



# Future Use of 2 Wingrove Street, Alphington

Planning Report

Darebin City Council - July 2025

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## Executive Summary

Darebin City Council is exploring the development of a masterplan for 2 Wingrove Street, Alphington to guide its future. The purpose of this document is to provide an overview of the relevant planning controls and considerations for any proposed use and development of the site.

2 Wingrove Street is a substantial lot (35847m<sup>2</sup>) located immediately north of Alphington Train Station and at the southern end of the Darebin Parklands. The site is well serviced by public transport and has good access to transport links in Heidelberg Road and the Eastern Freeway.

The site is owned by Council and leased to various community-oriented organisations, such as the Alphington Farmers Market. The site is zoned for public use purposes (Public Use Zone – Local Government). Consequently, land use permission is likely required for any non-government use and should be consistent with the PUZ's purpose to *recognise public land use for public utility, community services and facilities*.

The site is a former landfill and an identified contamination site. As such the introduction of new land uses and development may require further investigation to ensure that the land can safely accommodate these activities.

More transformative proposals beyond the current planning controls allow could be considered through a planning scheme amendment. However, this would trigger other requirements that would need to be considered in evaluating feasibility of future development for alternative uses such as windfalls gains tax and land remediation.

## Purpose

Darebin City Council is exploring the development of a masterplan for 2 Wingrove Street, Alphington to guide its future. The purpose of this document is to provide an overview of what can be permitted under the current planning controls, what limitations these controls pose and the requirements to be addressed for a planning scheme amendment if pursued through a more transformative masterplan.

## Site Context

2 Wingrove Street, Alphington is a Council-owned site that has, until recently, been operated by the Melbourne Innovation Centre (MIC) as a business incubator with subleases provided to occupiers. Since MIC has moved out of the site, some licensees continue to operate at 2 Wingrove under new lease agreements direct with Council.

The site comprises 35847m<sup>2</sup> in total area and is bound by Wingrove Street to the south, Yarana Road to the west, Darebin Parklands to the north and Darebin Creek to the east.





Figure 1 – Subject site (centred) and surrounds

In terms of local context, west and south (south of the rail line) of the subject site are established low to medium density residential areas. A small commercial strip featuring a cafe and milk bar, is also situated south-west of the site.

From a transport perspective, the site is well situated with public transport services available in the Hurstbridge train service and Bus Route 508 interchange at Alphington Station, situated immediately south of the site. Heidelberg Road and the Eastern Freeway provide convenient access to the broader transport network.

As documented in Resolve Environmental Report, the site has contamination issues as a result of historic use.

## Current Planning Controls

The Municipal Planning Strategy (MPS) and Planning Policy Framework provide broad direction in considering the overarching state, regional and local objectives of the planning scheme to guide appropriate land use and development. These provide guidance in the determination of applications, as relevant to the proposal, and would be considered on a case-by-case basis.

The following planning controls apply to the subject site:

### **36.01 Public Use Zone – Local Government (PUZ6)**

### **42.01 Environmental Significance Overlay - Schedule 2**

### **45.06 Development Contributions Plan Overlay - Schedule 1**

#### **Public Use Zone – Local Government (PUZ6)**

The Public Use Zone (Local Government) applies to the entirety of the subject site. The purpose of the PUZ6 is to recognise public land use for public utility, community services and facilities and to provide for associated uses that are consistent with local government purposes. The land uses set out in the table below are allowed in PUZ without a permit, provided the corresponding conditions are met.

Section 1 - Permit not required	
Use	Condition
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5. The gross floor area of all buildings must not exceed 50 square metres.
Railway	
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.
Any other use	The use must be for the purpose described in the table to Clause 36.01-6 which corresponds to the notation on the planning scheme map. The use must be carried out by or on behalf of the public land manager.

*Figure 1 - Public Use Zone Section 1 Table of Uses*

As set out in the PUZ, no uses are specifically prohibited.

The structure of the land use table is such that all uses, except uses specifically mentioned within Section 1, fall into the broad category of 'Any other use'. If a proposed use falls into this category, and it does not meet the corresponding conditions in the Section 1 table, then a permit is required.

Where activity occurring at 2 Wingrove Street is not carried out by or on behalf of Council (the public land manager), and/or is not for a local government purpose (outlined in the table to Clause 36.01-6), land use permission would likely be required.

