

**Maroondah Planning Scheme
Amendments C134maro and C136maro
Greening the Greyfields**

Panel Report

Planning and Environment Act 1987

9 August 2021

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Maroondah Planning Scheme

Amendments C134maro and C136maromaro

9 August 2021



Rodger Eade, Chair



Elizabeth McIntosh, Member

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Glossary and abbreviations

BADS	Better Apartment Design Standards
CMAC	Croydon Major Activity Centre
Council	Maroondah City Council
Croydon South DCP	Croydon South Greyfield Precinct, Development Contributions Plan
CSGP	Croydon South Greyfield Precinct
DCPO	Development Contributions Plan Overlay
DELWP	Department of Environment, Land, Water and Planning
DoT	Department of Transport
DPO	Development Plan Overlay
GtG	Greening the Greyfields
GRZ	General Residential Zone
MSS	Municipal Strategic Statement
NRZ	Neighbourhood Residential Zone
PE Act	<i>Planning and Environment Act 1987</i>
PPF	Planning Policy Framework
PPN	Planning Practice Note
RGP	Ringwood Greyfield Precinct
RGP Concept Plan	Ringwood Greyfield Precinct Design Framework and Concept Plan
RGZ	Residential Growth Zone
Ringwood DCP	Ringwood Greyfield Precinct, Development Contributions Plan

RMeAC	Ringwood Metropolitan Activity Centre
SLO	Significant Landscape Overlay
VPP	Victoria Planning Provisions

Overview

Amendments summary

The Amendments	Maroondah Planning Scheme Amendments C134maro and C136maro
Common name	Greening the Greyfields
Brief description	To implement a 'Greening the Greyfields' framework to redevelop two residential precincts through the application of local policy, zones and overlays
Subject land	C134maro - Ringwood Precinct – Approximately 15 hectares of land bounded by Loughnan Road to the north, Warrandyte Road to the east, Reynolds Avenue to the south and Ringwood Street to the west. C136maro - Croydon South Precinct – Approximately 12 hectares of land bounded by Eastfield Road to the north, Blazey Road to the east, Thomas Street to the south and Bayswater Road to the west
The Proponent	Maroondah City Council
Planning Authority	Maroondah City Council
Authorisation	3 January 2020
Exhibition	25 January to 26 February 2021
Submissions	C134maro Submissions: 9 (5 opposed in part or full) (1 late) C136maro Submissions: 10 (7 opposed in part or full)

Panel process

The Panel	Rodger Eade (Chair) and Elizabeth McIntosh
Directions Hearing	By video conference, 17 May 2021
Panel Hearing	By video conference, 28 and 29 June 2021
Site inspections	Unaccompanied, 13 May and 11 July 2021
Citation	Maroondah PSA C134maro and C136maro [2021] PPV
Date of this report	9 August 2021

Executive summary

Maroondah Planning Scheme Amendments C134maro and C136maro (the Amendments) seek to implement the Greening the Greyfields concept in two established residential precincts in Ringwood and Croydon South through zones, overlay and policy.

The Greening the Greyfields concept is new and innovative, and the Amendments pilot its first application in Victoria. It aims to redevelop greyfield areas, being established residential areas with renewal potential, with coordinated development that overcomes canopy tree loss and piecemeal redevelopment that is typical in these areas.

Maroondah City Council worked in partnership with Swinburne University to develop the pilot. The two precincts were selected for their locations adjoining the Ringwood Metropolitan Activity Centre and the Eastfield Road local centre, and the ageing dwelling stock. The proposed controls seek medium density built form, to incentivise lot consolidation and set landscaping extents.

The Amendments support the implementation of planning policy objectives and Plan Melbourne 2017-2050. They unlock greyfield areas for housing choice and renewal in and around existing activity centres. They support greener city outcomes, a reduction of heat island effects new active travel links. They support coordinated development and the application of infrastructure levies for necessary infrastructure.

The Amendments received 17 resident submissions and one agency submission (Department of Transport) to each Amendment. Some expressed support for the concept. The other submissions raised issues about the precincts' suitability for and feasibility of renewal and amenity impacts of the proposed development format, increased traffic volumes and on street parking and infrastructure needs.

The Panel supports the Amendments overall as they provide for net community benefit and sustainable development. The precincts are suitable locations for medium density renewal and the urban form sought responds to context, encourages housing diversity and manages amenity.

Part of the Panel's consideration, though not underpinning its conclusion, is the pilot nature of the Amendments, lack of precedents to reference, and risks associated with the vision not eventuating. The vision relies on landowners collaborating to assemble lots and developers gaining sufficient economic return. The Panel considers there is demonstrable support for the concept to suggest it is implementable and that the risks associated with the vision failing to be realised are acceptable.

The Panel concludes:

- The Amendments are strategically justified and supported by State and local policy.
- There is demonstrable community and development industry support for the Amendments.
- The built form and landscaping provisions are appropriate and will implement 'greening', subject to some changes for clarification and consistency between both Development Plan Overlays.
- The proposed pedestrian and cycling links are appropriate and will improve walking and cycling, subject to some changes.
- The expected traffic generated by redevelopment in each precinct can be readily accommodated within the existing road network and the parking provisions are appropriate.

- The Development Contribution Plans (DCPs) are appropriate subject to exempting redevelopment of the Eastfield Road local centre and some minor changes.
- Owners of land required for infrastructure should be compensated either by listing the land as a DCP project or suitably adjusted DCP liabilities.
- Any flooding and drainage issues will not impact on implementation of the Amendments.
- The risks associated with approval and implementation of the Amendments as 'pilot projects' are acceptable.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Maroondah Planning Scheme Amendments C134maro and C136maro be adopted as exhibited subject to the following:

- 1. Amend Development Plan Overlay Schedules 7 and 8: in accordance with the Panel recommended versions at Appendix D to this Report, and:**
 - a) combining the plan at 'Figure 1: Indicative Concept Plan' with the plan at 'Figure 2: Building Height Plan' into one plan in each Schedule.
 - b) clarifying Clause 4 to specify whether side setbacks of a minimum of 1.4 metres apply where the adjoining building is 'up to 9 metres in height' or '9 metres or more in height'.
 - c) deleting the 'potential pedestrian link' extending between Mackenzie Court and Thomas Street from the Indicative Concept Plan at Figure 1 of Schedule 8.
- 2. Amend the Strategic Framework Plan at Clause 21.02 to include representation of the Ringwood and Croydon South Greyfield Renewal area and amend the legend to the plan accordingly.**
- 3. Amend Clauses 21.06 and 21.10 to replace references to 'Ringwood North' with 'Ringwood'.**
- 4. Amend the preamble paragraph to Clause 22.02, Residential Neighbourhood Character, of the Maroondah Planning Scheme to add the words "a Greyfields Renewal Precinct" at the end of the paragraph, and amend the Neighbourhood Character map accordingly.**
- 5. Amend the Development Contributions Plans as follows:**
 - a) The sub-section in section 6.3 headed, Payment of Development Contributions, be amended to read:

"The Development Infrastructure Levy will be levied by Council at the planning permit stage, subdivision stage or building permit stage of development, in accordance with the timing points indicated in this DCP and whichever timing point occurs first. This payment must be made no later than the date of issue of a building permit under the Building Act 1993. If Council seeks payment at the:

 - **Planning Permit Stage, it must be made before the start of construction.**
 - **Subdivision Permit Stage, it must be made before a statement of compliance is issued for the subdivision."**

- b) The sub-section in section 6.3 headed, **Deferral of Payment**, be amended to replace the words “ *at an alternative date*” with “*before a specified time or event*”.
 - c) Amend Table 2 and Figure 3 to remove the costs of, and a reference to the MacKenzie Court to Thomas Street “potential pedestrian path” and recalculate the development levies accordingly
6. Add the following to the list of exemptions at section 6.5 of the Croydon South Greyfield Precinct Development Contributions plan: “This DCP does not apply to development within the activity centre located at the junction of Eastfield Road and Bayswater Road where land is zoned Commercial 1 Zone or Public Use Zone 6.
7. Amend Table 2 at Clause 2 of the Development Contributions Plan Overlay Schedule 3, to make it consistent with the recalculated Development Contributions Plan as shown in Recommendation 5c).

1 Introduction

1.1 The Amendments

(i) Description of the Amendments

The Amendments seeks to implement a ‘Greening the Greyfields’ (GtG) planning framework into the Maroondah Planning Scheme through the application of local policy, zone and overlays. They aim to facilitate redevelopment of two residential precincts with medium density housing and greening through lot consolidation.

Specifically, Amendment C134maro proposes to:

- introduce Schedule 3 to Clause 32.08 – General Residential Zone (GRZ) and rezone land within Ringwood Greyfield Precinct from the Neighbourhood Residential Zone (NRZ) Schedule 3 to the GRZ3
- introduce Schedule 7 to Clause 43.04 – Development Plan Overlay (DPO) and apply DPO7 to the Ringwood Greyfield Precinct
- introduce Schedule 2 Clause 45.06 – Development Contributions Plan Overlay (DCPO) and apply DCPO2 to the Ringwood Greyfield Precinct to give effect to the Ringwood Greyfield Precinct, Development Contributions Plan (15 May 2019)(Ringwood DCP)
- amend Clause 72.04 Documents Incorporated in this Planning Scheme to incorporate the Ringwood DCP
- amend Clauses 21.02, 21.06, 21.07 and 21.10 of the Municipal Strategic Statement (MSS) to support the strategic basis of the Amendments in accordance with the *Maroondah City Council Plan 2017-2021*, *Maroondah 2040: Our future together* (Maroondah Council Plan) and *The Places We Live: Maroondah Housing Strategy* (Maroondah Housing Strategy)
- amend Clause 22.02 (Residential Neighbourhood Character) to exclude the Ringwood Greyfield Precinct from the neighbourhood character designations.

Specifically, Amendment C136maro proposes to:

- introduce Schedule 3 to Clause 32.08 – General Residential Zone (GRZ) and rezone land within the Croydon South Greyfield Precinct from the GRZ1 to GRZ3
- introduce Schedule 8 to Clause 43.04 – DPO and apply to the Croydon South Greyfield Precinct
- introduce Schedule 3 to Clause 45.06 – DCPO and apply to the Croydon South Greyfield Precinct to give effect to the Croydon South Greyfield Precinct, Development Contributions Plan (16 May 2019)(Croydon South DCP)
- amend Clause 72.04 Documents Incorporated in this Planning Scheme to incorporate the Croydon South DCP
- amend Clauses 21.02, 21.06, 21.07 and 21.10 of the MSS to support the strategic basis of the Amendments in accordance with the Maroondah Council Plan and Maroondah Housing Strategy
- amend Clause 22.02 (Residential Neighbourhood Character) to exclude the Croydon South Greyfield Precinct from the neighbourhood character designations.

(ii) The subject land

Amendment C134maro applies to land shown in Figure 1. The land sits directly north of Ringwood Metropolitan Activity Centre (RMeAC) beyond the Ringwood Bypass. It is bounded by Loughnan Road (north), Warrandyte Road (east), Ringwood Bypass (south) and Ringwood Street (west). It is roughly 280 metres wide and 600 metres long. The land falls generally 30 metres from north to south. The proposed precinct layout is shown in Figure 2. This land is referred to in this report as the Ringwood Greyfield Precinct (RGP) area.

Figure 1 Maroondah C134maro land



Source: Explanatory Report C134maro, p1

Figure 2 Ringwood Greyfield Precinct



Source: DPO7, Figure 1

Amendment C136maro applies to land shown in Figure 3. The land is bounded by Eastfield Road (north), Blazey Road (east), Thomas Street (south) and Bayswater Road (west). The land includes the Eastfield Road local centre and is approximately 1.5 kilometres from the core of the Croydon Major Activity Centre (CMAC). The land is roughly 220 metres wide and 580 metres long. The land falls generally 15 metres from south-east to north-west. The proposed precinct layout is shown in Figure 4. This land is referred to in this report as the Croydon South Greyfield Precinct (CSGP) area.

