen the release of *Plan Melbourne* and the introduction of new residential zones. Council's intention has clearly been aiming to lead change in Darebin rather than responding to the development, policy and zoning changes currently affecting all Councils.

Council presented an extensive submission responding to the strategic basis of the Amendments as well as the issues and concerns of the 253 submissions. The Panel contended with the substantial amount of material provided to support the Amendments: thousands of pages of submissions and a further 128 documents handed up during the Hearing.

The Panel supports the strategic direction of the review of Council's MSS and the idea of managing development along public transport corridors. The Panel does, however, make recommendations regarding the content and drafting of the DDOs and considers that the DDOs attempt to cover too broad a range of matters. The Panel recommends that the DDO controls are not expressed as mandatory controls apart from height.

The Panel considers that Amendments C136, C137, C138 will provide Council with a robust policy and development control platform to respond to the development pressures in inner and middle Melbourne over the years to come.

The Panel has concluded:

- C1 The MSS is broadly consistent with the recently approved *Plan Melbourne* and there appears to be no fundamental difficulties in translating the MSS into the format proposed by the State Planning Policy Framework (SPPF) review advisory committee for an integrated planning framework should this format be progressed.**
- C2 Clauses 21.03 and 21.04 provide a sound basis for a comprehensive and robust housing and economic land use strategy for Darebin but that the housing framework should reflect the ultimate residential zoning recommended by the RZSAC.**
- C3 The vision and framework exhibited for the St Georges and Plenty Road corridors are broadly appropriate except the heights proposed for a number of precincts.**

- C4** The use of the Commercial, Mixed Use 1, General Residential, and Residential Growth zones is broadly justified and appropriate, except for the Mixed Use 2 Zone, although a number changes are recommended in specific locations.
- C5** It is appropriate to use a DDO along the corridors to control built form, however the DDOs should not unnecessarily duplicate policy. The DDOs should be redrafted to remove ESD requirements, refer to relevant ResCode provisions, be discretionary controls except for mandatory maximum heights, clarify the principles for the application of rear setback controls and avoid the use of additional maps.

1.2 Recommendations

For the reasons outlined in this report, the Panel recommends that Darebin Planning Scheme Amendments C136, C137 and C138 should be adopted as exhibited subject to the following recommendations:

MSS and local policy

- 1.** Rename the strategic frameworks to 'Strategic Housing Framework', 'Strategic Economic Development Framework' and 'Strategic Transport and Infrastructure Framework'.
- 2.** Refine the strategic frameworks to remove any inconsistencies between them.
- 3.** Delete references to external documents in objectives, strategies or guidelines in the MSS.
- 4.** Include a specific statement in the MSS that the hierarchy of residential growth is as follows (adjusted as necessary for any *Plan Melbourne* changes):
 - a)** Principal Activity Centres at Preston and Northland
 - b)** Activity Centres at Reservoir and High Street Northcote
 - c)** Neighbourhood Activity Centres
 - d)** Corridors including Plenty Road and St Georges Road.
- 5.** Make necessary typographical changes and minor corrections and additions to Clause 21, including:
 - a)** 21.01-3 (Regional Context) – replace 'rapid' with 'relatively high'
 - b)** 21.02-2 (Key influences) – add 'underutilised' after the words 'has created pockets of vacant'
 - c)** 21.04-2 (Industry) – delete 'other' in the first line of the second dot point.
- 6.** Amend Clause 21.02-3 Built Environment dot point 2 to read: 'Develop and implement detailed guidelines for areas where substantial housing change and growth is encouraged'.
- 7.** Amend Clause 21.03-1 to include the sentence following the text regarding Strategic Opportunity Sites: 'It is envisaged that in addition to these sites, future sites that fulfil the above criteria can be identified and classified as Strategic Opportunity Sites'.
- 8.** Amend the Strategic Housing Framework at 21.03-1 to show:
 - a)** Incremental and minimal change areas based on the application of the General and Neighbourhood Residential Zones as recommended by the RZSAC. If

Amendment C138 is adopted before the findings of the RZSAC are known it should be based on Council's submission to the RZSAC.

- b) Substantial Housing Change Areas as exhibited in Amendment C138 but with the following changes, unless the RZSAC has made an explicit recommendation to the contrary:
- High Street Thornbury: change from Incremental to Substantial Change Area
 - Australian Horizons Site: show as a Substantial Change Area
 - Gilbert Road Corridor: show as a Substantial Change Area
 - Separation Street, Northcote: include the Northcote Plaza site
 - Area bounded by St Georges Road, Watt Street, the rail line and Normanby Avenue: show as Potential Substantial Housing Change Precinct
 - Include train stations in the legend.
9. Amend the Strategic Housing Framework at 21.03-1 to show:
- a) Potential Substantial Change Precinct notation on the obsolete industrial precincts, including:
- the area north of Beavers Road (DELUS Precinct 5)
 - the Gadd Street Precinct (DELUS Precinct 6)
 - the Northcote Central (Arthurton Road) (DELUS Precinct 7)
 - the Separation Street Precinct (DELUS Precinct 14).
- b) The area south of Beavers Road as employment land (DELUS Precinct 5).
- c) The Heidelberg Road and Westfield Street Precinct as a Mixed Use Precinct (DELUS Precinct 11).
10. Amend Clause 21.03-2 to include the sentence:
- a) 'The General Residential Zone will apply until the appropriate built form guidelines and policies are in place in Substantial Change Areas'.
11. Amend Clause 21.04 to:
- a) Include a map to identify industrial land precincts and clarify the future of all existing and transitioning industrial land precincts in Darebin as shown in the following table.
- b) Include a table in to clarify the future of all existing and transitioning industrial land precincts in Darebin generally as shown in the following table, but adjusted for any approved rezoning.

Proposed Table to Clause 21.04

| Precinct | Role | Zone |
|------------------------------|--|--|
| 1 Reservoir | Core industrial area | Industrial 1 and Industrial 3 |
| 2A East Preston (industrial) | Core industrial area | Industrial 1 and Industrial 3 |
| 2B East Preston (renewal) | Urban renewal Area bounded by Gower, Bell, Albert Streets and Chifley Drive | Rezone to Comprehensive Development Zone and ensure development contributions. |
| 3 Fairfield | Core industrial area | Industrial 3 |
| 4 Anderson Road | Secondary industrial area Retain Industrial Use but review after 2019 | Industrial 3 |

| Precinct | Role | Zone |
|--|---|--|
| 5 Beavers Road | Mixed employment and residential | Rezone south of Beavers Road to Commercial 1 and north of Beavers Road to Residential |
| 6 Gadd Street, Northcote | Ongoing employment Potential Residential | Industrial 3 Continue industrial use with a view to potential long-term conversion to residential. Consult with landowners prior to any rezoning |
| 7 Northcote Central (Arthurton Road) | Urban renewal for commercial and residential use | To be determined |
| 8 Oakover Road | Ongoing industrial precinct | Industrial 3 |
| 9 Westgarth | Mixed use and residential redevelopment | Rezone land in Cunningham Street to Mixed Use or Residential 1 Zone Rezone land in Little High Street to Commercial 1 |
| 10 St Georges Road and Merri Parade | Mixed use redevelopment | Rezone to Mixed Use |
| 11 Heidelberg Road and Westfield Street | Mixed use employment | Rezone to Mixed Used with a Schedule including an objective that requires or encourages employment uses in appropriate locations within the precinct |
| 12 Heidelberg Road Pockets | Mixed use and residential redevelopment | Rezone to Mixed Use |
| 13 Heidelberg Road, Alphington | Commercial redevelopment | Rezone to Commercial 2 |
| 14 Separation Street, Northcote | Ongoing industrial precinct Potential residential redevelopment if existing industrial use vacate the precinct | Industrial 3 Rezone for Residential use only when the whole precinct can transition to a residential use |
| 15 Plenty Road Pockets, Preston | | Rezoning to be determined through the Plenty Road Study |
| 16 Regent Street, Preston | Commercial redevelopment | Rezone to Commercial 1 |
| 17 Edwardes Road, Reservoir | | Residential zoning to be selected through implementation of the Reservoir Structure Plan |
| 18 Plenty Road pockets, Bundoora | Commercial and mixed use redevelopment | Rezone land between Hardiman Reserve and Bradshaw Street to Commercial 2 Rezone land between Bradshaw Street and Highland Street to Mixed Use or Business 1 |
| 19 High Street, Northcote (Town Hall Precinct) | | Commercial 1 |

12. Amend Clause 21.04 to:
 - a) Add to Further Strategic Work: Review the Northcote Structure Plan (2007) in accordance with the directions of the Darebin Housing Strategy (2013) with emphasis on the Industrial 3 Zone land around Arthurton Road and adjacent to Northcote Railway Station.
 - d) Delete from Implementation: dot points 3, 4, 5 and 6 referring to rezoning of land.
13. Amend the Strategic Economic Development Framework to show the Gadd Street precinct as employment land.
14. Amend Clause 21.05 to:
 - a) Include the words 'and train stations' in Objective 1
 - b) Include the words 'and other opportunities such as Alphington Station' in dot point 4.
15. Abandon proposed changes to Clause 22.09 and Clause 22.10 (current numbering) that exclude their operation from the corridors.
16. Remove the rear setback requirements from the map in Clause 22.02 The Junction Local Area Plan.

Environmental Audit Overlay

17. Apply the EAO in accordance with the Appendix 30 of Council's submission and to the following additional properties:
 - a) 429-433, 535 St Georges Road
 - b) 290, 322, 483-485 497, 591-593, 987-995 Plenty Road.

Rezoning

18. Review whether the MUZ2 should replace the RGZ if issues related to building height in the RGZ have been clarified.
19. Rezone 2A and 38 Arthurton Road and 99 Helen Street to Mixed Use.
20. Retain the current C1Z zoning for the Elizabeth Street/McNamara Street area (DELUS Precinct 33).
21. Amend the proposed rezoning for the properties between Hawthorn Road and McCracken Avenue, east side of St Georges Road from RGZ to GRZ (St Georges Road Precinct 2).
22. Amend the proposed rezoning for the land between Elm Street and Bent Street from C1Z to MUZ1 (St Georges Road Precinct 3).
23. Amend the proposed rezoning for 137 St Georges Road from C1Z to MUZ1 (St Georges Road Precinct 3).
24. Amend the proposed zoning for properties between Emmaline Street and Woolton Avenue, east side of St Georges Road from MUZ2 to RGZ (St Georges Road Precinct 4).
25. Amend the proposed zoning for 375-377 St Georges Road from R1Z to C1Z (St Georges Road Precinct 5).

26. Amend the proposed zoning for land covered by DDO16 Precinct 7 to from MUZ2 to RGZ (St Georges Road Precinct 7).
27. Amend the proposed zoning for the land north side of Showers Street east of St Georges Road from MUZ2 to RGZ (St Georges Road Precinct 7).
28. Amend the proposed zoning of residential properties to commercial on the east side of Plenty Road from C1Z to RGZ (Plenty Road Precinct 2).
29. Amend the proposed zoning of 572 Plenty Road from RGZ to GRZ (Plenty Road Precinct 2).
30. Amend the proposed zoning of the north side of Plenty Road Precinct 3 from MUZ2 to RGZ (Plenty Road Precinct 3).
31. Amend the proposed zoning of 2 O'Connell Street as the balance of the land at 1039-1041 Plenty Road (Precinct 4).

Design and Development Overlays

32. Review whether the DDO is needed on residentially zoned land or whether the controls can be delivered as a schedule to a residential zone.
33. Review the interaction between the DDO and built form controls in the zone where a residential zone is applied.
34. Amend the requirements of the DDOs to make all requirements discretionary except for maximum building heights.
35. Redraft the DDOs to:
 - a) Radically simplify their structure.
 - b) Tighten and improve language.
 - c) Focus content on:
 - Site width
 - Building height
 - Building setback
 - Site coverage
 - Walls on boundaries
 - Street interface.
 - d) Delete provisions from the DDOs that duplicate Clause 22.09 and Clause 22.10 (current numbering).
 - e) Delete reference to minimum heights.
 - f) Modify the 30 degrees boundary setback requirement to apply only where the adjoining land is significantly lower than the corridor land.
 - g) Use reference to other policies or ResCode requirements where possible, in particular refer to ResCode to manage overlooking and overshadowing impacts.
 - h) Remove requirements related to ESD and internal amenity.
 - i) Avoid or minimise the need for maps in the schedule by showing the precincts on the planning scheme maps, and delete (or simplify) the maps in the DDO schedule by:
 - Relating Active frontage to zone
 - Applying a standard set back requirement

- Removing Strategic Site designation in particular removing the strategic opportunity site designation from the Northcote High School site in DDO16.
36. Insert the following objective into DDO16 and DDO17:
- a) To provide a transition in scale on the side street frontage that responds to the character of housing adjoining the site.
37. Include a design objective in the DDOs to provide pedestrian connections where block lengths exceed 100 metres.
38. Insert the following in DDO3, DDO16 and DDO17:
- a) In mid-block locations avoid right turning vehicles across the tram tracks including U-turns. 'Left in' and 'left out' only access may be required (as set out in the Public Transport Guidelines for Land Use and Development, 2008).
39. Amend DDO3 to:
- a) Include the amended pedestrian connections shown on the post exhibition version of the DDO3 plan
 - b) Include a design objective in DDO3 to encourage the integration of infrastructure for cyclists in new developments
 - c) Remove the requirement for landscaped setbacks at ground level front property boundaries
 - d) Include a design objective in DDO3 to encourage urban forms of landscaping such as green walls and roofs.

Application of Overlays

40. Remove 11 Clarke Street from DDO16 (St Georges Road Precinct 1).
41. Amend DDO16 to show a building height of 3 storeys for the block between Hawthorn Road and McCracken Avenue, east side of St Georges Road (St Georges Road Precinct 2).
42. Amend DDO16 in relation to 137 St Georges Road to include additional guidance to manage the residential interface on the Auburn Road frontage (St Georges Road Precinct 3):
- a) Auburn Road is to be treated as a frontage with a setback of 3m required at ground level
 - b) A preferred maximum building height of 3 storeys within 10m of the southern boundary with stepped setbacks to form a transitional buffer
 - c) Vehicle access points to minimise unreasonable impacts on adjoining residential areas
 - d) Provision of setbacks to the western boundary to provide space for deep rooted vegetation
 - e) Orient active frontage commercial uses to Arthurton Road and St Georges Road and residential uses towards Auburn Avenue and the western laneway
 - f) Avoid high front fencing along Auburn Avenue.
43. Amend DDO16 to show a building height of 4 storeys for properties between Emmaline Street and Woolton Avenue, east side of St Georges Road (St Georges Road Precinct 4).

44. Amend DDO16 to remove the building height nominated for 195 St Georges Road on the Precinct 4 map (St Georges Road Precinct 4).
45. Amend DDO16 to apply a 4 storeys height limit to Precinct 7 (St Georges Road Precinct 7).
46. Apply DDO controls or controls under the zone to land on the north side of Showers Street east of St Georges Road to set a building height of 4 storeys (St Georges Road Precinct 7).
47. Remove the block bounded by St Georges Road, Cramer Street, Edith Street and Bruce Street from the DDO (St Georges Road Precinct 8).
48. Amend DDO3 to apply a building height of 18 storeys to 6-34 High Street and 31 Plenty Road (The Junction).
49. Amend DDO3 to apply a building height in the block between Miller Street and Oakover Road on the west side of High Street of 8 storeys (The Junction).
50. Amend DDO17 Precinct 2 to show a building height of 4 storeys for the east side of Plenty Road, except for the strategic site located on the south east corner of Tyler Street and Plenty Road (Plenty Road Precinct 2).
51. Amend DDO17 Precinct 3 to show a building height of 4 storeys for the north side of Plenty Road (Plenty Road Precinct 3).
52. Apply the same overlay provisions to 2 O'Connell Street as the balance of the land at 1039-1041 Plenty Road (Plenty Road Precinct 4).
53. Amend DDO17 to include further guidance that buildings should display a fine grained design response which emphasises vertical elements in relation to 1091 Plenty Road (Plenty Road Precinct 4).
54. Amend DDO17 to remove the nominated pedestrian links shown on the Precinct 4 Map 2 for 1091 Plenty Road (Plenty Road Precinct 4).

Development Plan Overlay

55. Amend DPO11 schedule to:
 - a) Include an objective 'to ensure development provides a transition in height and massing to surrounding lower scale form and within the precinct where appropriate'
 - b) Include new guidance about the transition from taller built form to lower scale residential areas, especially areas within heritage overlays
 - c) Include a preferred maximum building height of three storeys along streetscapes other than St Georges Road, with additional storeys to be located toward the centre of large blocks
 - d) Require new developments to consider the impact of the building's bulk and mass on adjoining and adjacent areas
 - f) Specify lower rise residential north of the proposed northern pedestrian connection on the west side of St Georges Road
 - g) Move the north-south link pedestrian link located east of St Georges Road to run from the court bowl of Kenwood Court north to Showers Street
 - h) Remove the east-west pedestrian link east of St Georges Road.

56. Amend DPO11 schedule to Include a section on the Display of Development Plan stating:
- a) Before deciding to approve a development plan, the responsible authority must display the plan for public comment
 - b) Notice of the development plan must be given to the owners and occupiers of adjoining land
 - c) A development plan must be displayed or further information required within 28 days after the plan is received by the responsible authority. The plan must be displayed within 14 days of satisfactory further information being received
 - d) The development plan must be displayed for at least 14 days but no longer than 28.
57. Amend DPO11 schedule to include the transitional buffer zones on the concept plan.
58. Amend the application of DPO11 to exclude land on the north side of Showers Street east of St Georges Road.

Road Closure Overlay

59. Apply a Road Closure Overlay to facilitate the closure of redundant roads on 800 Plenty Road.

Further work

The Panel also recommends:

60. Council determine and apply a more appropriate zone to the Northcote Central (Arthurton Road) precinct as soon as possible to resolve the future of this clearly obsolete industrial land.