

Planning Panels Victoria

Tranche 38 Report 16-20 Dumbarton Street, Reservoir

Government Land Standing Advisory Committee Report

Planning and Environment Act 1987

7 August 2023

About this report

On 25 January 2023, the Minister for Planning referred 16-20 Dumbarton Street, Reservoir to the Government Land Standing Advisory Committee as Tranche 38.

This is the report under section 151 of the *Planning and Environment Act 1987* of the Government Land Standing Advisory Committee for 16-20 Dumbarton Street, Reservoir.



Tim Hellsten, Chair



Rachael O'Neill, Member

7 August 2023

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

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Glossary and abbreviations

Council	Darebin City Council
DPO14	Development Plan Overlay Schedule 14
DTP	Department of Transport and Planning
GLSAC	Government Land Standing Advisory Committee
GRZ1	General Residential Zone Schedule 1
IHP	Inclusionary Housing Pilot
linear reserve	Maroondah Aqueduct Linear Reserve
Planning Scheme	Darebin Planning Scheme
PPN23	<i>Planning Practice Note 23 Applying the Incorporated Plan and Development Plan Overlays (September 2022)</i>
the Amendment	draft Darebin Planning Scheme Amendment C209dare

1 Summary and recommendation

1.1 The site

The 6,143 square metre site at 16-20 Dumbarton Street, Reservoir is a former road reservation which fronts Dumbarton Street and backs onto the Maroondah Aqueduct Linear Reserve. It is flat, vacant and comprises five land parcels including a discontinued road. The site is located within an established residential area of one and two storey scale.

Figure 1: Site location



Source: VicPlan

1.2 Inclusionary housing

The site has been determined surplus to the Victorian Government's current and future requirements. It has been declared an Inclusionary Housing Pilot (IHP) site, one of six designated sites across Victoria to support the delivery of a mix of social, affordable and market housing. The IHP program proposes to provide a minimum of 100 new social housing homes to be delivered in partnership with a Registered Housing Agency. MET Communities Pty Ltd was selected as the developer of the site following an Expression of Interest process and is the Proponent for the draft Amendment.

Planning scheme amendments have been approved for four IHP sites to date in Boronia, Broadmeadows, Parkville and Wodonga. Each amendment has rezoned the site to a residential zone consistent with surrounding land, applied the Development Plan Overlay and made the Minister for Planning the responsible authority for the respective site.

1.3 The Amendment

Draft Amendment C209dare to the Darebin Planning Scheme (the Amendment) proposes to introduce a new Development Plan Overlay Schedule 14 (DPO14) into the Darebin Planning Scheme (Planning Scheme) and apply it to the site.

The exhibited DPO14 sets out the requirements for a development plan including:

- objectives to be achieved including being generally in accordance with the concept plan at Map 1 (Figure 2), housing diversity and lot sizes, design and built form, neighbourhood character, interfaces, connectivity, planting and amenity
- requirements for:
 - an existing conditions plan and site analysis
 - concept plans for the layout
 - a landscape concept plan, traffic management report, arboricultural assessment and flora and fauna and native vegetation assessment
 - demonstrating best practice environmentally sustainable design.

Figure 2 Concept plan Map 1



Note: Map 1 has been cropped and legend enlarged to assist legibility

1.4 Issues raised in submissions

The Committee considered all written submissions as well as submissions presented to it during the Hearing. In addressing the issues raised in those submissions, the Committee has been assisted by the information provided to it as well as its observations from an inspection of the site.

Issues raised in submissions related to:

- increased traffic
- density and neighbourhood character
- social and economic impacts
- impacts on native vegetation and biodiversity
- drafting of the Development Plan Overlay.

1.5 Committee conclusion

The Committee considers the use of a Development Plan Overlay provides several potential advantages including providing for a coordinated approach to the planning of the site to ensure a consistent approach to the delivery of important social and affordable housing outcomes for the six IHP sites. Further, it provides a level of certainty about the planned outcome for the site while providing a more streamlined assessment process with the removal of third party notice and review provisions. However, the Committee considers in this case there is limited strategic need to apply DPO14 given the site characteristics, the nature of the proposal, along with the Planning Policy Framework and existing zone provisions which remain unchanged.

Should this recommendation not be accepted the DPO14 should be amended to address changes identified by the Committee and to ensure it accords with the *Ministerial Direction on the Form and Content of Planning Schemes* and the *Practitioner’s guide to Victoria’s planning schemes*.

The Amendment proposes to make the Minister for Planning the responsible authority for the site. This aligns with the Minister’s role for other IHP sites and ensures a consistent planning approach.

Table 1: Existing and proposed controls

Current planning scheme controls	Exhibited planning scheme	Advisory Committee Recommendation
General Residential Zone Schedule 1 (GRZ1)	Retain	Retain
Development Contributions Plan Overlay Schedule 1	Retain	Retain
	Development Plan Overlay Schedule 14 (DPO14)	Do not apply
Clause 72.01 – Minister for Planning is the responsible authority for discontinued road (Lot A on PS833376G)	Amend to make the Minister for Planning the responsible authority for the site	Apply

1.6 Recommendation

The Committee recommends that:

- a) **not apply the Development Plan Overlay Schedule 14**
- b) **amend the Development Plan Overlay Schedule 14 consistent with the Committee’s preferred changes at Appendix C if the recommendation at a) above is not accepted**
- c) **amend the Schedule to Clause 72.01 to make the Minister for Planning the responsible authority for the entire site.**

2 Process issues for this site

2.1 Process summary

The following tables set out the details of the process for this matter.

Table 2: Proposal summary

Proposal summary	
Tranche	Tranche 38
Site address	16-20 Dumbarton Street, Reservoir
Previous use	Formerly farmland and road reservation
Site owner	Roads Corporation and Minister for Planning
Proponent	MET Communities Pty Ltd
Council	Darebin City Council
Exhibition	4 April to 25 May 2023
Submissions	<ol style="list-style-type: none"> 1. Vanessa Kirkpatrick 2. Anna Lozzi 3. Harshpreet Singh 4. Stephanie Vu and Tony Nguyen 5. Darebin City Council 6. Nadine Richings 7. Anonymous late submission

Table 3: Exhibited planning scheme changes to the Darebin Planning Scheme

Existing controls	Proposed changes
General Residential Zone Schedule 1 (GRZ1)	No change
Development Contributions Plan Overlay Schedule 1 (DCPO1)	No change
Not applicable	Development Plan Overlay (Schedule 14 – Inclusionary Housing pilot – 16 - 20 Dumbarton Street, Reservoir) (DPO14)
Clause 72.01 – Minister for Planning is the responsible authority for discontinued road (Lot A on PS833376G)	Amend to make the Minister the responsible authority for the entire site

Table 4: Committee process

Committee process	
Members	Tim Hellsten (Chair), Rachael O’Neill
Information session	9 May 2023

Committee process

Hearing	By video conference, 14 July 2023
Site inspection	18 May 2023
Appearances	MET Communities Pty Ltd, represented by Angela Mok of Clement Stone Town Planners who called evidence from: <ul style="list-style-type: none"> - Aaron Organ of Ecology and Heritage Partners on native vegetation and biodiversity - Valentine Gnanakone (One Mile Grid) on traffic Darebin City Council represented by Alia Slamet Dr Nadine Richings
Date of this Report	7 August 2023

2.2 Process issues

(i) Notice

Government Land Planning Services provided a project notification report which set out the notice given of the proposal.¹ It identified that letters had not been sent to relevant service authorities in error. To rectify this Government Land Planning Services wrote to Yarra Valley Water, APA Gas and Jemena on 31 May 2023 providing the opportunity for submissions to be made by 20 June 2023. No submissions were received from these agencies.