Figure 3 Maroondah C136maro land



Source: Explanatory Report C136maro p1

Figure 4 Croydon South Greyfield Precinct



Source: DPO8, Figure 1

1.2 Background

The Amendments respond to the identified state and local strategic need to increase housing densities within the established middle ring suburbs of Melbourne. These areas are termed 'greyfields' as distinguished from housing on former farmland ('greenfields') and on former industrial land ('brownfields'). The purpose of the Amendments is to accommodate a growing

population and changing demographic profile of smaller household sizes. It aims to achieve this through lot assembly to accommodate medium density housing with urban greening.

The GtG is a pilot project of Maroondah City Council (Council) in partnership with the Swinburne University. The Maroondah Housing Strategy identifies that GtG is needed to address redevelopment that occurs ad hoc with suboptimum design and amenity outcomes.¹ The Maroondah Housing Strategy considers that providing precinct level strategic guidance on preferred design outcomes will ready the precincts for redevelopment when developers begin seeking greyfield opportunities. It lists actions for implementation which, after planning approval, are to partner with State and Federal Government to facilitate redevelopment and work with infrastructure and utility providers to assist modelling future infrastructure needs according to residential hierarchy. Council's review of the Maroondah Residential Development Framework, which is anticipated to articulate this hierarchy, is underway.

1.3 Procedural issues

In response to matters raised at the Directions Hearing, the Panel directed (Direction 1 – Mediation of Issues) that the Council officers should discuss with officers of the Department of Transport (DoT), the issues outlined in its submission and which remained unresolved. A written statement was subsequently circulated (Document 3) which indicated that DoT issues had been resolved.

At the Directions Hearing, Ms Baltas raised the issue of some residents not being aware of the proposed Amendments. Council subsequently advised of the extent of notification that occurred. At the Directions Hearing the Panel advised Ms Baltas that residents who had supposedly not been notified should contact Council and seek to make late submissions. Only one late submission was received and it is unknown whether this resulted from further action by Ms Baltas. Ms Baltas made a written submission post Hearing, but this was not able to be considered by the Panel.

Member McIntosh made a declaration at the Directions Hearing, that she has worked on contract with the Victorian Planning Authority providing advice on a program which Maroondah Council subsequently received funding from in respect of this project. Ms McIntosh did not make the funding decision. No party raised any objections or concerns. A similar declaration was made before the Hearing (Document 10).

1.4 Summary of issues raised in submissions

The key issues for Amendment C134maro were:

- precinct suitability for change
- development feasibility
- urban design outcomes and amenity impacts
- increased traffic volume impacts
- increased on street parking impacts
- maintenance and security of private and shared assets.

The key issues for Amendment C136maro were:

- precinct suitability for change
- development feasibility

¹ Maroondah Housing Strategy, page 45

- neighbourhood character changes and amenity impacts
- increased traffic volume impacts
- increased on street parking impacts
- pedestrian and cycling access changes
- increased social infrastructure needs
- property value impacts
- construction and noise pollution nuisance.

All submissions remained unresolved with exception to the submission from the DoT which was withdrawn. The Panel notes that there are no provisions in the Act for submissions to be withdrawn but the Panel regards this issue as resolved and comments only on one related implementation issue in Chapter 4.8.

The Panel has assessed the Amendments against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendments, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Strategic justification
- Planning issues.

1.5 Limitations

The Panel has not addressed any changes to the background document. It can be useful for background documents to reflect the approved version of a control; however it is not necessary. Clause 72.08 states:

A background document does not form part of this planning scheme. A background document may:

- Have informed the preparation of, or an amendment to, this planning scheme.
- Provide information to explain the context within which a provision has been framed.
- Assist the understanding of this planning scheme.

2 Planning context

2.1 Planning policy framework

Council submitted that the Amendments are supported by various clauses in the Planning Policy Framework (PPF), which the Panel has summarised below.

Victorian planning objectives

The Amendments will assist in implementing State policy objectives set out in section 4 of the *Planning and Environment Act(1987)*(the PE Act) by:

- (a) [providing] for the fair, orderly, economic and sustainable use, and development of land;
- (c) [securing] a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
[...]
- (f) [facilitating] development in accordance with the objectives set out in paragraphs (a), ... (c), ...

Clause 11 (Settlement)

The Amendments support Clause 11 by:

- anticipating and responding to the needs of existing and future communities through provision of zoned and serviced land for housing, open space and infrastructure
- promoting sustainable growth and development and deliver choice and opportunity including through urban renewal (Clause 11.01-1S)
- creating a more consolidated, sustainable city (Clause 11.01-1R)
- facilitating the orderly development of urban areas (Clause 11.02-2S).

Clause 12 (Environmental and Landscape Values)

The Amendments support Clause 12 by:

- protecting and conserving Victoria's biodiversity (Clause 12.01-1S)
- ensuring there is no net loss of biodiversity as a result of removal, destruction or lopping of native vegetation (Clause 12.01-2S)
- protecting and enhancing significant landscapes that contribute to character, identity and sustainable environments (Clause 12.05-2S).

Clause 15 (Built Environment)

The Amendments support Clause 15 by:

- creating urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity (Clause 15.01-1S)
- achieving neighbourhoods that foster healthy, active living and community wellbeing (Clause 15.01-4S)
- recognising, supporting and protecting neighbourhoods character including by ensuring the preferred neighbourhood character is consistent with the medium and higher density housing outcomes in areas identified for increasing housing (15.01-5S).

Clause 16 (Housing)

The Amendments support Clause 16 by:

- providing for housing diversity and ensure the efficient provision of supporting infrastructure (Clause 16)
- facilitating well-located, integrated and diverse housing that meets community needs including through:
 - diverse housing that offers choice and meets changing household needs (16.01-1S)
 - managing the support of new housing to meet population growth and create a sustainable city by development housing and mixed use development opportunities in areas including greyfield renewal areas, particularly through opportunities for land consolidation (Clause 16.01-1R)
 - providing certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas (Clause 16.01-1R)
- delivering more affordable housing closer to jobs, transport and services (Clause 16.01-2S).

Clause 21 (the Municipal Strategic Statement)

Council submitted that the Amendments support the following clauses of the MSS.

Clause 21.02-1 (Maroondah Vision) lists the eight focus areas over the 2013-2017 period which relevantly includes:

- infrastructure
- natural environment
- urban design and development.

Clause 21.02-2 (Strategic Framework) illustrates key land use components and provides a focus for development potential in the municipality. The precincts are located in areas where residential development is supported. The RGP is adjacent the RMeAC and the CSGP is located in proximity to the CMAC (Clause 21.02-2).

Clause 21.06 (Built form and Urban Design)

The Amendments support Clause 21.06 by:

- planning for development that responds to the two defining and distinct built form areas within Maroondah that have shaped the way the municipality has developed being the:
 - main commercial areas of RMeAC and CMAC
 - ridgeline area defined by Wicklow Hills Ridge (Clause 21.06).
- ensuring the ongoing development of quality and attractive built environment based on sound planning and consistent urban design principles (Clause 21.06-2)
- protecting and enhancing visual amenity of residential precincts and streetscapes (Clause 21.06-2).

Clause 21.07 (Housing and Residential Land Use)

The Amendments support Clause 21.07 by:

- providing housing opportunities which complement the environmental character of Maroondah (Clause 21.07-2).

2.2 Other relevant planning strategies and policies

(i) Plan Melbourne

Plan Melbourne 2017-2050 (Plan Melbourne) sets out strategic directions to guide Melbourne's development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches eight million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which deliver against the principles of the plan. The Outcomes are supported by Directions, Policies and Actions. Outcomes that are relevant to the Amendments are set out in Table 1.

Table 1 Relevant parts of Plan Melbourne

Outcome	Directions	Policies	Actions
2 Melbourne provides housing choice in locations close to jobs and services	2.2 Deliver more housing closer to jobs and public transport	2.2.4 Provide support and guidance for greyfield areas to deliver more housing choice and diversity	Action 23 'Redevelopment of greyfield areas' Support Councils to identify greyfield areas suitable for redevelopment for medium density and lot consolidation
5 Melbourne is a city of inclusive, vibrant and healthy neighbourhoods	5.2 Create neighbourhoods that support safe communities and healthy lifestyles	5.2.1 Improve neighbourhoods to enable walking and cycling as part of daily life	-
6 Melbourne is a sustainable and resilient city	6.4 Make Melbourne cooler and greener	6.4.1 Support a cooler Melbourne by greening urban areas, buildings, transport corridors and open spaces to create an urban forest	-

Direction 2.2, Plan Melbourne defines greyfield areas as residential areas where building stock is nearing the end of its useful life and land values make redevelopment attractive. It identifies that many residential areas qualify as greyfield in the established middle suburbs and that redevelopment of greyfields provide ideal opportunity for greater housing diversity for existing and new residents through lot consolidation. It states that methods for identifying and planning for greyfield areas need to be developed through a coordinated approach.

Action 23, Plan Melbourne identifies an initiative in progress is the 'unlocking the potential of greyfield areas' which creates tools to help identify, consult on and implement greyfield urban renewal precincts for medium density housing developments. The Plan encourages Councils to work with Swinburne University and its existing related work.

2.3 Planning scheme provisions

A common zone and overlay purpose is to implement the MSS and the PPF.

(i) Zones

The RGP land is in the NRZ. The purposes of the Zone include:

- 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.

The CSGP land is mostly in the GRZ. The purposes of the Zone include:

- 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.

Part of the CSGP land is in the Commercial 1 Zone (C1Z). The purposes of this Zone include:

- to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses
- to provide for residential uses at densities complementary to the role and scale of the commercial centre.

Part of the CSGP land is in Schedule 6 to the Public Use Zone (PUZ6). The purposes of this Zone include:

- to recognise public land use for public utility and community services and facilities
- to provide for associated uses that are consistent with the intent of the public land reservation or purpose.

The purpose of the public land use for PUZ6 is 'local government'.

(ii) Overlays

The RGP and CSGP land is subject to the Significant Landscape Overlay (SLO). The purposes of the Overlay include:

- to identify significant landscapes
- to conserve and enhance the character of significant landscapes.

The RGP land is partially subject to the Heritage Overlay. The purposes of the Overlay include:

- to conserve and enhance heritage places of natural or cultural significance
- to ensure that development does not adversely affect the significance of heritage places.

The CSGP land is partially subject to the Vegetation Protection Overlay. The purposes of the Overlay include:

- to protect areas of significant vegetation
- to ensure that development minimises loss of vegetation
- to preserve existing trees and other vegetation
- to recognise vegetation protection areas as locations of special significance natural beauty, interest and importance
- to maintain and enhance habitat and habitat corridors for indigenous fauna
- to encourage the regeneration of native vegetation.

2.4 Ministerial Directions and Practice Notes

Ministerial Directions

The Explanatory Report discusses how the Amendments meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46). That discussion is not repeated here.

Ministerial Direction on the Form and Content of Planning Schemes

This Direction requires planning scheme amendments be prepared and presented in accordance with the specified style guide. The Explanatory Reports state the Amendments are consistent with the Direction.

Ministerial Direction No. 9 - Metropolitan Strategy

Ministerial Direction No. 9 seeks to ensure planning scheme amendments have regard to the Metropolitan Planning Strategy. The Explanatory Reports state that the Amendments are consistent with the Strategy, namely Plan Melbourne, by implementing objectives and outcomes at the municipal level.

Ministerial Direction No. 15 – The Planning Scheme Amendment Process

This Direction seeks to set timelines for completing steps in the planning scheme amendment process. The Explanatory Report addresses the requirements outlined in this Direction.

Three requests for exemptions to Ministerial Direction 15 were sought by Council and approved by the Minister for Planning from 10 February 2020 to 2 June 2020. Exhibition commenced on 1 February 2021.

Planning Practice Notes (PPN)

PPN12 Applying the Flood Provisions in Planning Schemes

PPN12 provides guidance about applying the flood provisions including the preparation of policy, identifying land affected by flooding, preparing a local floodplain development plan and the application and operation of the flood provisions, including the preparation of schedules.

