

# **WHITTLESEA PLANNING SCHEME**

## **AMENDMENT C269WSEA**

### **EXPLANATORY REPORT**

#### **Overview**

This amendment rezones land at 149 McKimmies Road, Bundoora to facilitate the future redevelopment of the land for residential purposes.

It does this by rezoning the part of the land from Industrial 1 Zone (IN1Z) to General Residential Zone (GRZ) and introduces a new Schedule 6 to the General Residential Zone.

The amendment also facilitates a range of other outcomes including rehabilitation of contaminated land, provision of affordable housing, additional open space and protection of the Darebin Creek environs.

The amendment achieves this by also amending the Strategic Framework Plans at Clause 02.04-1 and 02.04-6 and applying the Development Plan Overlay (DPO) and introducing a new schedule to part of the land. The amendment also updates the Land Subject to Inundation Overlay (LSIO) boundary which applies to the land.

#### **Where you may inspect this amendment**

The amendment can be inspected free of charge at the City of Whittlesea website at [engage.whittlesea.vic.gov.au](https://engage.whittlesea.vic.gov.au)

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

City of Whittlesea Civic Centre, 25 Ferres Boulevard, South Morang 3752

The amendment can also be inspected free of charge at the Department of Transport and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

#### **Submissions**

Any person may make a submission to the planning authority about the amendment. Submissions about the amendment must be received by 15<sup>th</sup> October 2023.

A submission must be sent to:

Chief Executive Officer, City of Whittlesea  
By post: Locked Bag 1, Bundoora MDC 3083  
In person: 25 Ferres Boulevard, South Morang  
By email: [Strategic.Planning@whittlesea.vic.gov.au](mailto:Strategic.Planning@whittlesea.vic.gov.au)

#### **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: week of 4th December 2023
- panel hearing: week of 8<sup>th</sup> January 2024

## **Details of the amendment**

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

This amendment has been prepared by the City of Whittlesea, which is the planning authority for this amendment.

The amendment has been made at the request of Intrapac Property Group.

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

The amendment applies to the former Bundoora Quarry site. The land affected by the amendment includes:

- Part of 149 McKimmies Road, Bundoora

A map showing the land affected by the amendment is attached at Appendix A.

### **What the amendment does**

The amendment seeks to facilitate the future redevelopment of the land for residential purposes and to rehabilitate the land to allow sensitive uses.

The proposed amendment:

- Amends the Strategic Framework Plans at Clause 02.04-1 and 02.04-6 to identify 149 McKimmies Road, Bundoora as residential land.
- Rezones part of the land at 149 McKimmies Road, Bundoora from Industrial 1 Zone (IN1Z) to General Residential Zone (GRZ) and introduces a new Schedule 6 to the General Residential Zone.
- Applies the Development Plan Overlay (DPO) to part of the land at 149 McKimmies Road, Bundoora and introduces a new Schedule 40 to the Development Plan Overlay.
- Amends the Land Subject to Inundation Overlay (LSIO) to part of land at 149 McKimmies Road, Bundoora.

### **Strategic assessment of the amendment**

#### **Why is the amendment required?**

The amendment is required to facilitate the future development and rehabilitation of industrial land at 149 McKimmies Road, Bundoora.

The land is located on the southern side of McKimmies Road, between Dalton Road and Plenty Road. The subject land is approximately 36.4 hectares in size. It is generally bound by a large bus depot to the north which fronts McKimmies Road, the future Outer Metropolitan Ring Road (E6) corridor to the east, the Metropolitan Ring Road to the south and the Yan Yean Pipe Track and the Darebin Creek to the west.

The land was previously used as a basalt quarry from 1964 to 1992. More recently, the site was operated by GB Landfill Pty Ltd as a 'clean-fill' landfill site.

In-line with state and local planning policies, the land presents an opportunity to provide additional housing within the municipality. The site is strategically identified as 'opportunity area' in the Thomastown Industrial Area Plan:

*The precinct is largely underutilised and once rehabilitation works are completed a large proportion of this precinct may become available for development subject to geotechnical and contamination considerations. Appropriate detailed assessments ..... will be required when considering an alternative land use such as residential or mixed use. Any mixed use or residential development would also need to incorporate elements of social and affordable housing.*

The strategic nature of the site as a location for future in-fill residential development is further substantiated by its proximity to a range of transport options, services, community and education facilities. These include proximity to various tram and bus routes, Lalor Plaza and University Hill

shopping centres, the Bundoora RMIT Campus, and various primary and secondary schools.