(ii) Anonymous submission

The Committee received anonymous correspondence² raising concerns about the proposed DPO14 and associated level of detail in the concept plan, the lack of community input and requested further notice of the proposal be given. The Committee was unable to communicate with the author of the correspondence because it contained no contact details and was made outside the Engage Victoria website. At the Directions Hearing, the Committee advised it would treat the correspondence as a submission, noting that it raised issues similar to other submissions. This approach was supported by the parties. Darebin City Council (Council) also advised the Committee at the Hearing that it was unable to ascertain the submitters' details

The Committee considers the level of notice of the Amendment was adequate. The information session explained that a DPO has no requirement to consult with the community before a development plan is approved. In addition, a future permit application that is consistent with an approved development plan is exempt from third party notice and review.

¹ Document 5

² Document 2

3 Site constraints and opportunities

3.1 Planning context

The legislative, policy and Planning Scheme provisions relevant to the Amendment are identified in Table 5.

Table 5 Planning context

Source	Relevant references
Victorian planning objectives	section 4(1)
Local Planning Policy Framework	Clause 21.05 Strategic Vision Clause 21.02-3 Built Environment Clause 21.03-1 Strategic Housing Framework Clause 21.03-2 Housing Development Clause 21.03-3 Housing Diversity and Equity Clause 21.03-4 Character Clause 22.02 Neighbourhood Character Clause 22.12 Environmentally Sustainable Development
Planning Policy Framework	Clause 11 Settlement Clause 12 Environment and landscape value Clause 15 Built environment and heritage Clause 16 Housing
Other planning strategies and policies	Plan Melbourne Darebin Development Contributions Plan 2019 (September 2022) Darebin Housing Strategy 2013 (revised 2015) Darebin Neighbourhood Character Study (2007)
Planning scheme provisions	General Residential Zone 1 (Modest Change Areas)(GRZ1) Public Use Zone 1 (Service & Utility)(PUZ1) Development Contributions Plan Overlay Schedule 1 (Darebin Development Contributions Plan)(DCPO1) Clause 52.17 (Native vegetation) Clause 72.01 (Responsible Authority for this Planning Scheme)
Ministerial directions	Ministerial Direction on the Form and Content of Planning Schemes Ministerial Direction 11: Strategic Assessment of Amendments
Planning practice notes and guidance	Planning Practice Note 7: Vegetation Protection in Urban Areas, January 2000 Planning Practice Note 23 Applying the Incorporated Plan and Development Plan Overlays, September 2022 (PPN23) Planning Practice Note 30: Potentially contaminated land, July 2021 (updated 9 June 2023) Practitioner's Guide to Victoria's planning schemes, Version 1.5, April 2022 (Practitioner's Guide)

Existing zoning is shown in Figure 3. The site and adjoining residential land is in the GRZ1. The GRZ1 provisions are to be retained without change. The Maroondah Aqueduct Linear Reserve (linear reserve) is in the PUZ1.

The DCPO1 applies to all land within the Planning Scheme and is to be retained.

The Amendment proposes to apply the DPO14 to the entire site as shown in Figure 4.

Map 2 to the Schedule to Clause 72.01 identifies the Minister for Planning as the responsible authority for a portion of the site as shown in Figure 5. The Amendment proposes to extend this role across the entire site as shown in Figure 6.

Figure 3: Current zoning

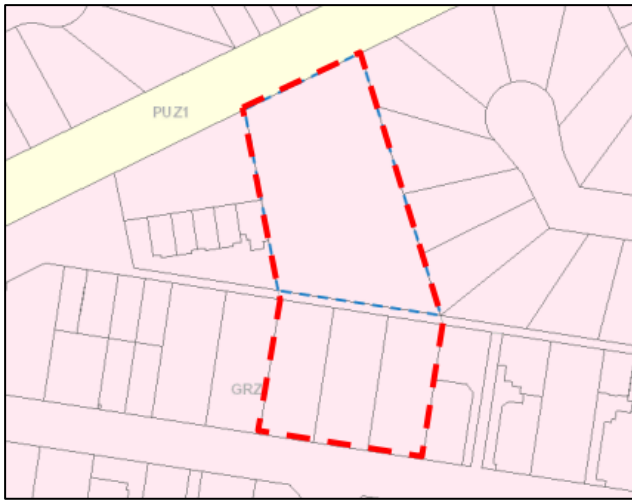


Figure 4: Proposed DPO14

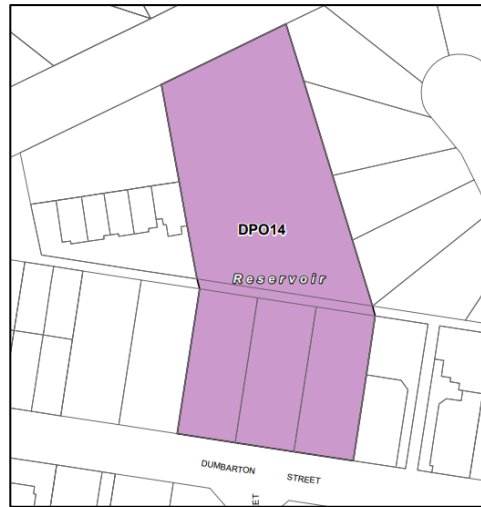


Figure 5: Current Map 2 to the Schedule of Clause 72.01

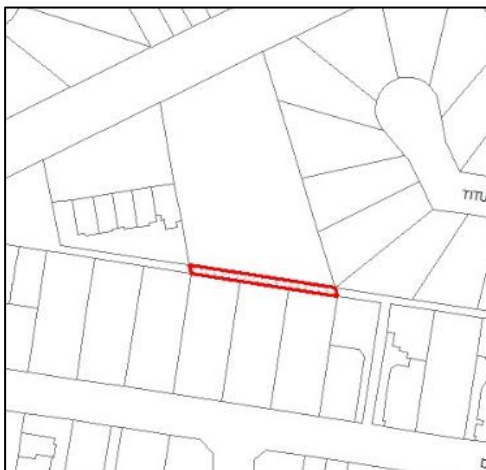


Figure 6: Proposed Map 2 to the Schedule to Clause 72.01



3.2 Existing conditions

(i) History of the site

The site at 16-20 Dumbarton Street, Reservoir was previously used for grazing prior to the wider subdivision of the neighbourhood in the 1960s. It was part of a longer north-south linear road reservation in the mid-1960s which has since been predominantly developed for housing or included within Atkinson Reserve.

The site comprises lots owned by the Roads Corporation (Department of Transport) and the Minister for Planning. The site was declared surplus in late 2015 by both owners. The surplus statement³ identified:

The land was previously held for a transport use that did not eventuate. The site is vacant and unused. Neither the Minister for Planning nor the Department of Transport (Roads Corporation) has a future use planned. The land is surplus to the requirements of both landowners and is instead proposed to be used as an Inclusionary Housing Pilot site. The site was nominated a IHP site on 22 May 2017.