PPN13 Incorporated and Background Documents

PPN13 identifies the role of Incorporated and Background Documents and how they should be applied.

PPN23 Applying the Incorporation Plan and Development Plan Overlay

PPN23 provides guidance on when to use an Incorporated Plan Overlay or Development Plan Overlay, noting the common elements of these controls and criteria for how to choose the most appropriate overlay.

PPN43 Understanding Neighbourhood Character

PPN43 provides guidance for applicants, the community and councils about understanding what is meant by neighbourhood character.

PPN59 The Role of Mandatory Provisions in Planning Schemes

PPN59 provides guidance on when mandatory controls may be appropriate including where a mandatory provision will provide certainty and ensure preferable and efficient outcome.

PPN90 Planning for Housing

PPN90 provides guidance on planning for housing growth and protecting neighbourhood character to ensure a balanced approach to managing residential development in planning schemes.

PPN91 Using the Residential Zones

PPN91 provides guidance on how to use the residential zones, implement strategic work and use local policies and overlays with the residential zones.

2.5 Other strategy documents and guidelines

Maroondah Housing Strategy

The Maroondah Housing Strategy guides how housing will be planned within Maroondah until 2040. It states the community vision and identifies major changes to residential zones. It updates the 1997 Maroondah Housing Strategy (which is not a reference document) and is adopted.

The Maroondah Housing Strategy forecasts a demand for around 500 dwellings per year or 12,500 dwellings to 2041. Most growth is expected from lone person and couple with no children households and mainly in the Ringwood and Croydon.

The Maroondah Housing Strategy identifies the GtG concept of planning for redevelopment at the precinct level to address the suboptimal (and less 'green') design outcomes resulting from piecemeal lot redevelopment.

Development Contribution Guidelines

The *Development Contributions Guidelines*, Department of Sustainability and Environment 2003, revised 2007, guide the appropriate and practical development of DCPs.

2.6 Discussion and conclusion

The Panel concludes that the Amendments are consistent with the relevant Ministerial Directions and Practice Notes.

The Amendments deliver on a specific action from Plan Melbourne, namely the coordinated redevelopment of greyfield areas. The Amendments weave in delivery on broader objectives for encouraging higher density outcomes in and around activity centres and providing for a greener and cooler Melbourne.

The strategic justification of the Amendments is considered in Chapter 3.1.

3 Strategic justification

3.1 Strategic justification of the Amendments

(i) The issues

The issues are:

- whether Amendments C134maro and C136maro are strategically justified in state and local policy
- whether the RGP and CSGP locations are strategically justified in state and local policy.

(ii) Evidence and submissions

Council submitted the Amendments were strategically justified and consistent with state and local policy. It submitted the Amendments will improve the sustainability requirements for dwellings in the precincts, ensure continued protection of environmental and heritage qualities and improve the quality of the precincts through built form, streetscapes, walkability and canopy cover.

Council identified that the GtG concept was integrated into Plan Melbourne and the Maroondah Housing Strategy and highlighted the latter which states:

...the [GtG] initiative has the potential to unlock significant additional housing capacity (that)...can be achieved through the retro-fitting of existing housing stock which through renovation and modification, rather than complete renewal, can 'be adapted to meet a wider range of housing needs for our growing and changing population.²

Council advised that its review of the Maroondah Residential Development Framework is underway and expected to articulate a hierarchy of residential development. Primary housing needs are expected to be met by RMeAC and CMAC, and secondary needs through Neighbourhood Activity Centres (NAC) and local activity centres. It submitted:

While Council's GtG work is not proposed as the primary means of addressing housing demand in the municipality, it is proposed as an additional, alternative response to the potential of these existing residential areas to meet housing demand outside of MeAC and MACs.³

Council submitted the Amendments implement objectives of the Maroondah Housing Strategy which is to deliver growth that is already occurring but in a different format.

On precinct selection, Council submitted that:

The Ringwood and Croydon South Greyfield Precincts were identified based on extensive economic, architectural and planning assessment, along with community consultation, as being suitable locations to delivery improved housing choice and diversity.⁴

In evidence for Council, Mr Buxton cited a raft of PPF policy and concluded that the Amendments provide an appropriately balanced response to policy by facilitating development that:

... gives an improved community benefit, rather than ad-hoc, site by site development. Surrounding property owners, the community and/or developers are encouraged to amalgamate individual sites into larger parcels of land, allowing for better development outcomes, and transformed neighbourhoods with improved housing options, open space

² Council Part A submission, para 123

³ Council Part A submission, para 131

⁴ Council Part A submission, para 116

and canopy tree coverage, less hard surface treatments, better walking and cycling connections and the potential for improvements to shared assets, such as parks, paths and accessways.⁵

Mr Hrelja of HillPDA provided development contribution and economic evidence for Council. His evidence addressed potential population change impacts as a result of COVID-19 on strategic justification for the Amendments. He opined the overall strategic need for more housing supply and diversity remains relevant due to high house prices in the short term, driven by historically low interest rates, and the return of immigration impacts on population growth in the long term.

Submissions which commented on this aspect, generally supported the GtG concept for providing greener and better designed neighbourhoods. However, many submissions questioned the strategic underpinnings of the Amendments.

In addressing the issue of whether the RGP and CSGP were appropriate locations for GtG renewal, submissions 4R and 5R sought no change in the RGP. Submissions 2CS and 5CS opposed the CSGP for lack of convenient access to the CMAc (and train station). Submissions 3R, 6R, 1CS, 3CS, 6CS and 10CS submitted that the building stock was not at the end of its useful life. Submissions 2R, 3R, 1CS and 2CS observed that the many strata titled properties would make amalgamation difficult. Submission 5CS questioned the impacts of COVID-19 on population growth.

In closing, Council submitted that dwelling stock in the precincts makes them attractive for redevelopment as already evident and that Amendments seek to ensure it occurs in planned way.

(iii) Discussion

The Panel considers the Amendments are strategically justified by state and local policy. The Amendments support broad state policy housing objectives to increase the proportion of housing in under-utilised established areas and reduce the share of new dwellings in greenfield and fringe areas. The Amendments embed Plan Melbourne's 20-minute neighbourhood principles and explicitly implement on actions to redevelop greyfield sites and manage the oft 'ungreening' outcomes that result from lot-by-lot redevelopment, and tie in policy responses to green and cool urban areas and improve walking and cycling options.

The Panel sees various references to and support for the GtG concept in local policy and strategies. The vision identified in the Maroondah Council Plan is for a diverse range of available housing options. The Maroondah Housing Strategy specifically references the GtG project as a major initiative to manage growth and changing housing needs in a sustainable way.

The Panel considers the Amendments will deliver net community benefit and sustainable development. They seek increased housing densities and housing diversity in locations where policy already supports. They encourage sustainable development through greener and more compact designs. The Panel agrees with Mr Buxton's town planning evidence that overall, the Amendments provide opportunities for improved community outcomes from existing provisions.

The Panel deems both the RGP and CSGP are suitable locations for greyfield renewal precincts.

The Panel concurs with Mr Buxton that state policy supports for development around, not just in, activity centres and that locating the RGP adjacent the RMeAC is consistent with policy. The RMeAC is one of nine such highest order activity centres in metropolitan Melbourne where growth

⁵ Mr Buxton's evidence, para 2.3.11

is prioritised and a range of services exist or are planned. Redevelopment on consolidated lots within the RGP has already occurred and is likely to continue based on existing policy support it.

The Panel considers that the CSGP is a suitable location for a GtG precinct. It determines it unnecessary that each precinct enjoys the same attributes but that overall, each set of attributes will culminate to support nearby higher density outcomes. The CSGP benefits from the Eastfield Road local centre and facilities located beyond its boundaries that support greyfield renewal.

State policy supports higher density outcomes around all activity centres, albeit of lower intensity for lower order centres. The Maroondah Housing Strategy specifically encourages greater development in smaller neighbourhood centres to accommodate residential growth which will be used to inform the Residential Land Use Framework work which Council noted is underway. Although the Eastfield Road local centre does not have NAC classification in local policy, its ability to provide daily needs gives it sufficiently similar attributes for the purposes of CSGP location suitability for greyfield renewal. The centre provides a range of local services and, whilst not as broad as the Ringwood MeAC, it provides for proximate daily needs. The range of nearby facilities include regional parks, local parks, schools and childcare centres.

The Panel accepts Mr Hrelja's views in relation to the age of building stock and likelihood of amalgamation for strata titled lots being that there is already evidence of dwelling replacements in the local contexts and that redevelopment will likely focus on larger lots containing single dwellings, at least in the short term.

(iv) Conclusion

The Panel concludes:

- Amendments C134maro and C136maro are supported by state and local policy.
- The locations of the RGP and CSGP are strategically justified by state and local policy.

3.2 Strategic context

Council advised that the GtG project which these two Amendments implement, are regarded as 'pilot projects'. Considerable work on the GtG concept has been undertaken both by Council and the Centre for Urban Transitions at Swinburne University, the latter supported by the Department of Land, Water and Planning (DELWP). Such extensive work would not normally be justified for Amendments of the scale of those being considered. This work may however be justified if the Amendments are considered as pilots for possible wider implementation.

The Panel notes that its primary responsibility with respect to the two Amendments is to assess and make recommendations on the Amendments based on net community benefit taking into account unresolved issues raised by submitters. However, because these are pilot projects the Panel considers that there are extra factors which it should take into account as part of its broader consideration of the Amendment. Before outlining these, the Panel makes clear that it is not its role to evaluate the appropriateness of the proposal as pilot projects. Nor does the Panel see it as its role to attempt to identify the types of learnings which might arise from the pilot projects and how these might be translated into wider implementation of GtG either elsewhere in Maroondah or indeed in other municipalities. Such work is most appropriately undertaken as part of an evaluation of the projects at some stage in the future.

There are however a couple of issues associated with the pilot nature of this project that the Panel considers it should examine. The first of these is the implementability of the projects which the

Amendments underpin. There are a number of aspects of this including the appropriateness of the proposed planning scheme controls which form part of the assessment of any amendment. However, with respect to community consultation a Panel might normally wish to assure itself that appropriate engagement has occurred. In this instance the Panel considers that because these are pilot projects it is important that there is both community and development industry support for the proposals. Failing this there would appear to be little point in recommending approval of Amendments that stand little chance of being effectively implemented. This issue is addressed in Chapter 4.4 and 4.15.

The second issue is that in the Victorian context at least, there are no precedents to fall back on in an attempt to understand the full implications of the approval of these Amendments. Consequently, it is difficult to be certain about how the implementation of these Amendments may actually play out in terms of redevelopment that occurs as a result of the approval of the Amendments. This is not intended to call into question the extensive research that has been undertaken. The corollary of this is what may occur if the Amendments fail to achieve redevelopment outcomes approaching those that are intended. The Panel considers that it must assure itself to the best of its ability that landowners, households and businesses will not be left worse off if the Amendments fail to achieve intended outcomes. This issue is addressed in Chapter 4.15.

The submissions and evidence put before the Panel identified a number of aspects of the pilot that will need to be considered as part of the broader implementation of GtG. As indicated above, the Panel does not see it as its role to comment on or indeed make recommendations on these but considers it important to list issues that have come to its attention which will need further consideration before wider implementation. These include:

- **The appropriate planning scheme controls.** The Amendments utilise existing controls from the Victorian Planning Provisions (VPP) 'toolbox'. Mr Buxton supported use of the DPO and suggested however, that in wider implementation of GtG, consideration be given to developing a new or revised Particular Provision in the VPPs geared to supporting state policy in implementing Greening of the Greyfields. There were no submissions which opposed the planning tools.

The Panel makes brief remarks on use of DPOs and impacts on landowners. A DPO is usually applied to land with limited, rather than multiple, landowners given there is no public approval process for development plans. Instead, each proposed DPO schedule contemplates approval of multiple development plans, each of which is intended to affect a limited number of landowners. The proposed DPO provisions allow implementation of an approved development plan in stages. Acknowledging the parent DPO provisions exempt notice requirements, it would be unreasonable if landowners were not party to preparation of a development plan which restricted their use and development of land.

