

Planning and Environment Act 1987

## DAREBIN PLANNING SCHEME

### AMENDMENT C137

#### 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.

#### Land affected by the amendment

The amendment applies to land abutting Plenty Road from Dundas Street, Preston, to Snake Gully Drive, Bundoora, and to land between Bell Street, Plenty Road, Miller Street and Railway Place East, Preston (the Junction Local Area Plan as currently identified in Clause 22.01). The following sites proximate to Plenty Road and High Street are also included in the amendment:

- 30 & 32 Flett Street, Preston
- 314, & 320 Bell Street, Preston
- 12 Margaret Grove, Preston
- 1 Thomas Street, Preston
- 107 Malpas St, Preston
- 1A Hawker Avenue, Preston
- 121 & 126, Rene Street Preston
- 202, 206, 208, 210, 212, 214, 216B, 233A, 235A & 235D Tyler Street, Preston
- 27 McColl Street, Reservoir
- 1A & 1B Wilkinson Street, Reservoir
- 213, 215, 217 & 219 Albert Street, Reservoir
- 1, 4 & 6 Rubicon Street, Reservoir
- 2A Erskine Avenue, Reservoir
- 1 Gremel Road, Reservoir
- 2 O'Connell Street, Kingsbury

#### What the amendment does

The amendment implements the land use and built form directions from the [Urban Design Framework 2015 St Georges Road Corridor and Plenty Road Corridors \(formerly named Plenty Road Corridor Urban Design Framework 2013\)](#) by:

1. Amending the following clauses of the Darebin Planning Scheme within the Local Planning Policy Framework:
  - Amending Clause 22.01 – The Junction Local Area Plan to remove *The Junction Integrated Development Plan* (2001) as a reference document, update the Junction Local Area Plan in relation to the [Urban Design Framework 2015 St Georges Road Corridor and Plenty Road Corridors](#) and insert the [Urban Design Framework 2015 St Georges Road Corridor – Plenty Road Corridors](#) ~~Plenty Road Corridor Urban Design Framework 2013~~ into the Clause as a reference document.
  - Amending Clause 22.02 – Neighbourhood Character to exclude the land within Design and Development Overlay 17 (DDO17) from its operation.
2. Rezoning some land affected by the amendment to apply the new Residential (Residential Growth Zone 1, General Residential Zone 2 and Mixed Use Zone 1) Zones and Commercial (Commercial 1 and 2) Zones to achieve the built form and land use outcomes of the Framework as shown on the accompanying Planning Scheme Amendment Map Sheets.

3. Inserting Schedule 17 to Clause 43.02 Design and Development Overlay into the Darebin Planning Scheme.
4. Replacing Schedule 3 to Clause 43.02 Design and Development Overlay of the Darebin Planning Scheme.
5. Applying Clause 45.03 Environmental Audit Overlay to land where site history indicates potential for contamination.
6. Amending Clause 61.03 to refer to the additions of Map Nos 7DDO, 8DDO and 7EAO.

### Strategic assessment of the amendment

This amendment is required to give effect to the objectives and strategies contained within the [Urban Design Framework 2015 St Georges Road Corridor and Plenty Road Corridors](#). The [Urban Design Framework 2015 St Georges Road Corridor and Plenty Road Corridors \(formerly named Plenty Road Corridor Urban Design Framework 2013\)](#) was adopted in 20 May 2013 and contains the following vision:

*The Plenty Road Corridor supports more efficient, accessible and reliable public transport and provides opportunities for housing intensification.*

*The Corridor connects revitalised activity centres at Preston South (The Junction), Preston Central, Tyler Street, Summerhill Village and Lancaster Gate. In general, retail and commercial uses in these centres will serve the immediate hinterland to provide local convenience opportunities. The Preston Central Activity Centres will be supported and the regional focus of community activity, services and investment.*

*Development along the Plenty Road corridor continues to support the growth of La Trobe University, one of Victoria's largest tertiary institutions and a significant employer within the municipality.*

*A growing and diverse community is found here and enjoys a variety of lifestyle benefits and services and facilities that meet their daily needs.*

The [Urban Design Framework 2015 St Georges Road Corridor and Plenty Road Corridors](#) identifies opportunities for intensification of development along the Corridor to progress the above vision which supports opportunities for more intense development and carefully manages off-site amenity impacts. The current planning scheme controls do not adequately provide for these changes.

The amendment will introduce the new residential and commercial zones to manage the different use and development scenarios identified for the corridor. In addition, a Design and Development Overlay will be introduced and the Environmental Audit Overlay applied as appropriate.