A First Right of Refusal process was offered to other government departments, agencies, Council and the Commonwealth Government. No interest was expressed through this process. After its nomination as an IHP site, MET Communities Pty Ltd was selected as the preferred developer following an Expression of Interest process. MET Communities Pty Ltd drafted the DPO14 and prepared the technical documentation in support of the Amendment.

(i) Current site conditions

Land parcels

The site comprises five titles and is collectively 6,143 square metres in area:

- Lot 1 on TP124549S; the larger northern portion of the site adjoining the linear reserve (owned by the Minister for Planning)⁴
- Lot A on PS833376G; a discontinued road (owned by the Minister for Planning) which runs east-west through the centre of the site
- three lots owned by the Roads Corporation fronting Dumbarton Street:
 - Lot 510 on LP10498
 - Lot 511 on LP10498
 - Lot 512 on LP10498.

The site is encumbered by two 2.44 metre wide drainage and sewerage easements running along northern boundaries of Lot A and Lot 1.

Flora and fauna

A targeted survey for Golden Sun Moth and other Matters of National Environmental Significance (Ecology and Heritage Partners, May 2022) was exhibited with the Amendment. It identified that no Golden Sun Moths were sighted during several inspections and site's species habitat was of low to moderate quality given the relatively small and fragmented extent, and its suburban edges. Native site vegetation was limited to a patch of native vegetation (Plains Grassland) and a River

³ Surplus Victorian Government Land Fact Sheet, Surplus statement for 16-20 Dumbarton Street, Reservoir

⁴ Advice at Hearing from Government Land Planning Services

Red-gum at the centre of the site. The dominant vegetation is introduced exotic and pasture grasses.

The Preliminary Arboricultural Assessment (Arbkey, 2022) exhibited with the Amendment identifies four scattered trees on the subject site and eight trees located within proximity of the site boundaries on neighbouring sites. Of the on-site trees, the River Red-gum and Monterey cypress are identified as having medium arboricultural value, while a cotoneaster and cherry plum are classed as environmental weeds with low arboricultural value. The Assessment identifies Tree Protection Zones around the River Red-gum and Monterey cypress and adjacent trees on abutting land in private ownership. It identified that immature canopy trees are a characteristic of backyards within the neighbourhood.

Ecological evidence was provided at the Hearing by Mr Aaron Organ of Ecology and Heritage Partners.

Contamination

A Preliminary Site Investigation (Ground Science Pty Ltd, October 2022) was exhibited with the Amendment. It identified the site is not considered ‘potentially contaminated land’ and would hold a low potential for environmental contamination in the soils at the site.

Access

The site has a 54.86 metre frontage to Dumbarton Street and backs onto the linear reserve. The discontinued road parcel remains as a road reserve to the immediate west and east of the site and is used for access to adjoining properties from Aberdeen Street.

The Transport Impact Assessment (One Mile Grid, September 2022) exhibited with the Amendment identifies that:

Dumbarton Street is a local road generally aligned east-west, running between the Aberdeen Street and Dole Avenue intersection in the west, and Gourrock Street in the east. Dumbarton Street operates within a standard residential street cross section, allowing for two-way traffic movements and kerbside parking on both sides of the road.

It identifies that while a future assessment of the traffic impact will be necessary once detailed design is completed and the number of dwellings is known, development is not expected to impact on the operation of the surrounding road network. It identified that a variety of road network configurations could be proposed across the site but should allow for two-way traffic movements and consider pedestrian and cyclist movements and on-street car parking provision.

Traffic evidence was provided at the Hearing by Mr Valentine Gnanakone of One Mile Grid.

(ii) Interface with surrounds

The site abuts:

- to the east, 24 Dumbarton Street (comprising a 4 dwelling development with 2 dwellings immediately adjoining the common boundary) and 6 dwellings that front Titus Court
- to the west, 14 Dumbarton Street (a 2 storey dwellings under construction at the time of site inspection), 30 Aberdeen Street (5 dwelling development) and 31 Aberdeen Street.

The adjoining dwellings are predominantly detached one-storey brick dwellings with pitched tiled roofs. Side and rear setbacks adjoining the common boundary vary but include private open space, outbuildings, common areas or car parking areas (including driveways, carport and garages).

Dwellings south of Dumbarton Street are comprised of a mix of single and double storey detached and medium density housing developments. The dwellings are predominantly brick with pitched tiled roofs. Dwellings including double-storey dwellings and multi-dwelling developments extend along the north side of the linear reserve. This area is within a General Residential Zone 2 (GRZ2), which supports a greater level of incremental change than GRZ1. The linear reserve is elevated above adjoining residential properties.

The site is located approximately 2.3 kilometres from the Reservoir Neighbourhood Activity Centre and 1.8 kilometres from Ruthven Railway Station to the south-east, and 2 kilometres east of Keon Park Railway Station. It is within walking distance of several public open space and facilities and Reservoir Views Primary School.

4 Issues with the proposed changes

4.1 Is the current zone appropriate?

(i) Discussion

The purpose of the GRZ1 is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The GRZ1 is applied in the Planning Scheme to 'incremental change areas' and provides for Clause 54 and Clause 55 (ResCode) standard variations for site coverage (50 per cent) and private open space (55 square metres with minimum dimensions and locational requirements). The GRZ default minimum subdivision size and garden area provisions, ResCode standards and maximum building height (11 metres/3 storeys) apply to the subject land. The Amendment does not change these provisions.

The GRZ1 is considered the most appropriate zone to support the proposed IHP outcomes sought and in the context of the prevailing residential zone in the surrounding neighbourhood. It will ensure built form outcomes and amenity standards are consistent with neighbourhood character. A change in zone is not required to facilitate future housing development on the site.

(ii) Conclusion

A change in zone is not required and the GRZ1 should be retained without change as proposed.

4.2 Is the use of a Development Plan Overlay appropriate?

(i) Submissions

No submissions opposed the application of the DPO14 as a tool to manage the proposed housing outcomes for the site. The submissions of Council and Nadine Richings sought the application of an additional overlay to manage site vegetation.

The Proponent submitted that the DPO14 was an appropriate tool to guide future built form and development of the site and to provide certainty for the Proponent, Council and community.

(ii) Discussion

Planning Practice Note 23 Applying the Incorporated Plan and Development Plan Overlays (September 2022) (PPN23) identifies that they are the preferred tools to support plans such as detailed development plans or master plans for land. They are used to provide certainty and coordinate proposed use and development.

Much of the exhibited DPO14 replicates built form and detailed design issues that can be addressed at permit stage through existing Planning Scheme provisions including:

- local policy relating to housing (Clause 21.03, including relating to design, amenity and diversity), neighbourhood character (Clause 22.02) and environmental sustainable development (Clause 22.12)
- the provisions of the GRZ1 relating to building height and site coverage
- the standards and decision guidelines of clauses 54 and 55
- particular provisions relating to car parking and bicycle facilities.

The proposed concept plan forming part of DPO14 contains little in the way of a guiding framework beyond a possible internal and street access arrangement and the location of neighbour and street frontage interfaces. There is no depiction of possible building footprints, retained vegetation or communal areas.