- **The size and nature of the implementation precincts.** In this instance there was little discussion of the appropriate size of the precincts chosen. Council acknowledged the precincts were relatively small and submitted it purposely sought a manageable size to deliver the new vision in a way that was understandable for the community. The Panel notes in Chapter 4.12 that precincts of the size chosen are not of optimum size for the use of DCPs to collect contributions towards infrastructure.

- **Development Contributions.** If precincts broadly the size of those being considered in these Amendments continue to be utilised consideration could be given to utilising an alternative to a standard DCP as provided for in existing legislation. A standard infrastructure contributions charge could be considered.
- **Proposed infrastructure impacted by partial redevelopment.** It is likely that these and future precincts will be impacted at least in the short to medium term by only a proportion of properties being redeveloped. Therefore, proposed infrastructure such as pathways and laneways which require land from a number of existing properties may not be able to be constructed because of the failure of one or more of the required properties to be redeveloped. This issue is addressed in Chapter 4.15.

4 Planning issues

4.1 Post-exhibition changes to Amendment documentation

At its meeting of 22 March 2021, Council resolved to make changes to the exhibited DPO7 and DPO8 in response to submissions. The Panel considers the resolved changes to be appropriate to the extent that they do not contradict with other changes it recommends in this report. A further minor change was made to the plan in Clause 21.02 to include the two precincts as 'greyfield renewal areas'.

Council also suggested several changes to ensure consistency between the two DPOs, which the Panel considers to be appropriate:

- require a minimum 50 per cent direct sunlight to communal open space in both DPOs
- require new canopy trees of a minimum height of 4 metres in both DPOs
- require that dwellings provide outlook to abutting communal open space and parks in both DPOs.

These changes were not opposed and the Panel accepts Council's position.

The Panel recommends:

Amend Development Plan Overlay Schedules 7 and 8: in accordance with the Panel recommended versions at Appendix D to this Report.

Amend the Strategic Framework Plan at Clause 21.02 to include representation of the Ringwood and Croydon South Greyfield Renewal area and amend the legend to the plan accordingly.

4.2 Local policy

(i) The issue

The issue is whether the proposed revisions to local policy are appropriate.

(ii) Evidence and submissions

The Amendments propose to incorporate the GtG framework into local policy by:

- identifying the RGP and CSGP in the strategic framework plan at Clause 21.02
- including objectives, strategies and implementation for greyfield renewal precincts generally, and in the RGP and CSGP specifically, at Clauses 21.06, 21.07 and 21.10
- excluding greyfield renewal precincts and the RGP and CSGP specifically, from the neighbourhood character designations at Clause 22.01.

Council submitted the proposed revisions to local policy were appropriate. It considered it important that the GtG concept is:

applied accurately and that places recognised for this type of development at a local level, are properly represented in the Scheme.⁶

Mx Buxton viewed the local policy changes as appropriate as:

⁶ Council Part B submission, para 12

...they will give clear strategic directions for the implementation of the Greyfields Renewal Precincts through a strategic and place-based approach.⁷

The Panel questioned whether excluding the RGP and CSGP from neighbourhood character designations was appropriate and whether character would be sufficiently guided through the Amendments. Mr Buxton considered the change was appropriate as guidance for neighbourhood character was found in both DPOs.

No submissions raised concern about the proposed revisions to local policy. Council maintained the local policy changes were appropriate.

(iii) Discussion

The Panel views the proposed changes to local policy as appropriate. They build on and do not repeat state policy to suitably embed the outcomes sought for greyfield renewal precincts and how they will be achieved. The changes provide the necessary guidance for specific outcomes sought in the RGP and CSGP. The Panel considers:

- identifying the RGP and CSGP as focus areas for development potential in the strategic framework plan at Clause 21.02 provides the necessary indication of redevelopment sought for the precincts
- adding strategies and implementation steps at Clause 21.06 for the development formats sought for greyfield renewal precincts is needed to distinguish these from standard format outcomes
- providing guidance at Clause 21.07 on outcomes sought in the RGP and CSGP by identifying the precincts in the residential land use framework plan and listing the RGP and CSGP Design Framework and Concept Plans (Concept Plans) as reference documents is appropriate and consistent with direction in the Maroondah Housing Strategy⁸
- including objectives at Clause 21.10 for the natural environment protection 'greening' outcomes sought for the RGP and CSGP and how these will be implemented is needed
- removing the Clause 22.02 neighbourhood character designations of the precincts are appropriate
- that guidance for character outcomes is provided by the neighbourhood character objectives at GRZ3 and further design provisions in both DPO.

The Panel supports Council's suggested change to Clause 21.02 and considers further minor corrections are required to address inconsistent references of 'Ringwood North' with 'Ringwood'.

The Amendments propose to exclude each of the Greyfield renewal precincts from Clause 22.02, Residential Neighbourhood Character. The Panel understands that it is proposed to do this by stating them as exempt from the policy and adding them as 'exempt' areas in the plan in Clause 22.02. It is not clear to the Panel that they are stated as exempt in the exhibited Clause 22.02. The Panel concludes then that the precincts should be stated as exempt areas in that Clause.

(iv) Conclusion

The Panel concludes:

- The exhibited and subsequently revised changes to local policy are appropriate subject minor corrections for consistency.

⁷ Mr Buxton's evidence, para 4.1.3-4.1.4.

⁸ Maroondah Housing Strategy, page 45-46

- The Ringwood and Croydon South Greyfield precincts should be added as “exempt” in Clause 22.02.

4.3 Recommendations

The Panel recommends:

Replace references to ‘Ringwood North’ in Clause 21.06 and Clause 21.10 with ‘Ringwood’.

Amend the preamble paragraph to Clause 22.02, Residential Neighbourhood Character, of the Maroondah Planning Scheme to add the words “a Greyfields Renewal Precinct” at the end of the paragraph and amend the Neighbourhood Character map accordingly.

4.4 Community and industry support for the Amendments

(i) The issues

Submissions identified that because of the nature of these Amendments, they could be approved but would not be effectively implemented unless there is support from both the resident community and the development industry.

The issues are:

- whether appropriate community consultation has occurred
- whether there is appropriate community support for the proposed Amendments
- whether there is appropriate engagement with the development industry support from it for the proposed Amendments.

(ii) Relevant policies, strategies and studies

The PE Act states the planning authority:

- must give notice of amendments to the owners ... and occupiers of land that it believes may be materially affected by the amendment⁹
- may take any other steps it thinks necessary to tell anyone who may be affected by the amendment about its preparation.¹⁰

Council’s undertook notice of the Amendments by providing:

- direct notice to owners and occupiers all of the properties in the RGP and CSGP
- direct notice, in accordance DELWP’s recommendation of authorisation, to:
 - owners and occupiers of the properties opposite the RGP on the north side of Loughnan Road, the east side of Warrandyte Road and the west side of Ringwood Street for Amendment C134maro
 - owners and occupiers of the properties opposite the CSGP on the north side of Eastfield Road, the east side of Blazey Road, the south side of Thomas Street and the west side of Bayswater Road for Amendment C136maro
 - Melbourne Water, VicRoads, the Metropolitan Fire Brigade, the Department of Health and Human Services (and then known) and Native Title Services Victoria for the Amendments

⁹ PE Act, s19(1)(b)

¹⁰ PE Act, s19(7)

- public notice of the Amendments in The Age newspaper on 28 January 2021.¹¹

The RGP and CSGP Concept Plans outline various consultation steps undertaken with:

- residents of the RGP and CSGP
- development industry, to overview the project, its benefits, receive feedback and assess interest of the developer community to contribution to the design and implementation of the project.

(iii) Evidence and submissions

Council submitted that appropriate consultation with the community and development industry was undertaken and collectively indicated support for the Amendments.

Council argued that the relatively few submissions and limited criticisms of the Amendments inferred the extensive community involvement and support.¹²

Council's Part A submission detailed engagement with the development industry as set out below:

Key outcomes from engagement with the development industry include the following:

- advice on project objectives with developers, such as the Nightingale project, with a focus on sustainable built environment; a
- advice and inputs on the draft contents of the "Playbooks"
- advice on potential statutory options and increased understanding of the key drivers to encourage lot amalgamation and landowner participation
- workshops on the dwelling typologies that have a market in the City of Maroondah
- discussions around the potential of this project approach to be scaled up to affordable housing outcomes.¹³

Council advised it initially consulted with developers via a May 2019 forum attended by various departments of Council, Swinburne University academics, architects and local developers. Council summarised the feedback as 'positive and encouraging' with specific concerns including that:

- Council be responsible for maintenance of roads, parks and other infrastructure
- feasibility assumptions are transparent
- there are clear design expectations and planning controls
- Council provide a dedicated GtG officer to facilitate implementation.

Council indicated it continued engagement including on 'project feasibility work' with forum participants following the forum. It submitted that the development industry participants urged Council to 'be ambitious'.¹⁴

Mr Buxton's oral evidence variously referenced the community input into the Amendments. In response to questions from the Panel, Mr Buxton specified that developers were involved in the Amendments process, and in his view, this engagement was an important part of the work.

Submission 4R raised concern with consultation which is dealt with at Chapter 1.3.

Submission 7CS considered the information session held on 27 February 2021, being after the exhibition close date, left landowners unable to ask further questions before the submission

¹¹ Council Part A submission, para 44-55

¹² Council Part B submission, para 97

¹³ Council Part A submission, para 33

¹⁴ Council Part B submission, para 169

deadline. Council did not address this, but the Panel was presented with no evidence that consultation was inadequate.

During its closing submission, the Panel further questioned Council on the level of development industry engagement. Council's position was that this engagement was extensive and comprehensive, and that feedback was positive and receptive to the GtG concept:

Council has engaged with a variety of local, medium scale developers and other regional multi-lot developers such as HipVHype and CoDev who did not raise any objection to the concept of GtG. Council received support from these developers at the prospect of residential infill policies and higher densities.¹⁵

(iv) Discussion

The Panel accepts that appropriate community consultation has occurred. The Amendment documentation and Council's submission identified various consultation with owners and occupiers in the RGP and CSGP and immediate surrounds. These activities occurred both before and during the exhibition period, including in-person sessions.

The Panel shares Council's view that the relatively few community submissions received infers a reasonable level of support. In the Panel's experience, less than 20 resident submissions on Amendments which alter planning controls to both increase and encourage the intensity of residential development across two established precincts and which exempt third party appeal rights, is reasonably low. It is satisfied there is appropriate community support for the Amendments, notwithstanding the specific issues raised by submitters.

Council did not indicate that notice of the exhibition extended to the development industry. No submissions were received from industry. The Panel's consideration of whether there is appropriate development industry support for the Amendments, relies on Council's accounts of its engagement activities and summaries of feedback.

The Panel considers that there is a sufficient level of development industry support for GtG implementation given the information distributed by Council, the topics of discussions Council indicated took place and Council's summary of feedback.

Council indicated the draft documentation, including design typologies and playbooks were sent the development industry, including Development Victoria, for comment. Its reports were that discussions included scale of amalgamation, design, draft feasibility work and potential statutory options and key drivers to encourage lot amalgamation and landowner participation. The Panel was not provided with copies of any comments (presumably not public documents), but rather Council's perspective of key takeaways being:

- waiving third party appeal rights was a significant incentive for developers to participate
- developers showed confidence in getting participation from landowners
- design typologies were considered reasonable to achieve.

Key to the Panel's view is developers having been provided opportunity to comment on the planning approval process, achievability on lot amalgamation and proposed design typologies.

The GtG concept is new in its application and there are limited precedents upon which to draw reference and guidance. The Amendments rely on the development industry to enable the GtG concept to come to fruition. Matters of development delivery from the development industry

¹⁵ Council's final further response, para 16

were not raised in submissions, presumably because developers are not yet landowners. These might otherwise speak to development incentives and primarily building height limits, DCP levy amounts and infrastructure delivery.