The Design and Development Overlays will be the principal statutory tool to manage the development outcomes outlined in the [Urban Design Framework 2015 St Georges Road Corridor and Plenty Road Corridors](#). A Schedule will identify the built form requirements such as overall height, setbacks, sustainability and quality design measures for development proposals to achieve the preferred future outcome for each of the precincts and sub-precincts along the Corridor.

The Residential Growth Zone and associated Schedule enables new housing growth and diversity up to a height of 4 storeys and allows for smaller scale commercial uses in defined circumstances. The Residential Growth Zone is applied where residential uses are encouraged and heights of 4 storeys or less are acceptable.

The Mixed Use Zone with the associated Schedule allows residential and employment uses. It allows adaptive commercial uses to emerge within the Corridor and is proposed at strategic locations, particularly around the edge of the Commercial 1 Zone. It encourages higher density development.

The Commercial 1 Zone is proposed on sites with existing commercial/industrial uses and built form or on blocks surrounded by land within the Commercial 1 Zone. The Commercial 1 Zone promotes a mix of uses that will facilitate stronger local activity nodes along the Corridor, particularly at ground level, to serve the existing and emerging community and allow for upper level residential uses.

The Commercial 2 Zone is proposed on a small group of sites to enable the continuation of large format commercial/industrial uses.

The Environmental Audit Overlay (EAO) identifies land with potential contamination from existing or previous uses such as industry, storage of chemicals, gas, wastes and liquid fuels. The EAO is proposed to be applied where records of previous land uses are considered to have a high or medium potential for contamination (as defined in *Potentially Contaminated Land General Practice Note*, DSE, June 2005).

Clause 22.01 – The Junction Local Area Plan has been updated to reflect the recent findings of the [Urban Design Framework 2015 St Georges Road Corridor and Plenty Road Corridors](#). The key objectives of the policy (e.g. to enhance the commercial spine, encourage redevelopment of redundant industrial sites, promote good design outcomes) remain as the area is still in transition. However, objectives to ensure a place-making effort is achieved as well as design excellence to ensure the area develops in way that creates beneficial outcomes.

Council has prepared a suite of 3 related planning scheme amendments that are all being placed on public exhibition concurrently. In addition to Amendment C137 the following amendments are also on exhibition from August through to 7<sup>th</sup> October 2013:

- **Amendment C138** implements a new Municipal Strategic Statement for Darebin and provides the overarching framework for the location specific Amendments C136 and C137. This Statement draws on the draft *Darebin Housing Strategy 2013 (Revised 2015)* and the draft *Darebin Economic Land Use Strategy 2014* to set out the future growth direction for the City within the following sections: Environment; Housing; Economic Development; and Transport and Infrastructure.
- **Amendment C136** gives effect to the objectives and strategies contained within the [Urban Design Framework 2015 St Georges Road Corridor and Plenty Road Corridors \(formerly named St Georges Road Corridor Urban Design Framework \(2013\)\)](#) and guides development via land use rezonings and introduction of several overlays into the Darebin Planning Scheme.

#### [Relationship to other planning scheme amendments](#)

[Since the Panel Hearing of Amendment C137 Amendment C144 was approved and introduced the first stage of the new residential zones \(General Residential Zone 1 and 2, Neighbourhood Residential Zone 1\). Council believes oversights were made in the application of the new zones via C144 and subsequently applied for Ministerial Amendment C152 to rectify the situation. The proposed application of the new residential zones in C152 complement the overall zoning in the municipality and the proposed changes in Amendments C136 and C137 were considered when C152 was applied for.](#)

[Ministerial Amendment C147 seeks to apply the Residential Growth Zone in the municipality more widely. Along with Amendments C136 and C137 it will complement the overall application of this zone in Darebin along parts of the St Georges Road and Plenty Road tram corridors, activity centres and in the emerging National La Trobe Employment Cluster. C147 also includes the replacement of former local policies in Clauses 22.09 and 22.10. The Panel for Amendment C137 recommended to exclude these two policies from changes via Amendment C137. Council chose to revise Clauses 22.09 and 22.10 and combine them into one updated policy at Clause 22.06 that was then exhibited with Amendment C147. The proposed Clause 22.06 as in C147 will provide a streamlined](#)

[policy basis for multi-unit development in Darebin and its relationship to Amendments C136 and C137 were considered at the time to ensure no contradictions occur.](#)

- **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.
- Securing a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- 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.
- Ensuring 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 the environmental effects and any relevant social and economic effects?**

The amendment is expected to have positive environmental effects. The amendment specifically aspires to achieve a high standard of design and encourages ecologically sustainable development. The amendment will allow for higher density housing and encourage mixed uses in select locations capitalising on a key transport corridor with existing public transport, pedestrian and bicycle infrastructure.