There seems little strategic justification or value in applying a DPO given endeavours to simplify planning schemes and that the site:

- is not a strategic site requiring an outcome not anticipated in the GRZ1
- is a relatively small, vacant infill site and not particularly constrained (other than in terms of native vegetation as discussed below) and there is little to masterplan
- is to accommodate a housing outcome in an established neighbourhood
- is to be developed in a manner consistent with the height and site coverage requirements of the GRZ1
- will likely be developed by one entity.

The Committee also notes that PPN23 identifies where the overlays should be used, and states among other things, they should not normally be used where the site adjoins established residential areas:

Because the DPO has no public approval process for the plan, it should normally be applied to development proposals that are not likely to significantly affect third-party interests, self-contained land where ownership is limited to one or two parties and land that contain no existing residential population and do not adjoin established residential areas. [Committee's emphasis).

In this context the site's planning settings are the same as any other modestly sized undeveloped sites in residential zones that can be developed under existing provisions of the Planning Scheme for a housing outcome of the type envisaged. The question is whether the application of an additional control on the site will assist in the delivery of the proposed housing outcomes.

The Committee acknowledges that the DPO has been applied to all other approved IHPs (this includes for the Wodonga site which was larger than this site, but was not supported by the Committee for similar reasons set out above).⁵ In doing so it is acknowledged that it does provide for a consistent response across all IHP sites and an exemption from notice and review. This has the potential to streamline decision making and provide for the more efficient delivery of important social and affordable housing outcomes at a time where housing supply is a key challenge.

If a DPO is to be applied, changes are required to ensure it is consistent with the *Ministerial Direction on The Form and Content of Planning Schemes*, PPN23 and the *Practitioner's guide to Victoria's planning schemes*. This is discussed in Chapter 5.

⁵ Government Land Standing Advisory Committee – Tranche 10 Report

(iii) Recommendation

The Committee recommends:

- **Not applying the Development Plan Overlay Schedule 14.**
- **If the recommendation to not apply the Development Plan Overlay is not accepted, amend the Development Plan Overlay Schedule 14 consistent with the Committee’s preferred changes at Appendix C.**

4.3 Is an overlay required to manage native vegetation and biodiversity?

(i) Evidence and submissions

The Proponent relied on the evidence of Mr Organ to support the view that additional vegetation protection was not required or justified.

Mr Organ’s evidence set out the ecological investigations undertaken of the site over several years including targeted surveys for the presence of Golden Sun Moth and Natural Temperate Grasslands of the Victorian Volcanic Plain. No Golden Sun Moth were detected. He identified:

The future development of the site will result in the loss of 0.44 hectares of native vegetation (including the nationally threatened NTGVVP ecological community) and will potentially impact one flora species of conservation significance (Matted Flax-lily). However, despite undertaking a targeted survey for Matted Flax-lily during my site assessment, I did not detect any specimens. Although the site is considered to have high local ecological significance, it is isolated and not connected to any other remnant patches of native grassland or vegetation and does not function as an ecological corridor for native fauna species. It is also in an area mapped as very low Strategic Biodiversity Value under DEECA’s modelling (i.e. between 0.10 - 0.20 out of a score of 1.0) and the small patches of native grassland support low native species diversity (i.e. 10 native species previously recorded as outlined in Biosis 2018).

His evidence was that if Matted Flax-lily was present it was likely limited to a few plants (less than 5), which could be salvaged and relocated to more suitable locations through the DPO14 provisions. The patch of Plains Grassland was degraded through the presence of weeds and site mowing practices, adjacent construction activity, the movement of people through the site and its low species diversity. It was of local value only. He identified no implications or planning approvals required under relevant Commonwealth and State legislation for future site development.

Council’s submission was that the potential impacts on significant native vegetation required further assessment and protection including through the application of a Vegetation Protection Overlay or Environmental Significance Overlay. It sought a strategy for vegetation protection in accordance with *Planning Practice Note 7: Vegetation Protection in Urban Areas* to determine which overlay to apply. Its position was based on community interest in protecting the site’s native grassland, community observations of Matted Flax Lily on the site (an endangered species under the *Environment Protection and Biodiversity Protection Act 1999 (Cwth)* an ecological assessment provided by Biosis in 2018 and identification of the site on its *Natural Heritage Strategy 2015-2025*.

Council submitted that while both the Biosis and Ecology and Heritage Partners assessments considered the remnant grasslands to have a low biodiversity score, the site remained of cultural and ecological importance and appropriate mitigation and protection measure should be put in place. It disputed Mr Organ’s evidence that Clause 52.17 did not apply on the basis that the existing lots were contiguous and under the single ownership of the state government.

Council sought:

- a further strategy be undertaken of Matted Flax Lily during Spring
- consolidation of the subject land into a single title to ensure that Clause 52.17 (Native vegetation) would apply
- vegetation offsets to be located within Darebin including any species translocated
- changes to the DPO to respond to native vegetation (discussed at Chapter 5.1).

The Proponent did not support Council's request for further surveys, site consolidation and offsets considering the DPO14 made appropriate provision for managing any significant vegetation.

Dr Richings' submission sought protection of the entire site as a native grassland and precluded its development for housing based on:

- the site containing significant endemic plants typical of the Victorian Volcanic Plains grasslands
- the grasslands are critically endangered and listed as federal and state threatened ecological communities and the site was a small but important patch of those grasslands
- observations of the site containing the critically endangered Matted Flax Lily which supports Golden Sun Moth and Striped Legless Lizard habitat
- the land is part of a wildlife corridor and provides habitat for endemic birds
- the site is likely to be of cultural significance.

If the site was not to be protected, Dr Riching submitted that:

- significant sections of the land should be saved and protected (especially the central area containing the River Red-gum)
- plants in developed areas be appropriately translocated to nearby reserves inclusive of sufficient soil to contain fungi, microorganisms, seeds and spore
- offsets to be established in Darebin under the management of Council
- plant out the nature strip with endemic plants.

(ii) Discussion

The Committee is satisfied that the targeted species surveys were appropriately robust and along with the evidence of Mr Organ do not support the application of an additional control to manage native vegetation impacts. In the absence of evidence to the contrary, the Committee agrees with the Proponent that there is no strategic basis on which to apply a VPO or ESO. Council has not actively sought to apply such controls despite the strategies it identified. There are no such controls in the immediate vicinity (the closest adjacent to Darebin Creek). The site is small and isolated from other grassland areas, and located in an urbanised environment identified for incremental growth. It is not within an area of Aboriginal Cultural Heritage Sensitivity. The linear reserve is not planted or designed to perform as a wildlife corridor so that the site could meaningfully link to and connect to other potential habitat areas.

The Committee considers that the site vegetation issues can be appropriately managed through the provisions of Clause 52.17 in the first instance or alternatively through the DPO14.

Clause 52.17 provides a process for the assessment of native vegetation removal by applying a three-step approach (avoid, minimise and offset) in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017). Clause 52.17 includes an exemption based on site area:

Native vegetation that is to be removed, destroyed or lopped on land, together with all contiguous land in one ownership, which has an area of less than 0.4 hectares.
[Committee's emphasis]

While the application of Clause 52.17 will ultimately be a matter of legal interpretation, the lots are contiguous and collectively greater than 0.4 hectares. Unless the site is sold to multiple entities, they will be under one ownership. It is likely then that Clause 52.17 will apply from the point of sale if it does not already do so. While the Committee does not support a consolidation requirement within the DPO14 to achieve this outcome, it observes that confirming single ownership at the time of sale will provide a more appropriate planning mechanism to respond to site vegetation.