The Panel has some concern about the lack of direct support of potential developers, that is those who will need to invest in the precincts to ensure that the proposed development will occur. It requested further information from Council about its engagement with industry. Subsequent to the Hearing, the Panel was provided with notes of an industry forum held on 6 May 2019 (Document 36). These do little to provide the Panel with the comfort it was seeking. The notes indicate broad support for the concept but little evidence that developers will take up the opportunities offered. In fact, the notes indicate that existing local developers may not have the capacity to undertake the type of development proposed.

The Panel falls back on the evidence of Mr Hrelja who set out a number of scenarios which demonstrate acceptable returns for those prepared to invest in the precincts.¹⁶ This will be further assisted by the reduced development approval times facilitated by the GRZ3 and DPOs. The Panel acknowledges the returns were assessed on feasibility modelling based on standard development outcomes, rather than considerable topographical variances that will likely apply, and without detailed internal and external site layout consideration. The Panel accepts that this is the best assurance that can be provided at this time.

The Panel foresees that consultation undertaken as part of any future monitoring and review steps could bring forth formal and specific development industry views for Council to then address.

(v) Conclusions

The Panel concludes:

- The Amendments underwent an appropriate level of community consultation.
- There is appropriate community support for the Amendments.
- There is appropriate development industry support for the Amendments.

4.5 Built form controls

The Amendments propose to control built form through the application of GRZ3 and DPOs which nominate building height limits, dwelling densities and setbacks and list the RGP and CSGP Concept Plans as referenced documents.

The GRZ3 contains objectives:

- to encourage development to occur on amalgamated development sites to deliver community benefits including infrastructure, open space and landscaping improvements
- to allow increased building heights and reduced building setbacks on consolidated lots contingent on design outcomes derived from precinct design guidelines.

The overarching issues addressed in this section are:

- whether the proposed built form controls are appropriate
- whether the proposal controls are appropriately and consistently applied.

¹⁶ Mr Hrelja's evidence, para 29-38

4.5.1 Building heights

(i) The issue

The issue is whether the building heights are appropriate.

(ii) Relevant provisions and Planning Practice Notes

GRZ3 proposes a mandatory maximum building height limit of 13.5 metres (four storeys). Both DPOs designate three sub-precincts of different height limits that are contingent on minimum site areas.

Most of the RGP is proposed for taller building height limits than the current 9 metre provisions. DPO7 applies mostly 11 metre (three storey) limits, with selected areas of 13.5 metres and 9 metres.

Most of the CSGP is proposed for shorter building height limits than the current 11 metre provisions. DPO8 applies mostly 9 metre limits, with selected areas of 13.5 metres and 11 metres.

Both DPOs require minimum sites areas of 2,000 square metres to activate the 13.5 metre building height limits and 1,000 square metres to activate the 11 metre limits in the respective sub-precincts. If the minimum site area is not met, 9 metres limits apply. Both DPOs permit minor variations to height limits in response to topography.

PPF strategies include to develop housing in greyfield renewal areas particularly through land consolidation. Others include to provide certainty about the scale of growth by prescribing appropriate heights for different areas.

PPN91 states that:

Applying the right residential zone must be derived from the municipal-wide strategic framework plan or residential development framework plan contained in a Municipal Planning Strategy (MPS).¹⁷ ... As a general principle, applying a residential zone should align with either existing building heights if they are sought to be maintained, or align with future building heights identified in strategic work.¹⁸

PPN91 further states the GRZ is applied to areas where housing development of three storeys exists or is planned in locations offering good access to services and transport.

(iii) Evidence and submissions

Council submitted the proposed building height limits were appropriate. It anticipated a variation in constructed heights throughout the precincts in response to individual lot contexts. It observed the NRZ3 and GRZ1 currently allow development of up to 9 metres and 11 metres respectively and that single lot developments are making full use of these heights.

Council emphasised the Amendments were seeking to protect the high quality residential environmental characteristics of the neighbourhood which are valued and which the current 'single lot' style redevelopment is gradually eroding.

Council's submissions responded to late Submission 9R which sought heights taller than 9 metres in the RGP based on general locational attributes and site conditions. Council replied that the

¹⁷ PPN91, page 4

¹⁸ PPN91, page 6

topography of the land west of Warrandyte Road makes 9 metres heights appropriate and that taller heights would result in inappropriate overshadowing, visual amenity and overlooking.

Mr Buxton's evidence was that the 13.5 metre heights limits of GRZ3 were appropriate and:

... [would] allow residential development to be constructed up to this height, but not necessarily at this height, and enable the variation in heights in the three sub-precincts of between 9 and 13.5 metres.¹⁹

The Panel questioned Mr Buxton on whether the locational attributes of the RGP warranted taller building height limits in the sub-precinct nominated for 9 metres. He supported the heights as these were based on site analysis and community input.

The Panel further questioned Mr Buxton on the rationale for designating the CSGP as 'renewal' yet lowering some building heights. He responded that he initially questioned this logic but did not recommend different limits. He explained the heights limits were based on landscape, vegetation and drainage considerations and viewed that a future review process could address any implementation shortcomings on limits.

The Panel questioned whether the provisions would sufficiently manage amenity in the likely outcome of taller structures sitting alongside single storey dwellings, particularly given the DPO parent provision exempts notice and third-party review rights. Mr Buxton considered amenity would be sufficiently managed.

Submissions 2CS, 5CS and 7CS sought reduced heights for reasons of loss of amenity and sense of openness and change in neighbourhood character in the CSGP. Conversely, late Submission 9R sought to increase the 9 metre heights on its RGP property due to locational attributes and ability to manage overlooking and overshadowing.

On formatting, Mr Buxton recommended the DPOs be redrafted to combine the plan at 'Figure 1: Indicative Concept Plan' and at 'Figure 2: Building Height Plan' into one plan for each of reader navigation.²⁰

Council provided no further comment on heights in its closing submission.

(iv) Discussion

The Panel finds that the proposed heights are appropriate.

The Panel considers that with maximum building height limits of 13.5 metres, GRZ3 is appropriate. The Amendments seek more housing choice and diversity in an established area of mostly one and two storey dwellings. Redevelopment is sought at mostly two and three, and some four, storeys.

The Panel considers varying the heights limits across the precincts is a sound approach. This provides clear expectations to the development industry and the community about where taller residential forms are encouraged. The Panel accepts the general principles presented in the Amendment documentation and evidence for nominating the tallest heights closest to the activity centres and along Principal Public Transport Routes as this is consistent with the locations that PPF policies already encourage increased residential density. It accepts locating taller forms along main roads, in-preference to along local streets. Providing the lower heights in areas subject to land constraints is logical.

¹⁹ Mr Buxton's evidence, para 4.1.6

²⁰ Mr Buxton's evidence, para 4.1.13

The Panel finds using the controls to incentivise lot amalgamation, being the key objective of greyfield renewal precincts, is appropriate. Incentivising preferred design outcomes, particularly through increased height limits, is an accepted practice in planning and the Panel finds the application in the RGP and CSGP appropriate. The DPO control and proposed provisions provide the needed flexibility to accommodate the changed urban form sought.

That said, the Panel was not provided with a sufficient level of evidence as to how the specific height limit metrics and delineation of precincts were derived. Neither was it provided with evidence to support greater height. The Panel understands arguments for increasing the building height limits but was not presented with evidence to support any change.

The Panel accepts the height limits as proposed by Council. It observes the limits are relatively modest as is the level of growth expected, being roughly 75 per cent increase in dwellings up to 2035. The Amendments seek to accommodate growth that is already occurring in a different format, rather than additional growth capacity per se.

The Panel accepts the height limits expressed in DPO7 for the RGP. The tallest limit of four storeys is nominated in the area where three storey developments exist inside and outside the RGP. Three storey limits are proposed where two storey redevelopments are already occurring.

The Panel appreciates there are topographical considerations to inform appropriate height limits along Warrandyte Road and accepts 9 metre limits in the relevant sub-precinct for this reason. It does not accept that 9 metre limits are needed to manage overlooking and overshadowing as, consistent with the views of Mr Buxton, these would be appropriately managed by Clause 55 provisions in any case. As indicated to Submitter 9R the Panel revisited the submitters site after the Hearing but finds no reason to change the proposed height limit.

The Panel turned its mind to the appropriateness of height limits in the CSGP for consistency, notwithstanding no submissions sought these be increased. It accepts the limits expressed in the DPO8. The tallest 13.5 metres limit is nominated adjacent the NAC. Lots fronting the busy thoroughfare of Eastfield Road are nominated for 11 metre limits. The remaining land, which mostly contains single storey dwellings, is suitable for 9 metre limits based on community input.

The Panel finds it necessary to clarify the 'default' building height limits on lots less than 1,000 square metres in sub-precinct B as none were proposed in either DPO. It finds it necessary to correct a minor inconsistency in the way in which both DPOs express building height limits in Tables 2 and Figures 2, being definitive and using 'less than' metrics respectively.

The Panel agrees with Mr Buxton's recommended change combine the plans at Figures 1 and 2 into one plan in the respective DPO schedules.

The Panel concurs with Mr Buxton that future monitoring and review can consider the appropriateness of the building heights relevant to this future time, and confirms it finds the limits are appropriate in the current circumstances.

(v) Conclusion

The Panel concludes:

- The building height limits are appropriate, subject to changes to add consistency and clarity between the two DPO including improving reader navigation of the DPOs.
- Table 2 of both DPOs should be amended to specify maximum building heights for sites less than 1000 square metres.

4.5.2 Densities

(i) The issue

The issue is whether the densities are appropriate.

(ii) Relevant provisions and Planning Practice Notes

The DPOs guide dwelling densities through both metrics and housing types (dwelling sizes).

The DPOs require that development plans meet the nominated density metrics in Table 1. The metrics apply dwelling numbers and housing densities dependent on site area (irrespective of sub-precincts). Post-exhibition, Council resolved to correct inconsistencies between the DPOs with the intent to apply the same 'indicative density' metrics.

Both exhibited DPOs require 'a mix of' housing types including one, two and three (or more) bedroom dwellings. Council resolved to require 'an even mix' of these housing types.

Clause 55.02-3 encourages developments of ten or more dwellings to provide a range of dwelling sizes and types and dwellings with a different number of bedrooms.

PPN91 guides that residential zones should not specify the density, typology or number of dwellings in residential zones unless strategically justified.

(iii) Evidence and submissions

Council submitted the densities were appropriate:

A key outcome [proposed] is the delivery of varied housing choice and affordability. ... Large amalgamated lots may deliver a higher density development at a more affordable level where smaller lots may deliver less density and larger dwelling sizes.²¹

Council's reasons to require 'an even mix of' housing types was to ensure the intended mix of housing was achieved to bring a greater mix of housing configurations in the Precincts.

Mr Buxton's evidence supported the densities sought by the Amendments and highlighted the various PPF policies which seek higher densities in established areas. He supported Council's changes to density provisions to ensure consistency between the precincts.²²

The Panel questioned Mr Buxton on whether the density metrics were intended to be applied on a mandatory or discretionary basis as the two DPOs were inconsistent and lacked clarity in intent. It questioned the correlation between dwelling densities and building height limits as both were dependent on site area yet the densities were blanket in their application across the precinct whereas heights were not. Mr Buxton opined the densities were intended as maximum density outcomes and could vary across the RGP and CSGP.

Submission 5CS opposed the densities in general terms for contravening the sense of openness in neighbourhood character in the CSGP. Submission 10CS questioned how dwelling size variation will be enforced.

In closing, in response to Panel questions, Council tabled further versions of DPO7 and DPO8 (Document 35) to ensure the consistency of density requirements between the two schedules.

²¹ Council Part B submission, para 50

²² Mr Buxton's evidence, para 5.1.10

(iv) Discussion

The Panel views the densities as appropriate. Including dwelling densities in the DPOs provides a clear indication to the development industry and community on the expected outcomes.