The amendment is expected to have a net community benefit and positive social and economic benefits through:

- Supporting urban renewal opportunities along a strategic corridor where existing locational advantages can support increased dwelling density and commercial activity.
- Encouraging a high quality of development incorporating environmentally sustainable design, water sensitive urban design and improving pedestrian amenity and connectivity within the Corridor.
- Encouraging a mix of uses including commercial activities that provide opportunities for small scale local employment opportunities and access to services for the local community.
- Increasing the supply of housing and improving dwelling diversity.

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

This amendment affects land within an established urban area and therefore bushfire risk is not relevant.

- **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 under Section 7(5) of the Act. The amendment complies with all Minister's Directions under Section 12 of the *Planning and Environment Act 1987*.

The amendment is also consistent with:

- Ministerial Direction 1 – Potentially Contaminated Land;
- Ministerial Direction 9 – Metropolitan Strategy; and
- Ministerial Direction 11 – Strategic Assessment of Amendments and DPCD Practice Note 46, *Strategic Assessment Guidelines*, January 2011. All requirements to be met under the direction have been considered and met in the preparation of the amendment.

The amendment is not affected by any other Minister's Direction.

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

#### Clause 11 – Settlement

This Clause seeks 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 addresses this Clause by implementing land use and development controls which deliver on the City of Darebin's strategic directions to manage growing population and ensuring sufficient land for housing, employment and economic activity.

In particular, the Amendment supports the following sub-clauses:

*11.01 Activity Centres* – supporting the network of activity centres in the City of Darebin through a diversity of housing types at higher densities in and around centres.

*11.02 Urban Growth* – ensuring ongoing provision of land and supporting infrastructure to support sustainable urban development; identifying opportunities for the consolidation, redevelopment and intensification of existing urban areas with consideration to neighbourhood character and landscape values; assisting in the development of walkable neighbourhoods; and facilitating logical and efficient use of existing infrastructure and services.

*11.04 Metropolitan Melbourne* – improving housing choice and affordability by increasing housing supply near services and public transport; enhancing the liveability of Melbourne suburbs by creating healthy and active '20 minute neighbourhoods'; respecting heritage while building for the future, providing protection from inappropriate development; and achieving and promoting design excellence.

#### Clause 13 – Environmental Risks

This Clause seeks to ensure a best practice environmental management and risk management to avoid or minimise environmental degradation and hazards.

The Amendment particularly supports sub clause *13.03 Soil Degradation* by including a new Potentially Contaminated Land Policy (Clause 22.11), to ensure adequate provision of information at permit application stage to assess the potential for contamination based on site history and remediation compatible with the intended future use of a site. This policy provides for broader consideration of land contamination (in addition to use of the environmental audit overlay) to ensure protection of the community and the environment through the long-term management of contaminated land in the City.

#### Clause 15: Built Environment and Heritage

This Clause seeks to create urban environments that are safe, functional and provide a sense of place and cultural identity. The Amendment supports this clause by providing introducing provisions which ensure development is location-appropriate, site-responsive, considers personal safety and ensures a sensitive integration of new and existing built forms along Plenty Road.

In particular, the Amendment supports the following sub-clauses:

*15.01 Urban Design* – ensuring transport corridors integrate land use planning, urban design and transport planning; achieving architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm through improved safety and sense of place minimising detrimental impact on neighbouring properties.

*15.02 Sustainable Development* – encouraging energy efficiency and greater use of renewable energy in building and subdivision design, promoting consolidation of urban development and integration of land use and transport; and providing an environment which supports walking and cycling.

*15.03 Heritage Conservation* – encouraging appropriate development that respects places with identified heritage values; ensuring an appropriate setting and context for heritage places is maintained or enhanced; and supporting adaptive reuse of heritage buildings.

#### Clause 16: Housing

This Clause seeks to ensure provision of housing diversity and efficient provision of supporting infrastructure for long term sustainability. The Amendment supports this Clause by providing diverse forms of housing with integrated access to superior public transport services and a range of services including activity centres, schools and open space.