(iii) Conclusion

The Committee concludes that an additional overlay is not required to manage native vegetation and biodiversity.

4.4 Should the Minister be the responsible authority?

(i) Discussion

No submissions were made in relation to changes to Clause 72.01 to make the Minister for Planning the responsible authority for the entirety of the subject land. Submissions instead focused on the process of engagement with Council and the community through the preparation and approval of the development plan and any subsequent planning permits.

There is no strategic issue with making the Minister for Planning the responsible authority for the subject land given the zone and planning policies remain the same and the intent of DPO14 is to provide greater certainty about planning outcomes for the site. The planning benefit arises in ensuring that the IHP outcomes are consistent across the six pilot sites (the Minister for Planning is the responsible authority for the four approved sites and proposed to be for the remaining two IHP sites). The change also reflects that the Minister is currently the responsible authority for a part of the site and current owner of over half of it.

The proposed amendment to Clause 72.01 is appropriate irrespective of whether the DPO should be applied or not.

(ii) Recommendation

The Committee recommends:

Amend the Schedule to Clause 72.01 of the Darebin Planning Scheme to make the Minister for Planning as the responsible authority for the entire site.

5 What changes are needed to the Development Plan Overlay schedule?

5.1 What schedule changes are needed?

The issue is whether the exhibited DPO14 is sufficient to guide the development of the site in terms of:

- social and economic impacts
- movement including traffic, vehicular access and pedestrian/bicycle connections
- housing diversity
- built form and neighbourhood character
- detailed design including internal and external amenity
- native vegetation and biodiversity
- landscaping outcomes
- role of Council and for community input in the preparation and approval of development plans and permits issued under the DPO.

The Committee's direction required the Proponent to provide a Day 1 version of the DPO14 that:

- responded to submissions as appropriate
- considered the four approved IHP DPOs
- was consistent with the *Ministerial Direction on Form and Content of Planning Schemes*, PPN23 and the *Practitioner's guide to Victoria's planning schemes*.

The Proponent's Day 1 version involved further drafting to clarify the permit and development plan requirements and move the development plan objectives into Clause 1.0. At the Hearing it proposed a further minor alteration in response to Mr Organ's evidence.

5.1.1 Social and economic impacts

(i) Submissions

Several submissions were concerned that the proposal could have negative social impacts through the generation of litter, vandalism and other antisocial behaviour and make it unsafe. These submissions were concerned that development could devalue nearby properties as a result.

(ii) Discussion

The tenant mix of housing on the site is not a relevant planning consideration nor is the economic impact on individual property owners. There is no basis to conclude that a well-designed tenure blind housing outcome will result in negative social impacts of the sort raised in submissions. The Amendment will however support the provision of community housing, which will deliver greater housing diversity and affordable options consistent with planning policy at the state and local level and provide a clear community benefit.

(iii) Conclusion

The DPO14 alongside other provision of the Planning Scheme are sufficient to guide the consideration of social and economic impacts.

5.1.2 Traffic and movement

(i) Evidence and submissions

Submissions were concerned that the proposal could result in overcrowding and add to an existing busy street through additional traffic generation and impact infrastructure.

Council's submission requested that:

- the DPO14 include development plan requirements to:
 - have vehicle access from Aberdeen Street rather than Dumbarton Street to avoid further issues with speeding, to more safely manage turning movements and avoid conflict at the Argyle Street intersection
 - centralise carparking
 - provide a landscaped, publicly accessible pedestrian link through the site
 - require the traffic impact assessment to include the assessment of existing road network capacity and traffic impacts on it, provision of car and bicycle parking and electric vehicle charging and traffic management measures
- the state government or developer should make unspecified financial contributions to:
 - local traffic safety improvement works as identified in its Cheddar Road Local Area Place Making Project aimed at reducing speeding issues in Dumbarton Street
 - maintain and make safety improvements to the East-West Power Easement Trail consistent with the *Northern Trails Strategy*
- parking rate waivers not be supported and off street parking be designed consistent with Clause 52.06 and bicycle parking should be provided at a rate of 1-2 spaces per dwelling.

Mr Gnanakone's traffic evidence was that:

- vehicle access to Aberdeen Street from the 60 metre long, approximately 3.2 metre wide laneway that provides access to 10 dwellings, including to 8 adjacent angled parking bays, was not supported. It would not provide for vehicle passing to comply with relevant standards and created potential amenity issues and conflict from vehicles reversing from the existing angled bays
- vehicle access to Dumbarton Street was a superior outcome. The level of traffic generation anticipated (estimated at 162 vehicle movements per day based on a 27 dwelling yield) was well within the capacity of Dumbarton Street
- the Dumbarton Street access could be designed to cater for turning movements, achieve suitable sight lines and proximity to the nearby Argyle Street intersection
- there was no basis for contributions to traffic mitigation measures in Dumbarton Street including for a roundabout at the intersection with Invermay Street. The need for such works were not identified in the Cheddar Road Local Area Place Making Project and there were no demonstrated speeding issues identified
- the DPO traffic detail was appropriate including the provision of a Traffic Management Report and detail relating to car and bicycle parking rates, internal circulation, road widths and electric vehicle charging were matters more appropriately dealt with at the permit stage.

The Proponent adopted the evidence of Mr Gnanakone. It did not support access to Aberdeen Street, pedestrian access across the site to the linear reserve, or the application of development contributions to local road upgrades or other infrastructure.

(ii) Discussion

The Committee does not support vehicular access to the site through Aberdeen Street using the 60 metre long, 3.2 metre wide roadway. While it might be capable of supporting additional vehicle movements, it is likely to result in conflicts with existing adjoining resident angle parking arrangements, provide poor sight lines, limit passing opportunities to the court bowl throat, and provide a poor level of amenity to existing and future residents. It provides a poor sense of address to any future site development.

While there may be existing challenges in Dumbarton Street, the Committee is confident based on the traffic evidence that these can be appropriately managed either through existing Planning Scheme provisions or the DPO14 requirements. Using Dumbarton Street provides a superior integration of future development with the neighbourhood. There remains opportunity for the site to use the roadway off Aberdeen Street for site resident pedestrian access or limited rear garage access.

The Committee agrees with Mr Gnanakone that specific issues associated with car parking rates, design and location, bicycle parking and electric vehicle charging are matters for the permit stage. For what is effectively a residential infill site this is an unnecessary level of detail in a DPO. Existing scheme provisions including Clause 52.06 (Car parking) and Clause 55 provide an adequate level of guidance that do not need to be repeated.

A publicly accessible link through the site is not a reasonable expectation for such a site, particularly if a private driveway rather than a public street is proposed. Reasonable opportunities exist for the nearby community to access the linear reserve from other points although the Committee notes it is not particularly attractive to pedestrian use given informal fence openings, the lack of paths, wayfinding, seating or other amenities.

The Committee notes the Development Contributions Plan Overlay already applies to the entire municipality (including this site) providing for contributions towards community buildings, open space, cycleways, footpaths and roads. It is unreasonable to anticipate that the site's development for community housing incur an additional development contribution towards road or other infrastructure upgrades. Such a requirement is opportunistic, without strategic foundation, has no nexus and would be unfair.