Under the current industrial zoning, housing is prohibited. A rezoning of the land, together with the application of the Development Plan Overlay (DPO) will enable an orderly and efficient residential development. The proposed provisions will recognise the conditions of the site and protect and improve the current state of the site.

In accordance with updated Melbourne Water flood mapping it is proposed to reduce the area of land the Land Subject to Inundation Overlay (LSIO) is applied to. The mapping has identified a reduced area affected by potential flooding in the north west corner of the site adjacent to the Darebin Creek. Melbourne Water have provided support for this reduction to the LSIO area.

The proposed amendment will have a net community benefit through the delivery of a number of environmental, social and economic benefits that include but are not limited to:

- Facilitating the remediation of a contaminated site that would otherwise sit vacant and unusable with no contribution to the local economy or housing supply.
- Allowing an increase in residential housing stock that will add diversity of housing in proximity to existing transport and services.
- Facilitating social and affordable housing to be integrated into the residential development
- Enhancement and protection of the Darebin Creek linear reserve.
- Providing essential connections from the existing residential community to the Darebin Creek.
- Facilitating improved landscape character outcomes through increased canopy tree planting.
- Providing an immediate boost to the local economy through construction and development.

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

In accordance with the objectives of planning in Victoria as detailed in Section 4(1) of the *Planning and Environment Act 1987*, the amendment will:

*(a) provide for the fair, orderly, economic and sustainable use, and development of land;*

The proposed amendment will implement this objective by facilitating a prohibited use of the currently unused and unproductive land. The orderly and integrated planning of a residential development will be guided by the application of the DPO. The proposed Schedule 40 to the DPO provides a strategic framework plan that sets out high level directions for future development, as well as a range of further assessments that will guide detailed site layout. These assessments will inform the future Development Plan that once finalised, will serve to coordinate future residential development to ensure the appropriate placement of housing, roads, open space as well as providing additional built form controls to manage the character of the eventual built form.

The proposed GRZ Schedule 6 further implements Council's key policy objectives of improved landscape character and diversity of housing. This will be done by enabling lot sizes appropriate for medium density housing, which provides an alternative to the predominant surrounding residential typology of detached houses. The proposed Schedule 6 also facilitates canopy tree planting in private lots and the public realm through the provision of appropriate dedicated private open space.

*(b) provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*

The amendment protects and enhances important natural environment particularly along the Darebin Creek watercourse. The provisions of the proposed Schedule 40 to the DPO, including requirements for detailed flora and fauna assessments and storm and flood water management, as well as for the provision of new open space, will work to protect the biodiversity values of the site, and deliver important environmental and amenity benefits. The embellishment of open space adjacent to the Darebin Creek will also improve community access to this important natural asset.

*(c) secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*

The amendment will facilitate an integrated residential development that will deliver a pleasant, efficient and safe urban environment for people to live. The site will be rehabilitated to ensure that the site is safe for people to inhabit and the preparation of a Development Plan will ensure development occurs in an integrated manner.

*(d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*

A portion of the site that follows the Darebin Creek falls within an area of Cultural Heritage Sensitivity as defined by the *Aboriginal Heritage Regulations 2007*. A Cultural Heritage Due Diligence report has been undertaken.

This reports that an earlier due diligence assessment featuring a field inspection found: "Several small but significant areas of relatively unmodified landscape surface were identified – in particular, areas bordering the creek and along the east, west and southern boundaries of the study area. No Aboriginal artefacts were identified during the inspection of the works area however two possible scarred trees were noted. It is therefore considered probable that previously unrecorded heritage is present within the study area."

The report goes on to state that two places on the Victorian Aboriginal Heritage Record are found on the site both with scattered artefacts.

Previous archaeological assessments in and around the study area provide little insight into the likelihood of subsurface Aboriginal cultural heritage being present within the study area. It can be reasonably predicted, however, that:

- Aboriginal cultural heritage is present within the study area associated with VAHR 7922-0754;
- Aboriginal cultural heritage may be present within the study area associated with VAHR 7922-1002;
- Aboriginal cultural heritage places in the form of stone artefact scatters and low density artefact distributions are likely to be present within the study area beyond what has thus far been recorded;
- Land in the vicinity of Darebin Creek and on raised landforms such as stony rises is sensitive for stone artefact scatters;
- Aboriginal Scarred Trees may exist within the study area, for example at the locations marked on Figure 5 and described in Table 1;
- The archaeological sensitivity of the centre, quarried, part of the study area is expected to be significantly lower than the less disturbed margins, but due to limited data on the extent of previous quarrying, its actual archaeological potential is at this stage unknown.