The Panel agrees that the density metrics should be consistent in the RGP and CSGP as the DPOs otherwise guide the same built form parameters in terms of site coverage, setbacks and building height limits. That is not to say that constructed outcomes will be the same across the two precincts as each development will respond to individual site conditions and sub-precinct building height limits. The Panel finds further minor changes are required to ensure this consistency including to apply to upper density limit to sites of more than 2,000 square metres.

The Panel concurs with Mr Buxton that the dwelling densities should be discretionary. It would be difficult, if not impossible, to set dwelling numbers and dwelling densities according to site area when building heights vary across the precincts and also depend on site area. The Panel finds further minor changes are required to ensure this intended application.

The Panel considers the DPO provision which requires a mix of housing types appropriately guides the sought dwelling size variation, including in developments of less than ten dwellings where the related Clause 55 provision is not applicable. The Panel prefers composite wording of the exhibited and Council-resolved versions to require 'a mix of approximately an even number of' housing types to remove ambiguity.

(v) Conclusion

The Panel concludes:

- The dwelling densities are appropriate, subject to changes to ensure consistency between the two DPO schedules, clarify application of the metrics and remove ambiguity in the mix of housing types sought.

4.5.3 Setbacks

(i) The issue

The issue is whether the setbacks will enable viable planting outcomes.

(ii) Relevant provisions and Planning Practice Notes

Both DPOs propose various setbacks:

- mandatory 6 metre front setbacks (or Clause 55 specified setbacks if lesser)
- mandatory 1.2 metre boundary setbacks to basements, excluding vehicle access ramps
- discretionary 1.4 metre side setbacks for 40 per cent of the boundary length dependent on heights of adjoining buildings and incentivised by landscaping and building layout.

Both DPOs propose to apply the maximum 50 per cent site coverage to the basement level. Both DPOs guide new canopy trees located in front setbacks, private open space and communal areas.

Clause 55.07-4 guides sites ratios and minimum dimensions contingent on site area for deep soil areas and canopy trees.

(iii) Evidence and submissions

Submission 3R expressed concern the setbacks in combination is basement parking would limit the ability to provide proposed landscaping.

Council submitted the setbacks were appropriate and that they would minimise sub-optimal impacts on planting viability. Nonetheless, it suggested that both DPOs be amended to allow native or exotic trees to provide more vegetation options for screening of basement car parking areas and to improve the landscaping quality of the area in general.

Mr Buxton considered that the setbacks were appropriate and supported Council's suggested change. He opined the metrics were based on detailed design analysis and upheld their appropriateness.

(iv) Discussion

The Panel considers the setbacks will enable viable planting. Importantly, in the Panel's view, the DPOs propose to contain the basement and building footprints to the same extent which will enable deep soil planting.

The Panel concurs with Council's suggested change to allow exotic trees so species selection can respond to site conditions and that this should occur 'where possible' in both precincts.

The Panel considers incentivising side setback depths with preferred on-site building layouts and landscaping extents further embeds opportunity for viable planting. The Panel acknowledges there were no submissions made in relation to the side setback depths of 1.4 metres however, it finds that the provision requires clarity on whether it applies to adjoining building of 'up to' 9 metres or 9 metres 'or more'.

(v) Conclusions

The Panel concludes:

- The setbacks will enable viable planting subject to Council's suggested change to allow exotic trees and 'where possible' and clarifying where side setbacks are sought.
- Council should clarify whether side setbacks of at least 1.4 metres applies to adjoining buildings of 'up to 9 metres' or '9 metres or more' in each of the DPOs.

4.5.4 Recommendations

The Panel recommends further amending the Panel recommended versions of Development Plan Overlays Schedules 7 and 8 at Appendix D:

Combining the plan at 'Figure 1: Indicative Concept Plan' with the plan at 'Figure 2: Building Height Plan' into one plan in each Schedule.

Clarifying Clause 4 to specify whether side setbacks of a minimum of 1.4 metres apply where the adjoining building is 'up to 9 metres in height' or '9 metres or more in height'.

4.6 Public spaces and linkages

Figures 1 in both exhibited DPOs identify "potential pedestrian and cycling links". Council resolved to specify these as 'pedestrian and cyclists movements only' in response to DoT's request.

Both proposed DPOs required new dwelling entries be oriented to public accessways.

(i) The issues

The issues are:

- whether the pedestrian links are appropriate
- whether the guidance on public spaces is appropriate.

(ii) Relevant provisions and policies

Proposed GRZ3 includes a neighbourhood character objective:

- to improve walkability through the upgrading of existing laneways and the provision of additional pedestrian connections.

Planning Policy Framework (PPF) strategies include to ensure greyfields precincts provide opportunities to promote more walking and cycling. Others are to protect and enhance personal safety at the public and private realm interface and encourage front fences support informal surveillance across this interface.

The RGP Concept Plan identifies relatively good levels of walkability in the precinct, with lowest levels to the west. The CSGP Concept Plan identifies poor pedestrian connectivity across Tarralla Creek and Eastfield Road.

(iii) Evidence and submissions

Council submitted new walking and cycling paths will improve connectivity in the RGP and CSGP and were directly responsive to PPF policy objectives and Plan Melbourne outcomes.

Council tabled walking infrastructure assessments in and around the RGP and CSGP (Document 14). The assessments relevantly recommended a future cycling link in the RGP along the existing laneway from Loughan Street to Kennedy Avenue and potentially through to the Eastlink. For the CSGP they recommended a new Eastfield Road pedestrian crossing to link the Tarralla Creek trail and a pedestrian bridge over Tarralla Creek at Thomas Street.

Council suggested the CSGP Mackenzie Court link to Thomas Street be deleted in response to Submission 8CS as it reviewed:

... the location of this proposed laneway and considered the development that has recently occurred in this vicinity.²³

Mr Buxton considered better walking and cycling connections was a factor that would contribute to improved community outcomes from the Amendments.

The Panel questioned Mr Buxton on whether all the pedestrian links in the RGP were required given the high degree of permeability they provided. He opined the links were justified for inclusion in DPO7 but viewed that not all may ultimately be delivered because they will be harder to realise as redevelopment progresses.

Submissions variously commented on the links and associated outcomes:

- Submission 2R expressed concern the additional foot and bike traffic through new links would exacerbate the current security issues including reported incidents of vandalism and graffiti.

²³ Council Part A submission, para 74

- Submission 5CS opposed the Eastfield Road pedestrian crossing for reasons it would severely hinder traffic flow on the major thoroughfare, while Submission 8CS supported it (no explanation).
- Submission 2CS questioned how the high car dependency and low figures for walking and cycling would be addressed with higher densities outcomes.
- Submission 8CS refuted the CSGP had significant walkability issues and objected to the pedestrian link between Mackenzie Court to Thomas Street as it would traverse the neighbouring property and impact of current use of the court.

Council made no further submissions in closing.

(iv) Discussion

The Panel agrees with Council and Mr Buxton that providing more direct connections will improve walking and cycling options foresees the links will contribute to reduced car dependency.

The Panel views the pedestrian crossing over Eastfield Road to link the Tarralla Creek path is appropriate. Neither of the available alternatives are safe nor desirable, being redirected some 140 metres to the Bayswater Road signals or cross at Eastfield Road without signals. The design and location of the new crossing will be appropriately considered by DoT and Council.

The Panel supports deletion of the CSGP laneway from Mackenzie Court to Thomas Street in DPO8 (and the DCP). The Panel concludes the link is not needed to improve pedestrian and walking movements, notwithstanding Council's reasons are based on the likelihood of the link being delivered. It finds the link does not greatly decrease walking distances to key destinations given Yvonne Avenue and Percy Street offer proximate alternative north-south throughfares.

The Panel considers the appropriateness of the RGP links is less clear. These links are situated on private land to be transferred to Council and the related mechanisms are not specified in the proposed controls nor was any relationship with open space contributions. Neither was a needs assessment for each link provided in the documents submitted by Council. That said, the Panel's site inspections generally confirmed the RGP Concept Plan observations of lesser walking permeability in the west of the precinct.

The Panel agrees with Council's submission that development plans are tools that sit somewhere between strategic and statutory planning. It appreciates that providing flexibility for the precise locations of the links would be beneficial in a precinct where land amalgamation is sought and incentivised in the controls, and where ultimate urban grain is unknown. This must be balanced however, with the potential that uncertainty on the exact locations or inequity of compensation would discourage their delivery.

The Panel accepts Mr Buxton's views that application of the Public Acquisition Overlay (PAO) is not required at this stage. It acknowledges that application of a PAO is not always necessary to acquire land and that other mechanisms can be used and negotiated at the planning permit application stage. Whatever mechanism is used however, the Panel views is important that it provides equity and certainty. This issue is addressed further in Chapter 4.12.

The Panel deals with matters relating to interim management, partial delivery and collection of associated DCP levies at Chapter 4.10.

The Panel considers the DPO and Clause 55 provisions will appropriately manage the safety along the pedestrian links. Notably, the provisions discourage, for example, the current condition of RGP

Loughnan Street to Kennedy Avenue laneway as dwellings are not oriented to this laneway and the high fence prevents passive surveillance. The Panel views that increased foot traffic will encourage casual surveillance opportunities and increased safety generally.

(v) Conclusions

The Panel concludes:

- The pedestrian and cycling links are appropriate and will improve walking and cycling options in the precincts, subject to removing the Mackenzie Court to Thomas Street link.
- The proposed provisions appropriately guide public spaces design and safety.

(vi) Recommendations

The Panel recommends: that the Panel recommended version of Development Plan Overlay Schedule 8 at Appendix D DPO8 be revised:

Deleting the ‘potential pedestrian link’ extending between Mackenzie Court and Thomas Street from the Indicative Concept Plan at Figure 1.

4.7 Landscaping

(i) The issue

The issue is whether the landscaping proposed is appropriate and will appropriately implement the ‘greening’ aspect of the proposed Amendments.

(ii) Relevant provisions and policies

The Amendments seek to ‘green’ the RGP and CSGP through the GRZ3 and DPO provisions.

The objectives of GRZ3 include to:

- encourage development to occur on amalgamated development sites to deliver community benefits including ... landscaping improvements.

Both DPOs include an objective to:

- enhance the residential and landscape character ... through increased tree coverage and open space areas and reduced site coverage, hard surface areas and heat island effects.

In terms of site coverage and layout, both DPOs set a maximum 50 per cent site coverage and a minimum 35 per cent permeable, varying Clause 55 provisions for 60 per cent and 20 per cent, respectively. Both DPOs set 30 per cent landscaped areas and GRZ3 ‘switches off’ minimum garden area requirements. Both DPOs guide colour and shading of asphalted areas.

Both DPOs guide the retention of existing canopy trees and planting of new canopy trees with 12 to 14 metres mature heights in front setbacks, private open spaces and common garden areas.

Both DCPOs include projects with street tree planting. The RGP DCPO includes projects for greening streetscape improvements to Notlen Street and Kennedy Avenue.

PPF policies include strategies to reduce the urban heat island effect by greening urban areas with vegetation. Plan Melbourne states that greening ‘must be’ integrated into planning frameworks for established areas to address canopy loss typical in lot-by-lot redevelopment.

(iii) Evidence and submission

Council submitted that the proposed landscaping provisions are appropriate and necessary as:

[a]cross its municipality, Council has observed a trend towards tandem style multi dwelling developments devoid of significant vegetation, garden area and large percentages of lot coverage and hard stand surfacing²⁴.

Mr Buxton opined a key outcome of the Amendments was increased landscaping cover and variously emphasised they would improve outcomes from current practices.

Submission 8CS supported maintaining trees and grass in redevelopments. Submission 10CS supported the site permeability and landscape area provisions.

Submission 6R considered high density does not result in greening.

(iv) Discussion

The Panel finds that the Amendments provide appropriate landscaping provisions to give effect to the 'greening' objectives of the GtG project and as supported in policy. The Panel supports consistent landscaping provisions in both DPOs.

The Panel observed during site inspections of the RGP and CSGP that recent multi-unit redevelopments had comparatively less vegetation cover than other sites. Vegetation was often contained to front setbacks, limited in extent and surrounded by extensive hardscaping.

Importantly, in the Panel's view, the GRZ3 and DPOs objectives embed landscaping into the planning framework as a key land use and development outcome sought. Specifying this objective alongside those for increased densities will encourage these outcomes to occur together.

The Panel considers the DPO provisions will provide for a depth of greening across sites. The provisions guide that front setback and private and communal open spaces contain canopy trees with mature heights commensurate with proposed building height. Below the canopy, greening outcomes are guided beyond Clause 55 provisions in terms of building footprints, permeability extents and managed asphalted areas.

The Panel notes that allowing new canopy trees of exotic species, as it supports in Chapter 4.5.3, provides the necessary opportunity for tree selection to both contribute to reduced heat island effect (particularly in summer) whilst responding to site configurations in considering opportunities for sunlight and daylight access to open spaces and dwellings (particularly during winter).

The Panel accepts Council's response to its questions that the DPOs can operate alongside of and without contradiction to the existing SLOs which also seek to maintain canopy cover. This includes avoiding the use of SLO tree permit exemptions to overcome the DPO tree retention provisions.²⁵

(v) Conclusions

The Panel concludes:

- The proposed landscaping provisions are appropriate and will appropriately implement the 'greening' aspect of the Amendments.
- Clause 4 of DPO7 and DPO8 should be amended to allow for a mix of native and exotic trees.

²⁴ Council Part B submission, para 68

²⁵ Document 4

4.8 Traffic and parking

(i) The issues

The issues are:

- whether traffic generated by development in each precinct can be readily accommodated
- whether the parking provisions proposed are appropriate.

(ii) Relevant provisions and policies

The Amendments rely on Clause 52.06 for car space provisions. These require one resident space per one- or two-bedroom dwellings or two resident spaces per three or more bedroom dwellings plus one visitor space per five dwellings.

PPF policies seek to develop an efficient and safe network. Strategies include to encourage consolidated car parking facilities for efficiency and ensuring greyfield redevelopment areas provide opportunities to promote walking and cycling.

Clause 56.01-1 requires traffic volumes and movements on adjacent roads and streets to be considered in subdivision applications of 60 lots or more.

(iii) Evidence and submissions

Council submitted that the Amendments would not result in an immediate significant increase in traffic or car parking demand. It submitted that traffic volume increases would be gradual. It highlighted that Warrandyte Road, Loughan Road and Ringwood Street (all Road Zones), were used to carrying larger traffic volumes. It argued the nearby existing and proposed active and public transport links encouraged a shift from private car to these alternative transport modes.

In response to the DoT submissions, Council resolved to include in DPO7 a provision to require that planning applications for at least three amalgamated lots and which increase dwelling numbers along roads intersecting with Warrandyte Road be assessed and referred to DoT.

Mr Buxton deferred to Council's Engineering Department's views on road network capacity, being:

... the internal and surrounding road network can adjust to any increases in traffic demand resulting from the incremental development anticipated from the proposed Amendments. Any alterations to access along ... Road Zones are subject to comment from the DoT ... as a statutory referral authority for planning applications.²⁶

Mr Buxton considered that the applied parking provisions at Clause 52.06 were appropriate, including visitor parking in responses to questions from Submitter 2CS concerning Eastfield Road.

Submissions 2CS and 5CS were concerned the projected population would increase traffic volumes beyond the road network capacity. Submission 2R was concerned for traffic conflicts along Warrandyte Road. Submission 5CS raised concern for service delivery vehicle movements.

Submissions 3R, 2CS, 5CS and 7CS expressed concern for increases in what was viewed as already high levels of on-street parking in areas reported as highly car dependent. Submission 1R questioned where the additional cars would be parked in broad terms. Submission 5CS disputed the Clause 52.06 parking provisions were sufficient.

²⁶ Mr Buxton's evidence, para 5.1.14

(iv) Discussion

The Panel considers the traffic generated by redevelopments in the RGP and CSGP can be readily accommodated by the local road network and that the parking provisions are appropriate.

The Panel agrees with Council's submission that the traffic volume increase from the projected additional 210 and 120 dwellings for the RGP and CSGP, respectively²⁷ will be incremental. It accepts Mr Buxton's support of the Council's views that the traffic volume increase can be absorbed by the road network. Council and DoT, as appropriate, can consider impacts of individual redevelopment proposals as well as broader implications of service delivery vehicles.

The Panel observes that increased traffic flows in and out of Warrandyte Road from the RGP will be assessed by DoT through its requested DPO7 requirement, as adopted by Council.

The Panel agrees with Mr Buxton that the car parking rates at Clause 52.06 are appropriate and will be sufficient. The Panel appreciates submitter concerns for an increase in on street parking, particularly for visitors. It finds however sufficient existing guidance in the Clause 52.06 provisions, which includes consideration for convenient visitor parking location and anticipated car ownership rates and visitor numbers.

The Panel accepts Council's submission that the RGP and CSGP locations foster the use of active and public transport modes and that the Amendments provide for additional active transport links.

(v) Conclusions

The Panel concludes:

- The traffic expected to be generated by development in each precinct can be readily accommodated by the existing road network.
- The proposed parking provisions are appropriate.

4.9 Development Contributions Plans

(i) Background

DCPs are proposed for each of the two precincts to allow Councils to collect contributions towards infrastructure which development generates the need for, and to ensure the successful implementation of the GtG pilot projects. No submitters raised issues with the DCP, but the Panel raised some implementation issues with Council.

As noted in Chapter 3.2, compared with many other DCPs these are very small in terms of the total value of infrastructure they are intended to part finance. The Panel notes this as an issue for consideration in the wider roll out of GtG in the future as DCPs can be relatively costly to prepare and administer. Other than the issues raised below the Panel expresses no other concerns with the DCPs.

(ii) The issues

The issues are:

- whether the point at which the DCP levy is proposed to be charged is clear and unambiguous

²⁷ RGP DCP page 11, CSGP DCP page 11

- whether the proposed end date of 2035 of the DCP is appropriate
- whether the cost of acquiring land for proposed paths and laneways should be included in the DCP
- whether the proposed list of DCP projects is appropriate
- how the Eastfield Road local centre should be treated within the DCP.

(iii) Evidence and submissions

Section 6.3 of each of the proposed DCPs states that the payment of development contributions should be paid at one of the following points in the development process:

- subdivision stage
- planning permit stage
- building permit stage.

The DCPs do not make clear which of these is the preferred stage of collection. The Panel raised this issue, asking whether Council's preferred point of collection should be made clearer within the DCP to alleviate any possible uncertainty.

Following the Hearing, Council responded stating that it was its intention to collect the levy at the first possible opportunity and proposed that the wording of the relevant section of the DCP be amended as follows:

The Development Infrastructure Levy will be levied by Council at the planning permit stage, subdivision stage or building permit stage of development, in accordance with the timing points indicated in this DCP and whichever timing point occurs first. This payment must be made no later than the date of issue of a building permit under the Building Act 1993. If Council seeks payment at the:

- Planning Permit Stage, it must be made before the start of construction.
- Subdivision Permit Stage, it must be made before a statement of compliance is issued for the subdivision.²⁸

Council further proposed that the section of the DCPs referring to the possible deferral of payment of the levy be slightly amended as follows:

The Collecting Agency may at its discretion, agree to defer levy payment to a later date, subject to the applicant entering into an agreement under section 173 of the Planning and Environment Act 1987 to pay the levy before a specified time or event.²⁹

The Panel understands that this deferral clause is primarily intended to provide for some deferred payments in the case of staged development.

The Panel observed that the proposed end date for the DCP of 2035 means that the DCP would have a relatively short life compared with many DCPs. The Panel further notes that net international immigration for Australia appears likely to remain low for at least 2021 and probably 2022 and may take some time to ramp up again after that. Net migration is a driver of at least some development, albeit somewhat delayed from the arrival date of immigrants. This may have the impact of effectively reducing the time period to collect contributions.

Questioned by the Panel, Mr Hrelja acknowledged this as a potential issue. On the other hand, Mr Buxton when questioned by the Panel on the same issue responded that his preference was to

²⁸ Council post Hearing submission para 5 (Document 35)

²⁹ Council post Hearing submission, para 6 (Document 35)

keep the end date of the DCP as exhibited so that Council would move forward on delivering the proposed infrastructure.

Subsequent to the Hearing, Council responded to this issue stating:

Council is also content to extend the proposed DCP to account for unanticipated effects of COVID-19 and to make any necessary or consequential adjustments.³⁰

The Panel raised with Council the issue of whether the cost of acquiring land for the proposed paths and laneways should be included in the DCP. When questioned on this Mr Hrelja stated that his instructions were not to include land acquisition in the DCP. He acknowledged that this created potential inequities. Mr Buxton stated that there were other mechanisms to provide the land, such as a PAO, but opined against that at this stage on the precinct redevelopment. He viewed the DPO provided the appropriate intent for land to be provided. In its further response to the Panel provided after the Hearing (Document 35), Council made no further comment on this issue.

As indicated in Chapter 4.7 the Panel recommends that the laneway proposed to link MacKenzie Court to Thomas Street should be deleted. For this reason, it should be removed as a DCP funded project.

The DCP maps include the Eastfield Road local centre. However, Amendment C136maro focuses on residential redevelopment and the DCP projects in the CSGP are focussed entirely on facilitating the movement of residents. In evidence Mr Hrelja addressed this anomaly and suggested that for the sake of clarity the Eastfield Road local centre should be listed as an exemption from DCP levies. He offered the alternative of revising the DCP to exclude the Eastfield Road local centre.

(iv) Discussion

The Panel accepts the revisions to the point at which the DCP levies are to be charged as proposed by Council.

With respect to the proposed end date of the DCP, the Panel acknowledges that Council is in a difficult position as it appears to have no firm evidence base at this stage upon which to make adjustments to the DCP. However, if Council proceeds with the DCPs as advertised it may find that the rate of development up to 2035 is lower than its pre-COVID-19 forecasts and there the revenue collection is lower than forecasts it may be left with a considerably higher than expected funding gap. Indeed, given its own threshold of 65 per cent of development occurring before it commits to provide proposed infrastructure it could find itself in a difficult position.

The Panel has no objection to Council making minor adjustments to the exhibited DCPs, as long as the levies proposed to be charged are not higher than those exhibited and the same infrastructure is proposed to be provided than in the exhibited DCPs (other than deleting the Mackenzie Court to Thomas Street link as recommended at Chapter 4.6. The simplest adjustment would be to revise the end date of the DCP out by two or three years, and other minor adjustments may also be made. Council would need to assure itself that it has an evidence base for any proposed changes.

With respect to the exclusion of the acquisition of land as an infrastructure item in the DCP, the Panel expresses some concern. The alternative to including land in the DCP is to require the land be provided as a condition of development from those properties on which laneways or paths are to be located or to acquire it through some other mechanism. The Panel understands the administrative simplicity and therefore the attractiveness of the proposed approach.

³⁰ Council post Hearing submission, para 7 (Document 35)

One of the principles underpinning DCPs is the fair and equitable sharing of costs.³¹ An argument can be made that a property owner having land set aside for infrastructure without being compensated is being treated inequitably vis a vis a property owner who does not. However, the Panel considers that if the landowner who is giving up land for a path or laneway can still achieve the same development outcomes for increased dwellings as a same sized property that does not have land set aside for infrastructure, then it can be argued that no inequity exists. The 'costs' of any land provided to accommodate paths or laneways may well be offset by the access benefits that the new infrastructure affords future residents.

The only issue that concerns the Panel with not including land as an infrastructure item in the DCPs is if a maximum site coverage of 50 per cent as specified in Clause 4 of DPOs 7 and 8 means a lesser development outcome for the property from which land is set aside for infrastructure. This can be readily overcome by amending the DPOs to ensure that when measuring site coverage, the total site area be defined to include that portion of the site that is required to provide infrastructure.

The Panel agrees that the MacKenzie Court to Thomas Street laneway should be removed from the DCP and the DCP be recalculated accordingly.