(iii) Conclusion

The Committee concludes that:

- Vehicle access to the site should be from Dumbarton Street.
- Traffic and movement issues can be adequately managed through the application of the DPO14 using a traffic management plan as proposed and using the existing provisions of the Planning Scheme.

5.1.3 Neighbourhood character, built form and detailed design

(i) Submissions

Council submitted that the proposal lacked detail and rigour and would not deliver good quality planning outcomes.

Submissions considered the DPO should:

- ensure development consistent with neighbourhood character
- support densities and typology consistent with the surrounding area

- provide for a dwelling mix consistent with its incremental housing change designation including a mix of social, affordable and market dwellings (with a range of bedroom numbers) that are visually consistent in appearance
- support high quality architecture and design (including sustainable design features)
- identify proposed lot layout and heights
- provide for communal features
- protect neighbouring amenity (sunlight access and shadowing, visual and acoustic privacy)
- provide passive surveillance of and access to the linear reserve (noting the site was already used by residents for access).

(ii) Discussion

The Committee observes that much of the concern about built form and associated amenity impacts on adjoining land owners was due to the lack of detail as to what the Proponent proposes for the site including the mix of dwelling forms, their height and arrangement on the site and yield. The Committee sought some indication of likely development form from the Proponent who understandably did not want to set out the tenant mix. It advised it had not substantially progressed plans for the site but it intended to adopt forms broadly consistent with the neighbourhood character and the existing GRZ1 heights and site coverage provisions.

The Committee can only speculate that the likely built form response will entail a mix of attached and detached dwellings of one to three stories in height set along an internal driveway. If this is the case, the DPO14 should focus on key character and built form outcomes that are particular to the site (indicative lot layout, mix of typologies, passive surveillance of the linear reserve). It is unnecessary to replicate extensive guidance on:

- neighbourhood character that exists in clauses 21.03 and 22.02
- built form and building detail that address sunlight access and shadowing, visual and acoustic privacy, communal facilities and so on that exist in the ResCode standards of clause 54 and 55
- environmental sustainable design including stormwater management which is already addressed at Clause 22.12.

(iii) Conclusion

The Committee concludes that:

- The DPO is an appropriate tool to manage neighbourhood character, built form and detailed design, however it should focus on elements of the site that require particular responses without replicating detailed provisions which exist in other parts of the Planning Scheme.

5.1.4 Social housing

(i) Submissions

Council submitted that the DPO was silent on the provision of social and affordable housing and that it should include a requirement for a minimum 10 per cent social and affordable housing contribution to be secured through a s173 Agreement to ensure the mix objective was achieved.

The Proponent opposed such a requirement. It submitted this was a matter for the State, Proponent and Community Housing Provider to determine and that mechanisms outside the

planning framework enabled the proportion of social housing to be delivered to be tied to the sale process.

(ii) Discussion

The IHP seeks to facilitate 100 social housing dwellings across the six sites. The other five sites are considerably larger than this site. The Committee does not consider it necessary to specify a proportion of social housing (or the mix of social and market housing) to be provided. Council's suggested percentage is not overly high in the context of what is being proposed but it lacks a policy or strategic foundation. The Committee considers it implied through the DPO14 title and objectives that the control seeks to deliver a housing mix including social housing.

While the Committee supports a clearer objective relating to the housing mix sought, it is satisfied that the sale process is the most appropriate mechanism to determine this along with the Community Housing Provider.

(iii) Conclusion

The Committee concludes:

- It is not necessary to specify the quantum of social and affordable housing to be delivered.
- DPO14 should include clearer objectives relating to the housing mix outcomes being sought as discussed in Chapter 5.2.

5.1.5 Vegetation and biodiversity

(i) Evidence and submissions

Council submitted that the DPO be amended to:

- include objectives for retention of protected vegetation including the River Red-gum and continuous landscaped pathway from street frontage to the linear reserve
- require the landscape plan to:
 - retain the River Red-gum and protect surrounding grassland vegetation
 - utilise harvested native grasses and wildflowers for direct seeding
 - provide for generous landscaping along vehicle and pedestrian accessways and canopy trees within the public realm and communal areas
 - include assessment against *Australia's Native Vegetation Framework*
 - provide ongoing ecological management of remnant and planted vegetation.
- provide for street trees.

The submission of Dr Richings made similar suggestions as a fall back alternative to not retaining the site as a grassland reserve.

The Proponent's Day 1 version accepted elements of Council's suggestions relating to street tree planting, providing canopy trees and vegetation using endemic Ecological Vegetation Class vegetation and included objectives relating to landscape character. It also supported the ongoing management of planted or retained vegetation, and the translocation of significant vegetation to an off-set location but did not identify how this would be done. It did not support Council's other suggested changes based on the evidence of Mr Organ who identified:

- the River Red-gum was immature, disconnected from connected patches of vegetation or other scattered trees, did not support hollows for fauna and was of low ecological value
- the River Red-gum would also require a substantial tree protection zone to support a mature tree which would remove a significant portion of the site from use, or its accommodation within a common space area to ensure protection from limb drop
- Australia’s Native Vegetation Framework had no relevance.

The Proponent relied on the following DPO14 provisions to address on-site vegetation:

An arboricultural assessment prepared by a suitably qualified person(s) of all on and off-site vegetation, including advice on the long term health and retention value of on-site vegetation.

A flora and fauna and native vegetation assessment prepared by a suitably qualified person(s) to identify and assess how native vegetation will be protected onsite over the course of development.

It’s closing submission version proposed to replace the fauna and flora assessment requirement with the following:

A biodiversity assessment prepared by a suitably qualified person(s) that:

- Identifies and assesses how the removal of indigenous vegetation can be avoided to achieve no net loss to biodiversity
- Identifies and assess how removal and destruction of indigenous vegetation can be minimised and/or offset, if it cannot be avoided.
- Protects and/or salvages and relocates (to a secure location proximate to the site) listed endangered plants known to be present on the site.

Dr Richings provided an alternative version:

A biodiversity assessment prepared by a suitably qualified person(s) that:

- Identifies and assesses how the removal of indigenous vegetation can be avoided, minimised and/or off-set to achieve no net loss to biodiversity.
- Protects and/or salvages and relocates (proximate to the site) any listed endangered plants identified on the site.

The Proponent’s Final version accepted some of these changes:

A biodiversity assessment prepared by a suitably qualified person(s) that:

- Identifies and assesses how the removal of indigenous vegetation can be avoided, minimised and/or off-set to achieve no net loss to biodiversity.
- Protects and/or salvages and relocates (proximate to the site) any listed endangered plants identified on the site.

(ii) Discussion

The Committee considers the additional changes sought by Council to be excessive, overly detailed and matters that otherwise could be addressed at the permit stage including consideration of Clause 52.17.

The Proponent’s proposed changes were necessary to ensure the requirements for any vegetation retention or translocation were clear in the outcomes sought and implementable. The detail of any vegetation to be retained and location of any offsets (including their location) is a matter of detail for the permit stage.

(iii) Conclusion

The Committee concludes:

- The Proponent’s final version of the DPO14 Clause 4.0 (Requirements for a development plan) relating to a biodiversity assessment are appropriate subject to the changes in the Committee’s preferred version at Appendix C.

5.1.6 Plan approval

(i) Submissions

Submissions considered the DPO should include additional provision for Council input into the development plan and its approval.