The report goes on to say that a Cultural Heritage Management Plan (CHMP) is not required as the rezoning of the site is not a high impact activity.

Nevertheless, the proponent has decided to prepare a CHMP. This, CHMP 18404, is well progressed with a number of milestones already met. The process has cleared the main site of having any significant finds. The northwest corner has been found to contain small areas of artifact scatter which are proposed to be registered. Discussion with the proponent, consultants and indigenous representatives are ongoing about the management of these artifacts.

There are no recorded European heritage present within the subject land.

*(e) 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;*

The amendment will apply a Development Plan Overlay (DPO) which requires a Development Plan to be prepared. The Development Plan will confirm how the site is to be serviced and identify any necessary utilities and facilities to be provided to support the new community.

*(f) facilitate development in accordance with the objectives set out in paragraphs (a), (c) and (e);*

As noted above, the amendment will facilitate re-use of currently underutilised and potentially contaminated land for productive economic purposes through the provision of new housing in a well serviced location in proximity to transport, jobs and a range of retailing and educational opportunities. The application of the DPO will ensure an integrated development of the land with appropriate services and facilities for residents including a new open space network and enhanced access to the Darebin Creek corridor which is currently inaccessible given the use of the site.

Overall, the amendment will help secure a new high amenity community through an integrated an orderly planning process, securing the remediation and sustainable use of the land.

*(g) balance the present and future interests of all Victorians.*

The amendment balances present and future interests by ensuring an underutilised, contaminated and redundant industrial site can be remediated to provide high quality housing and open space facilities in a well serviced and established residential location.

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

The amendment addresses a range of environmental, social and economic effects and overall will have a net community benefit by delivering a number of important and valuable environmental, social and economic benefits:

#### Environmental Effects

The amendment addresses environmental effects by:

- Being preceded by an environmental audit to the subject land has ensured the proposed future sensitive uses can be achieved safely through installation of ground gas mitigation measures and other requirements to be monitored and signed off by an environmental auditor.
- Ensuring that any significant flora and fauna within the site are either retained, enhanced or managed through the preparation of a Development Plan which will be consistent with the recommendations of the relevant environmental reports prepared for this amendment.
- Retaining the Urban Flood Zone and the Land Subject to Inundation Overlay on the subject land with up to date flood mapping informing the area the overlay and zone are applied to.
- Supporting the rehabilitation of the Darebin Creek and surrounds through the removal of industrial uses, remediation of the land and implementation of water sensitive urban design measures required to be investigated and implemented through the Development Plan and future planning permits.

#### Social Effects

The amendment addresses social effects by:

- Providing a diversity of housing within the City of Whittlesea in response to a diverse range of demographic needs and housing shortage.
- Facilitating the provision of social and affordable housing integrated within the new community. Providing new local open spaces, parks and waterway paths and enhancing the local open space network.

#### Economic Effects

The amendment addresses economic effects by:

- Ensuring local employment is supported by additional trade from a new residential community.
- Making use of existing land in proximity to services, transport and community facilities.
- Remediating an underutilised and redundant industrial site that is currently making little economic contribution to the local or broader area.
- The rezoning of current Industrial zoned land will have a negligible effect as the land due to its location and context is considered unsuitable for industrial development.

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

The amendment meets bushfire policy in Clause 13.02 of the Planning Scheme because the land is not subject to the Bushfire Management Overlay nor is it within a bushfire prone area.

The wider context of the site is within an urban environment. Management strategies for minimising potential bushfire risk, if any, can be resolved during the preparation of the Development Plan and planning permit application process as relevant.

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

#### Form and Content of the planning scheme.

The planning scheme amendment documentation has been prepared in accordance with this direction.

### Ministerial Direction 1 – Potentially Contaminated Land

The amendment complies with Minister Direction No. 1 – Potentially Contaminated Land. The Ministerial Direction requires in preparing an amendment which would have the effect of allowing (whether or not subject to the grant of a permit) potentially contaminated land to be used for a sensitive use, agriculture or public open space, a planning authority must satisfy itself that the environmental conditions of that land are or will be suitable for that use.