In particular, the Amendment supports the following sub-clauses:

*16.01 Residential Development* - providing new housing to meet increasingly diverse community needs in or close to activity centres and employment corridors that offer good access to services and transport. Additionally, identifying strategic sites for large residential development on or abutting tram routes that are part of the Principal Public Transport Network.

#### Clause 17: Economic Development

This Clause seeks to ensure planning contributes to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts, so that each district may build on its strengths and achieve its economic potential.

The Amendment supports this clause through initiatives which consolidate commercial nodes along the Plenty Road corridor to provide for the needs of the local population and support the broader municipal economic strategy which includes maintaining a network of activity centres and protection of key employment precincts in Darebin.

In particular, the Amendment supports the following sub-clauses:

*17.01 Commercial* – locating commercial facilities in existing or planned activity centres; manage out of centre development; and provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

17.02 *Industrial* – ensuring availability of land for industry and supporting the identified industrial areas in the municipality (relates to rezoning of isolated industrial lots along the corridor as part of the broader *Darebin Economic Land Use Strategy 2014*).

#### Clause 18: Transport

This Clause seeks to ensure planning supports an integrated and sustainable transport system. The proposed Amendment supports the Clause by enabling development that supports the existing public transport and cycling infrastructure within the area and creates a pattern of land uses and development that support and encourage pedestrian trips.

In particular, the Amendment supports the following sub-clauses:

18.01 *Integrated Transport* - planning urban development to make jobs and community services more accessible by ensuring access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.

18.02 *Movement networks* – creating environments that are safe and attractive for walking and cycling; require the provision of adequate bicycle facilities in new development; achieve greater use of public transport by increasing densities, ensure adequate supply of car parking and high quality design of car parking facilities.

#### Clause 19: Infrastructure

This Clause seeks to ensure planning for development of social and physical infrastructure to meet the needs of communities now and into the future. The proposed Amendment supports this Clause by facilitating development along the Plenty Road corridor which supports the integration of education, social and cultural facilities with local communities and ensures consideration of management of physical infrastructure including from the impacts of development.

In particular, the Amendment supports the following sub-clauses:

19.02 *Community Infrastructure* - ensuring areas near to facilities are designed to encourage safe bicycle and pedestrian access; encourage the location of social and cultural infrastructure in activity centres.

19.03 *Development Infrastructure* - incorporating water-sensitive urban design techniques into development to reduce water usage and manage stormwater runoff.

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

#### Adopted Amendment C138 – Revised Municipal Strategic Statement (MSS)

Council's revised MSS is currently with the Minister for approval. This Amendment supports Council's land use directions in the revised MSS by facilitating development along the Plenty Road 'strategic corridor' which both supports and benefits from the public transport services and other facilities along and around the corridor. The Amendment also provides specific built form controls to ensure the scale and type of development is appropriate to the various conditions in precincts along the corridor.

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

#### Clause 21.02-3 Built Environment

- *21.02-3 Objective 1: Urban Design Excellence* – encouraging high quality design and buildings that promote an urban scale and character appropriate to the role and function of strategic corridors; encourage consolidation of commercial areas along strategic corridors to create strong vibrant hubs to serve the local community; and ensuring development manages negative off-site impacts and interface issues with surrounding sensitive land uses.
- *21.02-3 Objective 2: Safe Urban Environments* – encouraging designs that promote safety and pedestrian amenity.
- *21.02-3 Objective 3: Environmentally Sustainable Development* – facilitating development that incorporates best practice environmentally sustainable design and promotes sustainable living and business practices; promoting the integration of land use and sustainable transport (walking, cycling and public transport).

#### Clause 21.03 Housing

- *21.03-2 Objective 1: Housing Provision* – delivering 13,600 additional dwellings projected to be required in Darebin over the next 20 years at appropriate scale and densities as identified in the Strategic Housing Framework Plan;
- *21.03-2 Objective 2: Housing Density* – encouraging greater housing densities and mixed use development along Plenty Road as a ‘strategic corridor’, particularly at identified strategic opportunity sites and precincts. The Amendment contains provisions which ensure the degree of change is appropriate and responsive to the variety of conditions including areas with interfaces to heritage overlays.
- *21.03-2 Objective 3: Residential Amenity* – facilitating residential and mixed use developments that display a high standard of design, limit off-site amenity impacts and provide appropriate internal amenity for residents.
- *21.03-3 Housing Diversity and Equity* – increasing the diversity of housing types, sizes, design and configurations in Darebin and development of a variety of forms of medium density housing.