Council sought the following changes to the DPO:

- requirement for the responsible authority to consult with Council on any permit application for the site
- requirement that the development plan be prepared to the satisfaction of Council
- include a requirement for the public display of the development plan for comment.

Council requested the Amendment be reexhibited following redrafting of the DPO.

(ii) Discussion

The Committee does not support the drafting of the DPO14 to require the Minister as responsible authority to consult with Council in the approval of the development plan or any permit issued. This works against the role of the DPO to provide for a coordinated, timely and transparent approvals process. This does not diminish the capacity for the responsible authority to engage with Council to provide input into such decisions. Given Council will hold relevant local information (including drainage and traffic) and be aware of considerations relevant to the approval process, such engagement would be anticipated even if only at officer level.

PPN23 identifies that:

The overlay schedules cannot include a requirement for consultation. Responsible authorities should not use non-statutory consultation practices to assist in deciding a planning application. Where notice is being served without a basis in the planning scheme or Planning and Environment Act 1987, it is possible that defects in the notice process can be judicially reviewed in the Supreme Court.

The Ministerial Direction on Form and Content does not provide for an additional sub-clause in the DPO beyond those headings used in draft DPO14.

The Committee acknowledges Council’s concern that it might be locked out of the process of development plan approval and the issue of planning permits because it will not be the responsible authority. However, there is merit in providing a consistent approval mechanism for all six sites proposed for the IHP, where the Minister for Planning is the responsible authority.

(iii) Conclusion

The Committee concludes it is not appropriate to include requirements for consultation in the DPO14.

5.2 Form of the Development Plan Overlay

At the end of the Hearing, a without prejudice drafting discussion was conducted with the Committee identifying drafting concerns. The Proponent provided a closing submission version on 21 July 2023, which was circulated to parties for response.⁶ Council advised it had no further drafting suggestions. Ms Richings proposed changes which were accepted by the Proponent in part in its final changes to on its 27 July version.⁷ The Committee’s preferred version in Appendix C is based on this version.

5.2.1 Objectives

(i) Discussion

The exhibited version of DPO14 contained no objectives at Clause 1.0 (Objectives) but referred to objectives for a development plan at Clause 4.0 (Requirements for development plan). The Proponent’s Day 1 version transferred many of the Clause 4.0 elements into Clause 1.0. This included changes suggested by Council and resulted in 13 objectives.

The Ministerial Direction on Form and Content enables a maximum of five objectives.

The Proponent’s final version of the DPO had five objectives. These are considered generally appropriate and relate to the particular characteristics of the site and its immediate context and the particular housing outcomes being sought. The objective relating to internal and external amenity is not required as it does not relate to any of the amended development plan requirements and can be managed through the permit application process. The reference to “*non-segregated housing*” should be replaced with ‘integrated’.

(ii) Conclusion

The Committee concludes:

- The Proponent’s final version of the DPO14 Clause 1.0 (Objectives) are appropriate subject to the changes in the Committee’s preferred version at Appendix C.

5.2.2 Requirement before a permit is granted

(i) Discussion

Council requested the inclusion of an additional requirement for the Minister as responsible authority to consult with it to ensure any permit would not prejudice the orderly development of the site. The Proponent in response initially proposed the Clause 2.0 (Requirements before a permit is granted) include:

Before granting a permit the Responsible Authority must be satisfied that the permit will not prejudice the preparation of a development plan and future use and development of the land in an integrated manner.

The Ministerial Direction on Form and Content of Planning Schemes does not allow for a DPO to provide such a requirement. It provides only two alternatives for Clause 2.0 – “*none specified*” or:

⁶ Document 29

⁷ Document 33

A permit may be granted to use or subdivide land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the responsible authority.

The latter has been proposed and is appropriate.

The Proponent's final version deleted its initial proposed addition.

(i) Conclusion

The Committee concludes:

- The Proponent's final version of the DPO14 Clause 2.0 (Requirements before a permit is granted) is appropriate.

5.2.3 Requirements of the development plan

(i) Discussion

The exhibited version of DPO14 contained requirements for the development plan that:

- were unclear
- were inconsistent with PPN23 and the Practitioner's guide to Victoria's planning schemes
- unnecessarily duplicated local policy of the Planning Scheme
- were potentially onerous or unnecessary for a vacant residential zoned infill site proposed to deliver social and affordable housing outcomes.

The Proponent's final version of DPO14 included changes to address these concerns. Subject to minor changes shown in the Committee's Preferred version in Appendix C these are appropriate.

The Committee suggests:

- amending the Concept plan provisions to simplify them
- deleting the requirement for the traffic management report to address traffic management measures. These are issues for the permit stage
- amending the landscape plan to simplify it noting it will be informed by the proposed arboricultural assessment and avoids referencing a document that is not part of the Planning Scheme. Ongoing maintenance considerations should be part of the permit consideration
- minor changes to the biodiversity assessment requirement for greater clarity
- deleting the references to the plan being amended from time to time as this is already provided for in the header Clause 43.04-4 provisions.

The Proponent's amended development plan provisions (with the Committee's identified changes) respond to many of the matters identified in Chapter 4 and identified by the Committee at the Hearing. They now more clearly relate to the objectives and focus on key design aspects not addressed through local policy or particular provisions of the Planning Scheme.

Council submitted that the 'Map 1 - Concept plan' be deleted from DPO14 to provide more flexibility. The Committee considered the exhibited Concept Plan contained little detail to provide an indication of anticipated development or content that related to the objectives or development plan requirements. While the Committee considers it could be deleted, the Proponent's final version does at least tie in with development plan requirements relating to interfaces to the street, linear reserve and neighbouring properties.

(ii) Conclusion

The Committee concludes:

- The Proponent’s final version of the DPO14 Clause 4.0 (Requirements for a development plan) are appropriate subject to the changes in the Committee’s preferred version at Appendix C.

Appendix A Appendix A: About the Government Land Standing Advisory Committee

The Government Land Planning Service is a 2015 initiative to deliver changes to planning provisions or correct planning scheme anomalies for land owned by the Victorian Government. The Government Land Standing Advisory Committee (the Committee) was initially appointed under Part 7, section 151 of the *Planning and Environment Act 1987* in July 2015.

A revised Terms of Reference for the Committee was approved in June 2020.

The Committee currently consists of:

- Lead Chair: Lester Townsend
- Chairs: Tim Hellsten, Lisa Kendal, Alison McFarlane
- Deputy Chairs: Michael Ballock, Elissa Bell, Mandy Elliott, Annabel Paul
- Members: Brodie Blades, Debra Butcher, Geoffrey Carruthers, Sally Conway, Shannon Davies, Noelene Duff, Peter Edwards, Meredith Gibbs, Jonathan Halaliku, John Hartigan, Elizabeth McIntosh, Michael Malouf, Rachael O'Neill, Kate Partenio, Cazz Redding, John Roney, Lynn Sweeney, Adam Terrill, Jessica Tulloch

The Committee is assisted by Chris Brennan, Senior Project Officer in Planning Panels Victoria.

The Committee's Terms of Reference state that the purpose of the Advisory Committee is to:

- a. advise the Minister for Planning on the suitability of new changes to planning provisions for land owned, proposed to be acquired or to land required to facilitate the delivery of priority projects by the Victorian Government, and
- b. provide a timely, transparent and consultative process to facilitate proposed changes to land owned or proposed to be acquired; or to support delivery of priority projects by the Victorian Government.