Detailed site investigations have been undertaken to determine an indicative remediation strategy and scope for the subject site. As the landfill operation was a 'clean-fill' the primary remediation works are geotechnical in terms of compaction of the landfill cell and construction of a 'capping layer' to provide a suitable founding base for traditional residential construction i.e. slab on ground. Whilst localised contamination and 'pockets' of landfill gas were detected, the environmental consultant advised both can be resolved/addressed via conventional remediation and/or construction techniques. Hence, as above, the core remediation issue is geotechnical not environmental (contamination) given this is a 'clean-fill' landfill and not a landfill containing putrescible waste. A 'clean-fill' landfill simply means the quarry excavation has been filled with 'clean' soil.

An Environmental Audit has been completed on the site. This was undertaken concurrently with preparing the planning scheme amendment as per Environment Protection Authority's (EPA) advice. A Statement of Environmental Audit (ref 55556-2) was issued on 6 January 2023. It concluded that the nature and extent of the risk from relatively low concentrations of soil, groundwater and gas contaminants can be made acceptable for future on-site receptors, including residents under a low density residential scenario, provided suitable control measures are implemented. This includes the installation of a ground gas mitigation system to be verified and monitored by an environmental auditor until the auditor determines it is no longer required.

### Ministerial direction No 9. Metropolitan Strategy

The amendment complies with Ministerial Direction No 9. Metropolitan Strategy. The Direction seeks to ensure that planning scheme amendments have regard to the Metropolitan Strategy.

The amendment and subsequent redevelopment of the site will achieve several policies identified in Plan Melbourne including:

- Policy 1.1.4 Support the significant employment and servicing role of health education precincts across Melbourne.
- Policy 2.1.1 Maintain a permanent urban growth boundary around Melbourne to create a more consolidated, sustainable city.
- Policy 2.1.2 Facilitate an increased percentage of new housing in established area to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport.
- Policy 2.1.3 Plan and define expected housing needs across Melbourne's regions.
- Policy 2.3.3 Strengthen the role of planning in facilitating and delivering the supply of social and affordable housing.
- Policy 2.3.4 Create ways to capture and share value uplift from rezonings.
- Policy 2.4.2 Facilitate the remediation of contaminated land, particularly on sites in developed areas of Melbourne with potential for residential development.
- Policy 2.5.1 Facilitate housing that offers choice and meets changing household needs
- Policy 3.1.6 Support cycling for commuting.
- Policy 3.3.1 Create pedestrian-friendly neighbourhoods.
- Policy 4.4.1 Recognise the value of heritage when managing growth and change.
- Policy 4.4.2 Respect and protect Melbourne's Aboriginal cultural heritage.

### Minister's Direction No.11 – Strategic Assessment of Amendment

The amendment complies with Minister Direction No. 11 (Strategic Assessment of Amendments) under section 12 of the Planning and Environment Act 1987. The amendment is consistent with this direction which ensures a comprehensive strategic evaluation of a planning scheme amendment and

the outcomes it produces. The amendment is consistent with the relevant policy as described in examples throughout this report.

Ministerial Direction No. 15 – the planning scheme amendment process

The amendment complies with Ministerial Direction No. 15 – the planning scheme amendment process. The amendment will be processed in accordance with this direction.

Ministerial Direction 19 – on the preparation and content of Amendments that may significantly impact the environment, amenity and human health

The amendment complies with Ministerial Direction 19 – on the preparation and content of Amendments that may significantly impact the environment, amenity and human health. Noting the former use of the site, the views of the Environment Protection Authority (EPA) have been sought in the preparing this planning scheme reviews amendments. The EPA provided their views and recommendations in correspondence dated 24 February 2022 which have been incorporated into the Amendment documents. This includes a recommendation not to apply the Environment Audit Overlay (EAO) in this instance given the Environmental Audit is to be completed prior to the adoption of the Amendment.