Where these conditions are not satisfied the following should be considered in the assessment of a planning application:

- The purpose of the Public Use Zone and its decision guidelines.
- The general Decision Guidelines set out at Clause 65 and 65.01.

### Environmental Significance Overlay – Schedule 2

The ESO2 seeks to protect the Darebin Creek and environs by ensuring that development considers potential environmental impacts to the creek. With some limited exceptions, the ESO2 triggers a permit requirement for development and provides a Statement of Environmental Significance, and a range of Decision Guidelines that must be considered in determining applications. The control sets also out environmental objectives to be achieved where a planning permit is required under the overlay.

### Development Contributions Plan – Schedule 1

The DCPO applies to all land in Darebin and to all non-exempt development. The DCPO implements the Darebin Development Contributions Plan 2019 (December 2023) and supports the delivery of infrastructure identified within the plan, through the application of community and development infrastructure levies to fund infrastructure need attributable to new development. The Community Infrastructure Levy (CIL) and Development Infrastructure Levy (DIL) may apply to any new development of the subject site.

## Potential Planning Scheme Amendment

Rezoning of the site could be considered to accommodate alternative uses and development in support of a more transformative masterplan. This would likely involve a shift from the current Public Use Zone to an alternate zone but could also include the application of an overlay to guide future development of the site.

A planning scheme amendment (PSA) that introduces a new zone or overlay that has the potential to produce a different land use or development outcome generally requires a full strategic assessment to ensure consistency with the objectives of planning in Victoria, the current planning scheme, relevant Ministerial Directions and other relevant considerations as required by the *Ministerial Direction 11 - Strategic Assessment of Amendments*.

It should be noted that planning scheme amendments are typically a lengthy and resource intensive process, particularly in the case of more complex sites.

An amendment can be Council-led or proponent-led. A Council-led planning scheme amendment would be subject to Council budget and available resources.

A proponent-led amendment is initiated by an external party (e.g. a developer) who bears the costs associated with the preparation of supporting materials, as well as procedural costs. Facilitation of a proponent-led amendment is still subject to Council support and officer time and resources.

Preparing a planning scheme amendment also triggers other requirements that would need to be considered in evaluating feasibility of future development for alternative uses.

## Land Contamination Requirements

In the case of the subject site, which is an identified contaminated site, there are additional requirements to address prior to the commencement of an amendment to ensure that any future uses could be safely undertaken.

*Ministerial Direction 1 – Potentially Contaminated Land* requires that where a planning scheme amendment is prepared that allows a sensitive use (residential and others), children's playground, secondary school, public open space or for agriculture the planning authority (Council) must satisfy itself that the land is suitable for that use.

This is generally satisfied through the assessment of the site by a suitably qualified Environmental Auditor, under the authorisation of the Environment Protection Authority (EPA). An Environmental Audit Statement is issued by the Auditor confirming whether or not the land is suitable for the proposed use/s and setting out any recommendations that must be complied with to make the land suitable for those uses.

Site remediation and management requirements come with significant costs which need to be considered in evaluating feasibility of future development for alternative uses at 2 Wingrove Avenue.

## Windfall Gains Tax

From 1 July 2023, windfall gains tax applies to all non-exempt land rezoned via a planning scheme amendment which results in a value uplift to the land of more than \$100,000.

For a rezoning of land that results in a taxable value uplift:

- more than \$100,000 but less than \$500,000: the tax will apply at a marginal rate of 62.5% on the uplift above \$100,000
- \$500,000 or more: a tax rate of 50% will apply to the total uplift

The liability for windfall gains tax arises upon the rezoning occurring.

Owners of land have the option to defer payment of all or some of their windfall gains tax liability until the next dutiable transaction (or relevant acquisition) occurs, or 30 years after the rezoning event, whichever occurs first.

This potentially significant liability needs to be considered, along with remediation and rezoning costs, as part of evaluating the feasibility of developing 2 Wingrove St for alternative uses.

## Conclusion

The existing Public Use Zone (Local Government) at 2 Wingrove St, Alphington generally limits the range of use and development outcomes that could be considered in a master planning exercise. However, within the current planning settings there remains significant opportunity to explore local government aligned community functions and services similar to those that have been an integral part of the site's usage to date.

Rezoning of the subject site to allow for a broader range of alternative uses and development, including sensitive uses, would involve costs associated with the planning scheme amendment process, contaminated land management and Windfall Gains Tax which need to be factored into the feasibility of this pathway.