#### Clause 21.04 Economic Development

- *21.04-2 Industrial Land* – proactively manage the transition of redundant industrial land to accommodate new uses through revitalisation of the Oakover Village precinct, and encouraging a range of business, commercial and residential uses in the inter-nodal areas of Plenty Road been activity centres.
- *21.04-3 Commercial and Retail Activity* – strengthening the established retail centres hierarchy in Darebin through encouraging complementary mixed uses along strategic corridors, supporting mixed use redevelopment of the Summerhill Neighbourhood Centre and providing opportunities for improved function; and discouraging activities that can undermine retail mix and capacity of designated activity centres.

#### Clause 21.05 Transport and Infrastructure

- *21.05-2 Objective 1: Integrated and Sustainable Transport* – prioritising and facilitating a mix of land uses and greater housing densities in identified strategic corridors and precincts, and identified strategic opportunity sites generally within 400 metres of a train station or tram route; enhancing pedestrian accessibility and amenity around train stations and other public transport nodes and interchanges to encourage the use of public transport.
- *21.05-2 Objective 2: Accessible Transport* – encouraging good urban design standards in built environments to support walkability and pedestrian amenity.
- *21.05-2 Objective 3: Car Parking* – managing the provision of car parking and congestion of car parking in Darebin and encourage use of sustainable transport modes to reduce car parking demand.

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

The Amendment makes proper use of the VPPs to implement the ~~Plenty Road Corridor Urban Design Framework 2013~~ [Urban Design Framework 2015 St Georges Road and Plenty Road Corridors](#). All zoning and overlay changes are appropriate and use the relevant tools available.

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

The views of relevant agencies were sought and considered during the preparation of the *Plenty Road Corridor Urban Design Framework 2013* and exhibition of the amendment. These were:

- [Environment Protection Authority](#)
- [CitiPower](#)
- [AGL](#)
- [TRUenergy](#)
- [Yarra Valley Water](#)
- [Melbourne Water](#)
- [Telstra](#)
- [VicRoads, North West Regional Office](#)
- [Origin Energy](#)
- [SP AusNet](#)
- [Heritage Victoria](#)
- [VicTrack](#)
- [AAV](#)
- [Department of Transport](#)
- [Department of Business and Innovation](#)
- [Department of Human Services](#)

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

The amendment complies with the relevant requirements of the *Transport Integration Act*, specifically Part 2, Division 2, 11 – Integration of transport and land use.

The amendments to the *Darebin Planning Scheme* support an increase in commercial uses, community services and housing in areas which are well-served by public transport and contribute to social and economic inclusion, and economic prosperity.

In addition, Council advocates for improvements to the facilities and operation of the public transport system throughout metropolitan Melbourne, with a local emphasis on improvements to the service and facilities for users of Tram Route 86. The proposed amendment is consistent with these outcomes.

## Resource and administrative costs

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

The amendment will have positive impacts on the resource and administration costs of the City of Darebin.

The amendment aims to improve planning outcomes through clearer planning processes and more detailed guidance for decision makers and applicants. Overall, the planning permit application process is expected to be more efficient.

## Panel hearing dates

The amendment was exhibited between the 7 August and 7 October 2013 and 87 submissions were received. An independent Panel Hearing was held between the 17

February and 6 March [and on the 19 May](#) 2014. The report was received on the 31 July 2014 and a correction was received on the 12 March 2015.

The proposed amendment documentation was revised as follows:

- The formerly proposed MUZ2 has been removed and replaced with either the application of the RGZ1 or MUZ1 as per Panel Recommendations;
- DDO3 and DDO17 have been restructured and redrafted to focus their content, clarify wording, especially regarding the distinction between mandatory and discretionary requirements, partially as per Panel Recommendations;
- Formerly exhibited changes to local policies at Clauses 22.09 and 22.10 (MSS as of 29.05.2015) have been deleted. Changes to these policies are now part of C147;
- Minor zoning changes were undertaken as per Panel Recommendations;
- The amendment documentation now contains the new MSS format as adopted by Council and submitted to the Minister for approval ~~on 29 September 2014~~[previously](#).

A detailed list of how Panel Recommendations have been addressed [and how the Amendment has been revised](#) is provided separately.

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

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

- during office hours, at the office of the planning authority - City of Darebin, 274 Gower St, Preston
- at the Planning Services Consultation website, [www.yoursaydarebin.com.au](http://www.yoursaydarebin.com.au)

The amendment can also be inspected free of charge at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection).