



Planning Scheme Amendment Request

Melrose Drive, Tullamarine
Moreland Planning Scheme
Application on behalf of VicRoads

Date of report: September 2017





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1. Introduction

This planning report has been prepared on behalf of the Roads Corporation of Victoria (trading as 'VicRoads') and accompanies an application for an amendment to the Moreland Planning Scheme (the Planning Scheme).

VicRoads is a statutory corporation which is the road and traffic authority for the state. It is responsible for the planning, development and management of the arterial road network, which includes a network of freeways, tollways and arterial roads.

As part of its management of the road network, VicRoads is landowner of some land that is required for road management and operational reasons.

VicRoads regularly reviews its land assets in accordance with the *Victorian Government Landholding Policy and Guidelines* to ensure efficient management of public assets and to ensure its assets meets its present and future service requirements.

VicRoads is the owner of the land indicated in Red on the diagram below. This land is partly used and developed with the Western Ring Road and partly vacant. The land is located at the northern edge of a residential area, and bound to the sides by Melrose Drive and the Tullamarine Freeway. This land is mostly located within the Road Zone Category 1 (RDZ1) with a small area in the southwest contained within the Neighbourhood Residential Zone – Schedule 1 (NRZ1).

It is proposed to rezone the part of this land which is shown in orange on the plan below from the RDZ1 to the NRZ1. For the purposes of this report, the area indicated in orange represents 'the subject site'.



Site Plan (Source: www.planning.vic.gov.au)

As a public authority and government agency, VicRoads has obligations under the *Victorian Government Landholding Policy and Guidelines* (Department of Treasury and Finance, 2015) to not retain land where it does not (inter-alia) ‘contribute directly to current or future service delivery outcomes expected of agencies’.

The land is now known to be surplus to VicRoads’ needs. In accordance with the requirements of the *Victorian Government Landholding Policy and Guidelines*, a *First Right of Refusal* on the purchase of the land was offered to other Government agencies and the local council. This First Right of Refusal allows other Government agencies and the local council a first right to purchase the land in the event that it is required for their own service needs, including for open space and recreation. No agency expressed interest in the land and accordingly it is proposed to be sold.

The *Government Land Transaction Policy and Guidelines 2016* require that, prior to the sale of the land, an appropriate zone must be put in place to achieve the highest and best use of the land and to facilitate its sale. For the reasons outlined in the report to follow, the Neighbourhood Residential Zone represents the highest and best use of the site and matches the zoning of adjoining land to the south. It is also proposed to apply the Environmental Audit Overlay to the land.

This report outlines the justification for the selection of the proposed planning controls. This justification has been informed by a Preliminary Environmental Site Assessment, prepared by Kleinfelder Australia, which outlines the environmental condition of the land. This report should be read in conjunction with the Environmental Site Assessment.

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2. The Subject Site and Surrounds

The Subject Site

The subject site comprises part of a parcel of land, located south of the Western Ring Road, and bound by Melrose Drive and the off ramp of the Tullamarine Freeway, Tullamarine. The site has an area of around 3,641sqm, and road access from Melrose Drive.



Aerial Photograph (Source: www.nearmap.com.au)

The land has previously been used during the construction of the adjacent roads, for vehicular staging and materials storage. The land is currently vacant except for perimeter fencing and vegetation. This vegetation mostly exists along the south boundary.

Immediately north of the site, within the same parcel of land there are high voltage electrical power lines.

The site is not located within an area of Aboriginal Cultural Heritage Sensitivity.



The Site (Source: Google Maps)

The Surrounds

The site is located at the northern edge of an established residential area, which is bound by the Tullamarine Freeway and Melrose Drive, and dissected by a railway line. This area is characterised by single and multi unit development, of one and two storeys.



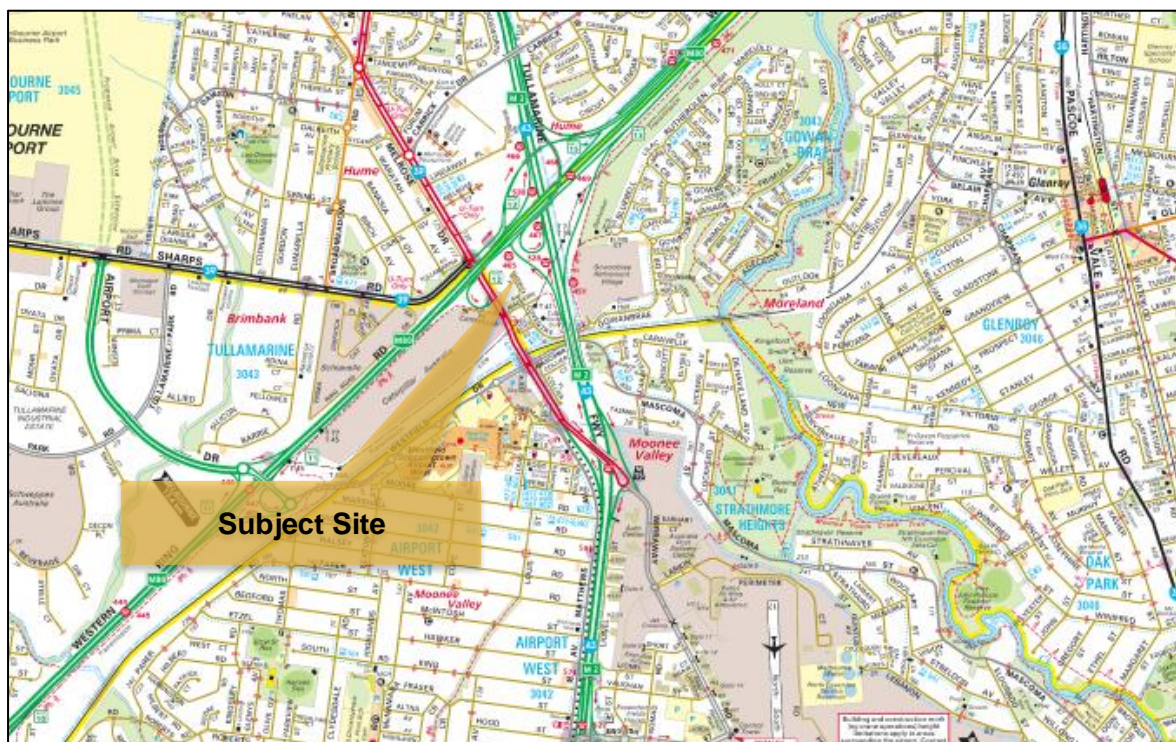
Interface Plan (Source: www.planning.vic.gov.au)



The properties immediately abutting the site are developed with multi-dwellings (62 Melrose Drive and 9 Warwick Place) and a single dwelling (12 Warwick Place). Warwick Place terminates at a courtbowl abutting the site.

Otherwise the site has an interface to roads.

More broadly, the site is located proximate to Westfield Shopping Town Airport West, which is located on the west side of Melrose Drive (within the Hume City Council), and the Glenroy Activity Centre which is to the east. Between the site and the Glenroy Activity Centre there is the Moonee Ponds Creek and recreation reserves. The site is also nearby Melbourne Airport and large areas of employment.



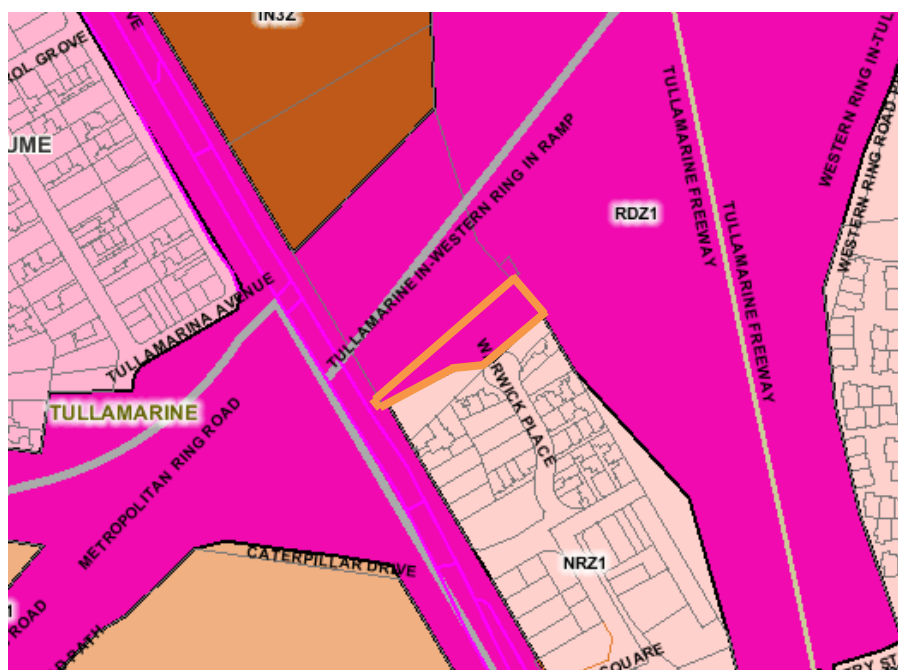
Location Plan (Source: www.melway.com.au)



3. Current Planning Controls

Zone

The subject site is currently zoned Road Zone – Category 1 pursuant to the Moreland Planning Scheme.



Zoning Map (Source: www.land.vic.gov.au)

The Purpose of the Road Zone is:

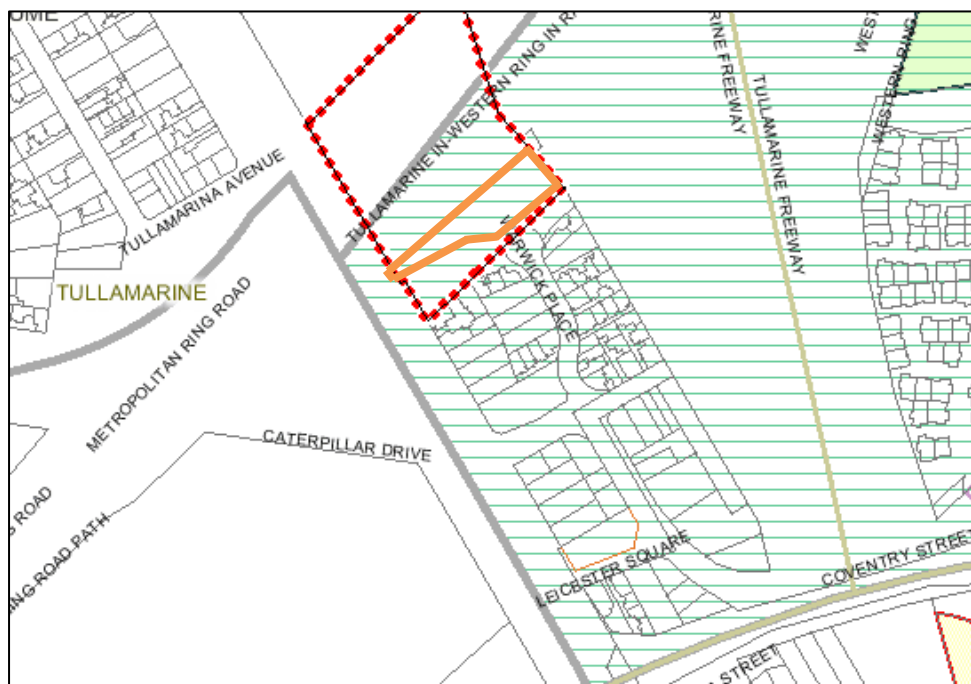
- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify significant existing roads.
- To identify land which has been acquired for a significant proposed road.

Land surrounding the subject site comprises:

- Road Zone, Category 1 (RDZ1) to the north, west and east; and
- Neighbourhood Residential Zone – Schedule 1 to the south.

Overlays

The land is affected by the Development Contributions Plan Overlay – Schedule 1 (Moreland Development Contributions Plan Overlay).



Overlay Map (Source: www.land.vic.gov.au)

The Purpose of the Development Contributions Plan Overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.*

The Development Contributions Plan does not trigger a planning permit to subdivide land or to construct or carry out works. However, a permit granted in relation to the subject site must include any conditions required to give effect to any contributions or levies imposed and any conditions or requirements set out in Schedule 1.

No other overlays affect the site of the immediate area.



4. The Proposed Amendment

The application proposes to amend the Moreland Planning Scheme by rezoning the site to the Neighbourhood Residential Zone – Schedule 1 (Low Density Residential Areas) and applying the Environmental Audit Overlay to the land.



Cadastral Map **Land subject to amendment outlined**

Why is the Amendment required?

The site is surplus to the requirements of VicRoads, and it is not required for the current or projected future purposes of the local road network. Under the requirements of the *Government Landholding Policy and Guidelines*, where land does not contribute to a current or future service requirement, the landholding agency must dispose of the land.

The *Government Land Transactions Policy and Guidelines* require that prior to the sale of the land, an appropriate zone and other planning provisions (as appropriate) must be put in place to enable the sale of the land on the basis of its highest and best use.

The amendment is required to rezone the land to a zone which aligns with the land's appropriate future use and development.



Proposed Planning Scheme Changes

Zoning

The land is to be rezoned to facilitate its sale. It is therefore proposed that the site be rezoned from the RZ1 to the Neighborhood Residential Zone – Schedule 1 (NRZ1).

The Purpose of the NRZ is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To recognise areas of predominantly single and double storey residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To allow educational, recreational, religious, community and a limited range of other non residential uses to serve local community needs in appropriate locations.*

Under the NRZ, 'dwelling' is the most likely use and development, although other uses are also permissible both with and without a planning permit, including a medical centre, place of worship and a food and drink premises.

Within the NRZ the construction of one dwelling on a lot greater than 500sqm does not require a planning permit.

The NRZ is the most appropriate zone to reflect the highest and best of the site as discussed further in Section 5 of this report.

Overlays

It is proposed to retain all overlays currently affecting the land.

It is also proposed to apply the Environmental Audit Overlay to the land.

The Purpose of the Environmental Audit Overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.*

The Environmental Audit Overlay includes a requirement that a certificate of environmental audit must be issued for land in accordance with Part IXD of the *Environment Protection*

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Act 1970 before a sensitive use can commence. Alternatively, an environmental auditor appointed under the *Environment Protection Act* can make a statement in accordance with the Act that the environmental conditions of the land are suitable for the sensitive use.



5. Is the Proposed Amendment Appropriate?

State Government Policy and Guidelines require that the appropriate zoning of the site is established and put in place before the sale of the land.

The current Road Zone is appropriate for land which either fulfils or is intended to fulfil a use associated with public road purposes. VicRoads has determined that the land is surplus to its requirements and therefore the existing RZ is no longer an appropriate zone. The land must be rezoned to achieve the highest and best use and development of the land.

The site is located adjacent to a residential area, connected to services and readily developable. Rezoning the land will allow it to be efficiently and effectively used and to become a part of the adjoining, existing Tullamarine community. A residential land use presents the most appropriate land use given the physical and policy context of the site. More specifically, in this case, the application of NRZ1 to the site is a logical extension to the existing adjoining low scale residential area and will allow for a type of development which will fit within these particular streetscapes.

The NRZ1 will facilitate the highest and best use and development of the site, and presents the most appropriate Zone to apply.

Clause 21.01-2 (The City of Moreland Today – Key Issues) of the Moreland Planning Scheme identified that the estimated local population of 156,953 in 2012 is expected to increase to approximately 188,500 by 2031. The Planning Scheme seeks to provide appropriate opportunities for new housing to accommodate the increasing population, in appropriate locations.

Clause 21.02-3 (MSS Strategic Directions) seeks to direct housing to locate in different locations, commensurate with the availability of local services and the ability of a specific area to accommodate higher density developments.

The Strategic Framework Plan at Clause 21.02 locates the site as adjoining a broader 'residential area', proximate to existing services and facilities. This includes parkland, significant transport routes and activity centres. The services and facilities proximate to the site support its use for residential purposes.

The rezoning will allow the site to make a contribution to meet the local housing needs, in an appropriate location.

The policy consequences of the rezoning are considered further in Section 6.



6. Strategic Considerations

Ministerial Direction No. 11 Strategic Assessment Guidelines require a planning authority to evaluate and discuss how an amendment addresses a number of strategic considerations. Under *Planning Practice Note No. 46 (DTPLI, July 2014)*, the proposed amendment requires a full assessment against the Strategic Assessment Guidelines.

The full assessment is provided in this Section of the report.

Why is an Amendment required?

The subject site has been identified as surplus to VicRoads' future needs and is to be disposed.

As required by Government policy, the most appropriate zoning of the land must be established and put in place before the sale of the land. To comply with this requirement, an amendment to the Moreland Planning Scheme is required.

The proposed rezoning from RDZ1 to Neighbourhood Residential Zone reflects the most appropriate zoning of the land. To ensure appropriate use and development outcomes, the current overlay is proposed to be retained on site.

Overall, the proposed planning scheme amendment will result in an appropriate and orderly planning outcome that facilitates a more efficient use of the land.

Does the Amendment implement the objectives of planning and address any environmental, social and economic effects?

The amendment implements the objectives for planning in Victoria, set out at section 4 of the *Planning and Environment Act 1987*. In particular, the amendment implements the following objectives:

- *To provide for the fair, orderly, economic and sustainable use, and development of land;*
- *To 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; and*
- *To balance the present and future interests of all Victorians.*

Environmental Effects

The proposal is not considered to have any unmanageable environmental impacts and it is not located within an environmentally sensitive location. There is some vegetation on the site however, this could be managed as part of any permit application process.



Social and Economic Effects

The amendment will facilitate the use of the land for residential purposes and a minor expansion to the local community. In turn, it is anticipated that the proposal will lead to positive social and economic effects.

Does the Amendment address relevant bushfire risk?

The subject site is not a bushfire prone area and will not result in any increase to the risk to life, property, community infrastructure and the natural environment from bushfire.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the Amendment?

This amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

Ministerial Direction No. 1 – Potentially Contaminated Land seeks to ensure that land is only rezoned to facilitate sensitive land uses, agriculture or public open space where a planning authority can be satisfied that the environmental conditions of the land are or will be suitable for that use. 'Potentially contaminated land' is defined as land used or known to have been used for industry, mining or storage of chemicals, gas, wastes or liquid fuel (if not ancillary to another use of land). A sensitive use is identified as a residential use, a child care centre, a pre-school or a primary school.

If land is identified as being potentially contaminated and a sensitive use is proposed, Ministerial Direction No. 1 provides that a planning authority must satisfy itself that the land is suitable for that use through an environmental audit.

The General Practice Note on Potentially Contaminated Land provides further guidance for potentially contaminated land. It broadens the consideration of potentially contaminated land to 'land that may have been contaminated by other means such as by ancillary activities, contamination from surrounding land, fill using contaminated soil or agricultural activities'. It also sets out how potentially contaminated land is identified and what uses might have a high or medium potential for contamination. A number of uses are listed

A Preliminary Environmental Site Assessment has been prepared for the site by Kleinfelder (27 April 2017). The Assessment finds that the previous site uses of grazing and staging of vehicles and construction material stockpiling may have resulted in potential environmental issues, and that there are also a number of off-site potential sources of contamination.

Particularly, the assessment identified that there is the potential for on-site contamination from herbicides and pesticides from agricultural use, as well as metals, asbestos,



petroleum and hydrocarbons from the use of the land as a staging area during various construction and roadwork activities for the Tullamarine Freeway and Western Ring Road.

Additionally, there is the potential for contamination from off-site sources, including the industrial complex, service station and jet fuel pipeline in the vicinity of the subject site.

The Assessment includes the following Recommendation:

Should the site be redeveloped for residential purposes, the specific requirements will be dependent on the council who may require an Environmental Audit to be undertaken. However, where an Audit is not undertaken, it is recommended that a limited number of surface soil samples are collected and analysed to confirm the quality of any imported fill material (if present) and ensure that the site is suitable for its proposed use.

The need for an intrusive groundwater investigation would be dependent on the results of the soil investigation.

In these circumstances, it is appropriate to apply the Environmental Audit Overlay to the land, in order for the environmental condition of the land to be confirmed prior to a sensitive use commencing.

Ministerial Direction No. 9 – Metropolitan Planning Strategy seeks to ensure that planning scheme amendments have regard to Plan Melbourne 2017-2050: Metropolitan Planning Strategy (Department of Environment, Land, Water and Planning, 2017).

Ministerial Direction No. 11 – Strategic Assessment of Amendments seeks to ensure a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces.

A strategic assessment of the proposed amendment has been undertaken in accordance with this Ministerial Direction in this section of this report.

Does the Amendment support or implement the State Planning Policy Framework (SPPF)?

The elements of the SPPF that are most relevant to the Planning Scheme Amendment include:

- Clause 9 – Plan Melbourne;
- Clause 10 – Operation of the State Planning Policy Framework;
- Clause 11 – Settlement;
- Clause 15 – Built Environment and Heritage;



- Clause 17 – Economic Development;
- Clause 18 – Transport; and
- Clause 19 – Infrastructure.

Clause 9 ‘Plan Melbourne’ requires that planning and responsible authorities must consider Plan Melbourne 2017-2050: Metropolitan Planning Strategy (Department of Environment, Land, Water and Planning, 2017). This is the same requirement as Ministerial Directions No. 9.

The proposed Amendment complies with Ministerial Direction No. 9. For this reason, the proposed amendment is considered to also comply with the requirements of Clause 9.

Clause 10 ‘Operation of the State Planning Policy Framework’ seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the Planning and Environment Act 1987) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

The proposal supports this goal by applying the most appropriate zone control to the subject site and will deliver a net community benefit by providing an opportunity for new housing in an appropriate location.

Clause 11 ‘Settlement’ provides that planning is to anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.

The site is located within an established urban area, where there are numerous facilities within the surrounding area. The rezoning is particularly consistent with Clause 11.06 (Metropolitan Melbourne) in that the site would be accessible via a 20 minute walk, cycle or public transport ride to most everyday services.

Clause 15.01 ‘Urban environment’ seeks to create safe, functional and good quality urban environments. **Clause 15.02 ‘Sustainable development’** seeks to promote consolidation of urban development and the integration of land use and transport.

Clause 18 ‘Transport’ states that planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinate reliable movements of people and goods, and is safe.



The proposed amendment allows housing to be integrated within an existing community where it can take advantage of existing transport and road facilities.

Clause 19 'Infrastructure' states that planning is to recognise social needs by providing land for a range of accessible community resources, such as education, cultural, health and community support facilities. The development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely.

The proposed amendment allows housing to be integrated within an existing community where it can take advantage of existing infrastructure facilities.

Does the Amendment support or implement the Local Planning Policy Framework (LPPF)?

The following Clauses of the LPPF are particularly relevant to the proposed amendment:

- Clause 21.02 – Vision;
- Clause 21.03 – Strategic Framework; and
- Clause 22.01 – Neighbourhood Character.

As identified in Section 5, the local population is growing and the Planning Scheme seeks to direct this change into appropriate locations. Pursuant to Clause 21.03, the residential area south of the site sits at the lowest level within the housing growth hierarchy, being a "minimal housing growth" location and this is reflected in the application of the NRZ. With the proposed rezoning, the same designation would apply to the subject site. Minimal Housing Growth Areas are described as follows:

The remainder of Moreland's residential areas will be retained for minimal housing growth to ensure an ongoing supply of single dwellings and low density multi dwelling developments, with an enhanced open and landscaped character. These areas are defined by the Neighbourhood Residential Zone (NRZ).

In minimal change areas, multi dwelling infill development will be allowed, but at a lower density to that otherwise achievable under ResCode (Clause 55). The emphasis in the NRZ areas is on the creation of an enhanced open and landscaped character, by providing increased private open space and landscaping.

Council is committed to complementing residential areas with improved street tree planting, well maintained parks and associated community facilities, and safe and convenient pedestrian environments.



The application of the Neighbourhood Residential Zone to the subject site reflects the area's broader Minimal Housing Growth designation and will ensure that the level of change at the site is appropriate to the surrounding area. The proposed rezoning is also a logical extension of the existing Neighbourhood Residential Zone to the south of the site and complements the broader residential zoning in the surrounding area. The new zone will ensure that the level of change on the site is appropriate to the surrounding area.

Clause 22.01 'Neighbourhood Character' applies to planning permit applications in the residential zones, where an assessment is required pursuant to Clause 54 or 55 and to any other permit applications where an assessment against neighbourhood character is required. Pursuant to this clause, the following policy objectives apply to areas of Minimal Change:

- *To support minimal change to maintain a mix of single dwellings and lower density multi dwelling developments.*
- *To ensure that the scale and siting of new development respects existing neighbourhood character.*
- *To ensure that the design and landscaping of new development contributes to a lower density, open and 'green, leafy' landscape character.*

The following is also policy:

- *Ensure new development is designed to respect the prevailing built form scale, siting and appearance of the surrounding context, particularly with regard to front and side setbacks of surrounding buildings and openness of rear yards, as documented in the Neighbourhood and Site Description.*
- *Ensure development in rear yards is single storey unless it can be demonstrated that:*
 - The prevailing character is not one of open rear yards and garden outlooks; and/or
 - The building envelope respects the existing character of open rear yards and garden outlooks. This should be through provision of generous side and rear setbacks and private open space in excess of Clause 55 standards to increase the space for screen tree planting, and sensitive design of the upper levels with adequate articulation, setbacks and materials to minimise visual bulk impacts as seen from neighbouring rear secluded open spaces.
- *Ensure new development is designed, as confirmed on a landscape plan, to:*



- Include planting in the front setback of at least one tree, selected in accordance with the Moreland Tree Planting Manual for Residential Zones 2014;
 - Maximise opportunities for tree planting in side and rear setbacks; and
 - If located in the Neighbourhood Residential Zone, include planting of one tree in the secluded private open space of each dwelling, selected in accordance with the Moreland Tree Planting Manual for Residential Zones 2014.
- *Ensure new development provides ground level secluded private open space in excess of Clause 55 standards to contribute to a lower density, open and landscaped character.*
 - *Ensure the layout and design of new development makes a positive contribution to the public realm, including maximising opportunities for active frontages and casual surveillance. Ensure car parking facilities (crossovers, accessways, garages and carports) do not dominate the streetscape. Ensure vehicle crossing provision limits the removal of on street public parking spaces, removal of street trees, and encroachment into landscaped front setbacks, and maximises pedestrian safety and sight lines.*
 - *Ensure waste storage areas are screened from view of the street.*

Future development of the site will need to respond to these policy objectives and this will ensure that an appropriate design outcome is achieved by future development.

Does the Amendment make proper use of the Victoria Planning Provisions?

The amendment makes correct use of the Victoria Planning Provisions. The land use is consistent with the purpose of Neighbourhood Residential Zone. The use of the NRZ is the appropriate tool to encourage the most appropriate use and development of the site and is consistent with the strategic directions of the site.

The Environmental Audit Overlay is the most appropriate tool to deal with the consideration of potential land contamination on the land before a sensitive land use can commence.

The application of this control makes proper use of the VPPs and will not make any existing provisions in the Moreland Planning Scheme redundant.

How does the Amendment address the views of relevant agencies?

The views of relevant agencies can be considered as part of any exhibition process, if necessary.



Does the Amendment address the requirements of the Transport Integration Act 2010?

The amendment meets the requirements of the *Transport Integration Act 2010*.

The amendment is not envisaged to have a significant effect on the transport system.

What impact will the new Amendment have on the resource administrative costs of the responsible authority?

The proposed amendment is not considered to have any significant impact on the resource and administrative costs of the responsible authority.



7. Conclusion

The proposed planning scheme amendment is appropriate for the following reasons:

- The proposed zoning will facilitate efficient and appropriate use of vacant land, which is located within an established residential area.
- The proposed zoning will result in an appropriate and orderly planning outcome and is, supported by the relevant policies contained in the State and local Planning Policy Frameworks that seek to facilitate development of an underutilised asset in an area within an established urban area.
- It will create an opportunity to contribute to the local housing demand, in a manner which protects the character and density of the local area.

On the basis of these reasons, the Amendment should be supported.

GLOSSOP TOWN PLANNING PTY LTD