The Advisory Committee must produce a written report for the Minister for Planning providing:

- a. an assessment of the appropriateness of any changes of planning provisions in the context of the relevant planning scheme and State and Local Planning Policy Frameworks,
- b. consideration of whether the proposed planning provisions make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the Ministerial Direction on The Form and Content of Planning Schemes,
- c. an assessment of whether planning scheme amendments could be prepared and adopted for each proposal, including the recommended planning provisions,
- d. an assessment of submissions to the Advisory Committee,
- e. any other relevant matters raised during the hearing(s),
- f. a list of persons who made submissions considered by the Advisory Committee,
- g. a list of persons consulted or heard,
- h. endorsement by the Chair or the Deputy Chair.

Appendix B Appendix B: Document list

No.	Date	Description	Provided by
1	25 Jan 2023	Letter of referral	Minister for Planning
2	23 May 2023	Anonymous submission to Committee	Anonymous
3	29 May 2023	Directions hearing notice letter	Planning Panels Victoria (PPV)
4	15 June 2023	Committee directions and version 1 timetable	PPV
5	15 June 2023	Notification report	Government Land Planning Service
6	6 July 2023	Part A submission	MET Communities Pty Ltd (MET)
7	6 July 2023	Day 1 version of DPO Schedule 16 with tracked changes	MET
8	6 July 2023	Expert witness report, Valentine Gnanakone - Traffic	MET
9	6 July 2023	Expert witness report, Aaron Organ - Native vegetation/ biodiversity	MET
10	6 July 2023	Ministerial Direction – Form and content of planning schemes	MET
11	6 July 2023	Ministerial Direction 1 – Potentially contaminated land	MET
12	6 July 2023	Ministerial Direction 9 – Metropolitan strategy	MET
13	6 July 2023	Ministerial Direction 11 – Strategic assessment of amendments	MET
14	6 July 2023	Planning Practice Note 7 – Vegetation protection in urban areas	MET
15	6 July 2023	Planning Practice Note 23 – Applying the IPO and DPO	MET
16	6 July 2023	Planning Practice Note 30 – Potentially contaminated land	MET
17	6 July 2023	Planning Practice Note 46 – Strategic assessment guidelines	MET
18	6 July 2023	Practitioners guide to Victoria’s planning schemes	MET
19	13 July 2023	Part B submission	MET
20	13 July 2023	Final position – proposed tracked changes to DPO14	MET
21	13 July 2023	Hearing submission including appendices	Council
22	13 July 2023	Proposed tracked changes to Day 1 DPO14	Council
23	13 July 2023	Actions sought in relation to traffic and native vegetation	Council
24	13 July 2023	Hearing submission	N Richings
25	13 July 2023	Presentation	N Richings
26	14 July 2023	Swept-path analysis referred to by Valentine Gnanakone	MET

No.	Date	Description	Provided by
27	14 July 2023	Traffic data referred to by Valentine Gnanakone	MET
28	14 July 2023	Committee further directions	PPV
29	21 July 2023	Closing version of DPO14 (tracked changes)	MET
30	21 July 2023	Closing version of DPO14 (clean version)	MET
31	26 July 2023	Advice of no further drafting changes	Council
32	26 July 2023	Suggested DPO14 changes	N Richings
33	27 July 2023	Final comments on DPO14 drafting	MET

Appendix C Appendix C: Committee Preferred version of the Development Plan Overlay

Committee insertions: blue

~~Committee deletions: red~~

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Cxx~~

SCHEDULE 14 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO14**

INCLUSIONARY HOUSING PILOT – 16-20 DUMBARTON STREET, RESERVOIR

1.0 Objectives

~~---/---
Cxx~~

- To provide ~~achieve~~ dwelling diversity and visual interest across an integrated ~~non-segregated~~ mix of social, affordable and market dwellings to cater for a variety of housing needs.
- To ensure new development addresses and provides opportunities for the passive surveillance of the Maroondah Aqueduct Linear Reserve to the north.
- To achieve a high-quality designed, integrated residential development that utilises sustainable, durable, low-maintenance materials and adopts a form and density that is consistent with the established neighbourhood character.
- ~~To facilitate new development that provides reasonable internal and external amenity for both future and existing residents.~~
- To achieve a high-quality landscape outcome that integrates with the overall layout and design of the site and utilises planting that is primarily of native and indigenous species.

2.0 Requirement before a permit is granted

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Cxx~~

A permit may be granted to use or subdivide land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the responsible authority.

3.0 Conditions and requirements for permits

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Cxx~~

None specified.

4.0 Requirements for development plan

~~---/---
Cxx~~

The design outcome of the development plan to be generally in accordance with the framework plan shown at Map 1.

The development plan may consist of a plan and/or other documents.

A development plan must include the following requirements to the satisfaction of the responsible authority:

- An existing conditions plan showing the key attributes of the land, its context, the surrounding area and its relationship with existing and/or proposed uses on adjoining land.
- Analysis of how the layout pattern and proposed development responds to the existing site conditions and adjoining residential interfaces.
- Concept plans for the layout of the site which show:
 - Proposed lot layout and vehicle access locations generally in accordance with the framework plan shown at Map 1.
 - Treatment of the public realm. Dwellings ~~to the front of the site fronting~~ facing Dumbarton Street; and ~~lots adjacent to~~ the Maroondah Aqueduct Linear Reserve be

~~designed to optimise opportunities for to provide a positive interface that gives appropriate consideration to safety and~~ passive surveillance.

- ~~Identification of~~ All on and off-site trees to be retained ~~as per the Preliminary Arboricultural Assessment (Arbkey, August 2022), and including~~ tree protection zones.
- Staging of development (as relevant).
- A Landscape ~~and Open Space~~ Plan prepared by a suitably qualified person(s) that identifies the overall landscaping scheme throughout the site including:
 - Vegetation to be retained, areas of new planting and planting themes and species.
 - New canopy tree planting and vegetation that is primarily indigenous to the local ecological vegetation class.
 - Street tree planting along Dumbarton Street.
 - ~~a management regime for~~ ~~The ongoing management of~~ planted vegetation ~~on the site~~.
- A traffic management report prepared by a suitably qualified person(s) that:
 - Assesses the existing capacity within the surrounding road network.
 - Assesses the likely car and bicycle parking demand and traffic generation.
 - Assesses the traffic impact of the proposed development on the surrounding movement network.
 - Provides indicative access arrangements and internal road network for vehicles, cyclists and pedestrians.
 - ~~Provides recommendations for any traffic management measures.~~
- An arboricultural assessment prepared by a suitably qualified person(s) of all on and ~~adjacent~~ off-site vegetation, including advice on the long term health and arboricultural value of on-site vegetation to be retained.
- A biodiversity assessment prepared by a suitably qualified person(s) that:
 - Identifies and assesses how the removal of indigenous vegetation can be avoided, minimised and/or off-set to achieve no net loss to biodiversity.
 - Protects and/or salvages and ~~details the method in which it will~~ relocates ~~(proximate to the site)~~ any listed endangered plants identified on the site.

~~The development plan for any part of the development area may be amended from time to time to the satisfaction of the responsible authority.~~

The responsible authority may waive the need to provide any of the information detailed above that is not relevant to a particular Development Plan or part of a Development Plan.

Map 1 to Schedule 14 to Clause 43.04

Framework plan