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

The amendment supports and implements the following state sections Planning Policy Framework:

- Clause 11.01-1S, (Settlement) promotes, ‘sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians...’ The proposed rezoning will allow for greater housing diversity by providing opportunities for a diverse range of residential development in an area that is dominated by single detached dwellings and some medium density townhouse development.
- Clause 11.01-1R (Settlement – Metropolitan Melbourne). The amendment will support development of housing within the Urban Growth Boundary and utilise non-viable industrial land, ensuring that growth occurs in existing urban areas.
- Clause 11.02-1S (Supply of Urban Land) seeks to “ensure that sufficient land is available to meet forecast demand” and to consider “Opportunities for the consolidation, redevelopment and intensification of existing urban areas”. The amendment will ensure that the supply of residential land in the municipality is not diminished and provides for an opportunity to utilise unused industrial land that is surrounded by residential development.
- Clause 11.02-2S (Structure Planning). The objective of this clause is to facilitate orderly development. The effective management of any proposed residential development following the approval of this amendment will be managed by a development plan, ensuring orderly and efficient planning that takes a holistic view of development.
- Clause 12 (Environmental and Landscape Values). This proposed amendment will aim to ensure development will be sensitive to any potential environmental and landscape values associated with this corridor through appropriate design controls in the future development plan.
- Clause 12.01-1S (Protection of Biodiversity). The proposed amendment will strategically plan for the protection and conservation of biodiversity areas, specifically in proximity to the Darebin Creek Environs through the drafting of a development plan which will seek to manage development through appropriate design controls.
- Clause 12.01-2S (Native Vegetation Management). The proposed amendment will ensure that any removal destruction or lopping of native vegetation, apply the three-step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017).
- Clause 13 (Environmental Risks). An Environmental Audit has been completed on the site and Statement of Environmental Audit issued on 6 January 2023. The Statement contains a number of conditions which will be required to be met during development to mitigate and monitor risk presented by the presence of low levels of landfill gas on site. With these conditions the site can be made appropriate for residential use.
- Clause 13.03-1S (Floodplain Management). The proposed amendment will update the existing Urban Floodway Zone or Land Subject to Inundation Overlay using Melbourne Water’s most

current flood mapping. It seeks to maintain existing measures to protect life, property and community infrastructure from flood hazard.

- Clause 13.04-1S (Contaminated and Potential Contaminated Land). The Environmental Audit found relatively low concentrations of soil, groundwater and gas contaminants. The Statement of Environmental Audit contains a number of conditions to be met during development to enable the site to be made safe for residential use. This includes the installation of a ground gas mitigation system to be monitored by an environmental auditor until it is determined it is no longer required.
- Clause 15.01-1S (Urban Design). The proposed amendment will require the preparation of a development plan to enable development to occur. The eventual preparation of a development plan will facilitate development that creates urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
- Clause 15.01-4S (Healthy Neighbourhoods). The rezoning of the subject site will create a sizable neighbourhood within an existing urban context. This urban area is serviced by existing community infrastructure and will include a network of open space and increased access to the Darebin Creek corridor, thus promoting healthy neighbourhood design.
- Clause 15.03-2S (Aboriginal Cultural Heritage). A CHMP is well progressed. The majority of the site has been cleared for any heritage artifacts. In the north-west corner of the site, some small areas of scattered artifacts have been found. It is planned to register these, and discussions between the proponent and indigenous representatives are taking place to determine the best management of these areas and artifacts.
- Clause 16 (Housing). The proposed amendment supports the objectives of Clause 16 by proposing a zone that encourages residential land use on under-utilised urban land.
- Clause 16.01-1S (Integrated Housing). The proposed amendment will ensure that integrated housing is achieved through increasing the supply of housing in existing urban areas and controlling the appropriate quantity, quality and type of housing through the application of a Development Plan Overlay.
- Clause 16.01-1R (Integrated Housing – Metropolitan Melbourne). The Development Plan that will be prepared following approval of the proposed amendment will provide greater certainty about the scale of growth through various controls that will allow a balance between the need for urban growth and the need to protect valued areas.
- Clause 16.01-2S (Location of Residential Development). The proposed amendment will meet the objectives of this clause through facilitating the location of new housing in an underutilised urban area with good access to jobs, services and transport.
- Clause 16.01-2R (Housing opportunity areas – Metropolitan Melbourne). The proposed amendment seeks to capitalise on an opportunity to develop housing, in line with Clause 16.01-2R by proposing a residential zone in an area that is primed for urban renewal due to its underutilisation as an industrial precinct.
- Clause 16.01-3S (Housing Diversity). The proposed amendment will provide the opportunity to improve Whittlesea's stock of diverse housing types through the application of a Development Plan Overlay which will require a Housing Diversity Report to inform the preparation of a future Development Plan.
- Clause 16.01-4S (Housing Affordability). Housing affordability and the promotion of a mix of private and affordable housing has the potential to be realised following rezoning of the land and application of the DPO.

#### Melbourne Industrial and Commercial Land Use Plan (MICLUP)

MICLUP 'puts in place a planning framework that will enable state and local government to more effectively plan for future employment and industry needs, and better inform strategic directions.'

The plan identifies the site as a 'local industrial precinct' and states that 'Councils are best placed to determine how these industrial areas are to be planned for. This could include identifying when industrial land should be retained, when it could transition to other employment generating uses, or if it is no longer required, when it could transition to other mixed-use or non-employment focussed uses.'

The Thomastown Industrial Area Plan is a strategic plan adopted by Council which identifies the site as an opportunity area including for residential development. This reflects the location and context of the site which is not supportive of the site being developed for industrial purposes.

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

The amendment supports and implements the following local sections Planning Policy Framework:

No.	Clause	Proposal response
11.01-1L	Settlement – City of Whittlesea	The proposed amendment will meet the objectives of managing growth in established suburbs. It will facilitate the eventual development of diverse housing types to meet the needs of the local community and reflect demographic changes and trends; the amendment will include a Development Plan Overlay to facilitate this outcome.
12.01-1L	Protection of biodiversity	Clause 12.01-1L identifies creek valleys such as the Darebin Creek as significant environmental assets within the City of Whittlesea. The proposed planning amendment application recognises the creek’s significance and responds to the Council objective to protect environmental assets and landscape values.
15.01-1L	Urban design in the City of Whittlesea	<p>Clause 15.01-1L recognises Council’s aspirations to continue to provide high quality urban areas which add value to the community. The following relevant strategies include:</p> <ul style="list-style-type: none"> <li>• <i>To support built form outcomes that create a connection to places and the community;</i></li> <li>• <i>To enhance the landscape values by retaining identified natural features in developments.</i></li> </ul> <p>The proposed amendment will seek to meet these objectives by proposing the future residential development in an area already connected by services and amenities, supporting connectivity to the surrounding areas, and integrating the development with the Darebin Creek Environs.</p>
16.01-1L	Integrated housing	This clause outlines the need to provide a diverse range of housing opportunities to address all members of the community, including through support for the provision of social housing in established areas. The amendment will positively respond to this strategy by providing 5% of the total dwellings as social housing.
16.01-1L	Housing supply in established areas	The proposed amendment will meet the objectives of managing growth in established suburbs. It will facilitate the eventual development of diverse housing types to meet the needs of the local community and reflect demographic changes and trends; the amendment will include a Development Plan Overlay to facilitate this outcome.
16.01-2L	Housing affordability	<p>This policy seeks to <i>deliver more affordable housing closer to jobs, transport and services</i>, with strategies including to increase housing choice in tenure, type and cost and encouraging a portion of new development to be affordable to households on very low to moderate incomes.</p> <p>The proposed amendment positively responds to this policy by facilitating an agreement for the provision of social and affordable housing on the site.</p>
15.03-1L	Heritage conservation in Whittlesea	The proposed amendment will not affect areas of cultural heritage significance. Notwithstanding, the amendment will facilitate the eventual development of the site for dwellings which may impact on areas of potential cultural heritage sensitivity in proximity to Darebin Creek. The proposed amendment mitigates this through maintaining the Urban Flood Zone, though with more up-to-date boundaries, (no development will occur in this

		area). In addition, future development resulting from this amendment will likely require a Cultural Heritage Management Plan should it be required under the <i>Aboriginal Heritage Act 2006</i> .
12.01-1L	River Red Gum Protection	Any future subdivision and development proposed at the site will require consideration of River Red Gums in accordance with this policy.

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

The City of Whittlesea's Municipal Planning Strategy (MPS) is outlined at Clause 02. This rezoning responds to the MPS by implementing the strategies set out within this Clause.

Supporting the Vision at 02.02, the proposed rezoning seeks to locate new housing in a location accessible by a variety of transport modes, promoting sustainable living and health and wellbeing. It also aims to enhance the attractiveness of the municipality as a residential destination and as a place to connect people.

The amendment responds to the key Strategic Directions at Clause 02.03 and Strategic Framework Plans at 02.04 as follows:

As detailed within section 6.5, the amendment will provide for the ongoing protection of key environmental assets on the site. Specifically, these are the Darebin Creek Environs (identified as a Key Habitat Link at 02.04-3), home to Growling Grass Frogs, and the kangaroo habitat in the former quarry area. These will be managed through the Development Plan Overlay, which will include a requirement that a Kangaroo Management Plan be prepared.

- The proposed amendment retains local environmental features and integrates them into a proposed new residential development, allowing for new residential development that respects its context and is environmentally sustainable.
- The rezoning will allow for attractive, well-designed urban elements that contribute to the City's image and integrate local features and natural characteristics into their design. New spaces will be made possible that encourage recreation and social interaction.
- Further, the amendment will contribute to improved landscape character resulting from requirements for tree planting in the GRZ and DPO Schedules.
- The amendment responds to the demand for new residential development within established suburbs. The proposed General Residential Zone will facilitate the eventual development of diverse housing types to meet the needs of the local community and reflect demographic changes and trends; the amendment will include a Development Plan Overlay to facilitate this outcome.

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

The amendment makes proper use of the Victoria Planning Provisions. It seeks to rezone land which is currently zoned for industrial purposes to a zone that will facilitate future redevelopment of the land for residential uses.

The Urban Flood Zone and LSIO along Darebin Creek will remain, to maintain and protect with the Darebin Creek Corridor. The LSIO will be amended to reflect updated flood mapping prepared by Melbourne Water.

The use of the Development Plan Overlay will assist to create a co-ordinated development outcome, manage site interfaces with adjoining land and road networks, and allow for the integration of the landscaping features and water bodies into future development within the site.

In compliance with Ministerial Direction 1, an Environmental Audit is currently underway and will be completed prior to the adoption of the Amendment.

The following Planning Practice Notes have been considered during the preparation of this Amendment:

#### *Planning Practice note 12 – Applying the flood provisions in the planning scheme*

The Urban Flood Zone (UFZ) is to be retained along the Darebin Creek Corridor.

The Land Subject to Inundation Overlay (LSIO) is proposed to be retained. The LSIO mapping is to be

amended as per updated flood mapping prepared by Melbourne Water. The application of the new mapping is consistent with this practice note.

*Planning Practice note 23 – Applying the Incorporated Plan and Development Plan Overlay*

The Development Plan Overlay is the appropriate tool to require a future Development Plan to be prepared to co-ordinate and guide the future use and development of the site.

*Planning Practice note 30 – Potentially contaminated land*

The site has undergone an Environmental Audit finding a relatively low concentration of soil, groundwater and gas contaminants. It determined that site can be made safe for residential uses. The Statement of Environmental Audit contains a number of conditions to be met during development to make the site safe for residential use. This includes the installation of a gas mitigation system.

*Planning Practice Note 46 – Strategic Assessment Guidelines*

This practice note has been considered during the preparation of this explanatory report.

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

The proposed amendment was referred to the EPA for advice and a response was provided in August 2019 highlighting the various pathways for dealing with contaminated land. The amendment responds to this advice by completing a statutory environmental audit prior to the amendment being adopted for approval by Council. The views of the EPA are also reflected in the draft planning controls including the proposed schedule to the Development Plan Overlay. Further engagement was conducted with the EPA in early 2022 as part of preparing and reviewing the amendment documents.

Early engagement has also occurred with Melbourne Water in respect to the updated flood mapping for the Darebin Creek.

The views of relevant agencies will be considered as part of the public exhibition process of the amendment. Agencies including, EPA, Melbourne Water, VicRoads, the Department of Energy, Environment and Climate Action, and the Department of Transport and Planning will be notified and consulted as part of this process.

Further consultation will occur with agencies during the preparation of the Development Plan for the land in accordance with the Development Plan Overlay proposed to be introduced through this amendment.

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

The amendment addresses the relevant requirements of the *Transport Integration Act 2010*. The Amendment is not likely to have a significant impact on the transport system. Traffic impact potential of the proposed change in zoning (to residential) is considered comparable to the traffic impact potential of the existing zoning (industrial). The anticipated traffic generation and distribution is anticipated to result in upgrades to the access intersections on McKimmies Road. The rezoning is not anticipated to have a detrimental impact on the surrounding road network. As part of the exhibition of the amendment, the Department of Transport and Planning will have an opportunity to review the proposed amendment and provide a submission.

No Statements of Policy Principles have been issued under section 22 of the Act.

**Resource and administrative costs**

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

This amendment will not have unreasonable impact on the resource and administrative costs of the Whittlesea City Council.

The consideration of a future Development Plan and lodgement of future planning permit applications will need to be accompanied by the fees prescribed in the *Planning and Environment (fees) Regulations 2006*.

**ATTACHMENT A – Land to which the amendment applies**