The Panel accepts the evidence and recommendation of Mr Hrelja with respect to the Eastfield Road local centre. In the Panel's view any development in the Eastfield Road local centre should be exempt from the DCP. This might be considered potentially inequitable if residential development was to occur however, the Panel considers that if this eventuates the future residents of the Eastfield Road local centre would not benefit from the proposed infrastructure.

(v) Conclusions

The Panel concludes:

- The exhibited DCPs should be amended to make clear the point at which the DCP levies will be collected.
- The exhibited DCPs should be amended to make clearer the circumstances in which a deferral of the collection on DCP levies will be considered.
- Minor adjustments may be made to the exhibited DCPs to allow for possible slower than anticipated development as long as the proposed levies are no higher than those exhibited and that the infrastructure items proposed are retained.
- Owners of land required for infrastructure should be compensated either by the land being included as an infrastructure project in the DCP or having their DCP liabilities adjusted for the value of land provided.
- Redevelopment in the Eastfield Road local centre should be exempt from charges under the DCP.

³¹ Development Contributions Guidelines, 2007, p13

4.10 Recommendations

The Panel recommends that the DCPs be revised as follows:

Replace the wording in the sub-section of 6.3 headed, Payment of Development Contributions, with the following wording:

“The Development Infrastructure Levy will be levied by Council at the planning permit stage, subdivision stage or building permit stage of development, in accordance with the timing points indicated in this DCP and whichever timing point occurs first. This payment must be made no later than the date of issue of a building permit under the Building Act 1993. If Council seeks payment at the:

- Planning Permit Stage, it must be made before the start of construction.**
- Subdivision Permit Stage, it must be made before a statement of compliance is issued for the subdivision.”**

Replace the words “...at an alternative date” in the subsection of 6.3 headed, Deferral of Payment, with the words ... “before a specified time or event”

Amend Table 2 and Figure 3 of the Development Contributions Plan to remove the costs of a reference to the MacKenzie Court to Thomas Street “potential pedestrian path” and recalculate the development levies accordingly.

Add the following to the list of exemptions at section 6.5 of the Croydon South Greyfield Precinct Development Contributions plan: “This DCP does not apply to development within the activity centre located at the junction of Eastfield Road and Bayswater Road where land is zoned Commercial 1 Zone or Public Use Zone 6

The Panel recommends that DCPO3 be revised as follows:

Amend Table 2 at Clause 2, consistent with the recalculated DCP resulting the removal of the MacKenzie Court to Thomas Street pedestrian path.

4.11 Flooding and drainage

(i) The issue

The issue is whether there are significant flooding and drainage issues in the precincts which may materially impact the implementation of the Amendments.

(ii) Relevant provisions and policies and Planning Practice Notes

Both Concept Plans identify flooding as a key issue, particularly around Tarralla Creek in the CSGP and around Notlen Park and south-west portion of the RGP.

The Notlen Street Catchment Discussion Report formed part of the Amendment C134maro exhibition material. It provides options for needed drainage upgrades and informed the RGP DCP projects.

PPF policies seek to mitigate flood impacts including by ensuring development responds to and does not intensify impacts. Others seeks to minimise stormwater flow from developed areas including by managing flows both onsite and at scale through development contributions. Local policy includes implementation steps to apply the Special Building Overlay (SBO) to land affected by overland flows in storm events that exceed underground drainage system capacity.

PPN12 notes Council and Melbourne Water as responsible for flood information collection. It states the purpose of the SBO is to manage development within stormwater overland flow areas.

(iii) Evidence and submissions

Submission 2CS raised concerns about potential flood impacts from Tarralla Creek on new basement parking in the CSGP. Oral submissions from submitter 3CS mirrored these concerns.

No submissions were made regarding flood in the RGP. Nor did Melbourne Water make a submission on either Amendment.

In closing, Council considered its flood modelling was complete and up to date. It referred the Panel to flood mapping available online. Council submitted that the CSGP had no real drainage infrastructure issues of note. It advised the RGP is located in one of the priority catchments for which Council will seek to apply a SBO in the future however this was not considered a priority compared to other strategic work.

At the close of the Hearing, Council tabled a 'Storm and Flood Emergency Plan' (Document 33). It used 2013 data to model the one per cent Annual Exceedance Probability (AEP) flood, being a common flood measure of one per cent flood occurrence chance in any given year, up to 30 centimetres. This extended over limited sections of the CSGP, generally around Tarralla Creek.

The 'Storm and Flood Emergency Plan' for the RGP area modelled the one per cent AEP extent up to 30 centimetres. It extended along an existing pipe in the west of the precinct, across some eight properties near Reynolds Avenue, some 11 properties abutting Notlen Park and the park itself.

(iv) Discussion

The Panel finds the flooding and drainage issues do not materially impact on implementation of the Amendments. It relies on both tabled documents and material available on Council's website to draw its conclusion on flooding.

Flooding and drainage impacts of proposals made within the RGP and CSGP under the proposed controls will be considered by Council, as required by the Clause 65.01 decision guidelines. The Maroondah Flood Management Plan 2016, prepared by Council and Melbourne Water, indicates existing flood mapping is used to assess planning applications.³²

That said, the Panel encourages Council to progress the work to apply the SBO in a timely fashion to provide a clearer indication of development constraints and potential across the two precincts to facilitate a more efficient and transparent planning application process. This is particularly important given flooding affects the sub-precincts with tallest building heights limits and thereby development potential.

The Panel considers that future partial application of the SBO over the RGP and CSGP land would not prevent redevelopment nor basement car parking. Rather, it would require certain site design to mitigate potential flood impacts via referral to Melbourne Water. The Panel understands this is common practice where old metropolitan drainage systems experience strains from urban infill.

No submissions were made on drainage and flooding issues in the RGP and on this basis, the Panel provides no comment on the appropriateness of the Notlen Street Catchment Discussion Report

³² Flood Management Plan 2016, page 28

nor the DCP related projects other than to note that the Report provides justification for the projects.

(v) Conclusion

The Panel concludes:

- There are no significant flooding and drainage issues in the precincts which will materially impact the implementation of the Amendments.

4.12 Implementation issues

(i) The issues

The issues are:

- whether proceeding with the proposal might result in partially constructed or unconstructed infrastructure
- whether proceeding with the proposal may result in levies being collected in respect of projects such as pathways and laneways which cannot proceed within the proposed timeframe because not all relevant properties are being redeveloped
- whether the implementation of the proposal may result in unacceptable short term amenity impacts as some properties are redeveloped and others are not
- what are the implications for the pilot precincts if the Amendments do not generate the outcomes expected.

(ii) Discussion

The issues addressed here are those raised by the Panel rather than by submitters.

Implementation issues are not commonly raised in respect of Amendments to Planning Schemes because in most cases implementation follows well-travelled and understood paths. This is usually because Amendments are proponent based or based on precedents. That it not the case in this instance and the Panel considered it important to briefly address some issues it considers relevant.

The Panel expressed concern that implementation of the Amendments could result in partially constructed infrastructure, particularly partially constructed laneways. Council submitted that it would not commit to providing infrastructure until, or in tandem with, 65 per cent of a sub area of the precinct being redeveloped.³³ The Panel accepts this as some guarantee that partially constructed infrastructure can be guarded against. However, laneways and paths which require land acquisition from more than one existing property could result in some land for a proposed path or laneway being acquired or set aside but the remainder not being able to be acquired, even in the longer term. This could result in land being set aside and unable to be developed. The Panel considers that Council should have clear contingency plans for how to deal with such eventualities. These could be included in Development Plans.

If the streetscape upgrades identified in the RGP DCP and the pedestrian crossing and bridge identified in the CSGP DCP are not ultimately delivered, the Panel considers it is likely that the precincts could still function as they do now, albeit the result will be less amenable in comparison.

³³ Ringwood Greyfield Precinct DCP, section 4.3

It is also possible that development levies are collected which cannot be used for their intended purpose either because the 65 per cent development threshold is not reached or as in the situation above a piece of planned infrastructure cannot be provided. The Panel notes that there are provisions with the Act to deal with such a situation.

With respect to amenity impacts during implementation the Panel considers there are two types of impacts. Firstly, those caused by the construction itself and the second amenity impacts caused by higher density development on existing low-density dwellings. The Panel considers that the first of these can be addressed through construction management plans. With respect to the second type of amenity impact, the requirements of Clause 55 of the planning scheme will need to be met. Mr Buxton's opinion was that these requirements would manage any amenity impacts even with the notice exemptions afforded by the DPOs.

The Panel has considered what is the worst thing that might happen if the proposal which underpins these Amendments is not able to deliver its intended outcomes. In its submission in reply, Council stated that no one would be worse off. The Panel considers that if there is a failure to take up the opportunities made possible through these Amendments it would appear that the most likely outcome is that the existing piecemeal redevelopment is likely to continue. No evidence was presented to lead the Panel to conclude that anyone would be worse off.

However, if Amendment C136maro is approved and the maximum building height in substantial parts of the Croydon South Precinct is reduced from the existing 11 metres under GRZ1 to the proposed 9 metres, there is a possibility that land values may be lower than surrounding GRZ1 areas. The evidence of Mr Hrelja at Table 4 supports this. Mr Hrelja shows that land value is higher in Maroondah in zones which allow higher intensity development. However, the Panel understands that the reduced height in substantial parts of the Croydon South precinct has been proposed in response to community feedback. The Panel further observes that planning does not as a matter of course take into account impacts on individual property values.

The approval and implementation of these Amendments is not without unknowns and risks. The same observation might be made about many innovations. The Panel considers that it is not its role to seek to avoid risk. To do so would stifle innovation. In the Panel's assessment there is a net community benefit and that the type of innovation proposed should not be discouraged.

In Chapter 3.2 the Panel raised the issue of the implementability of the proposals. An aspect of this is whether development is economically feasible, an issue alluded to by some submitters. It is not normally the role of a planning assessment to make judgments best left in the hands of the development industry. However in this instance the evidence of Mr Hrelja, who set out in Table 6 of his evidence development feasibility analysis of a number of the built form typologies, shows what appears to be acceptable levels of development return. On the planning application process, Mr Buxton stated that meeting the proposed requirements set out in the GRZ3 and DPOs were no more stringent or cumbersome than other residential areas.

(iii) Conclusions

The Panel concludes:

- Returns on development appear to be at a level sufficient to encourage the proposed types of redevelopment to occur.
- Partially constructed path and laneway infrastructure can be avoided.

- Council should develop plans for dealing with land which is acquired or set aside for paths or laneways but is not subsequently required as the balance of the required land is not available.
- Short term amenity impacts can be satisfactorily managed.
- If the outcomes proposed through the Amendments cannot be achieved residents should be left no worse off.
- The risks associated with the approval and implementation of the Amendments are acceptable.
- No evidence was presented to the Panel that persuades it that the proposals are not implementable because redevelopment will not be economically feasible.

4.13 Other issues raised by submitters

(i) Context

There were various other issues raised through written and oral submissions. In large part, these extend to beyond planning considerations or relate to implementation matters and may which have broader application than the Amendments.

(ii) The issues

The issues are:

- property value impact
- managing issues associated with single isolated lots with redevelopment to either side
- sufficient provision for mobility impaired accessibility and services
- sufficient provision of community services to support the projected population
- ongoing security and maintenance of future constructed shared facilities.

Property values

Several submitters expressed concern for property values. Submitter 7R expressed desire to retain values, Submissions 4CS and 7CS considered the Amendments would decrease values due to less competition created by only development industry buyers and Submission 4CS was concerned for decreased values of single lots surrounded by redeveloped lots.

Council relied on its expert, Mr Hrelja, to respond to property value issues. By his calculations:

... higher density residential land in Maroondah is worth more than lower density residential land. I expect land values in the [RGP and CSGP] to increase if rezoned to enable more floorspace and dwelling units in the areas.³⁴

Mr Hrelja's analysis used property rates of nearly 27,000 properties from Council's municipal-wide database, which he viewed as conservatively low, and calculated that land values incrementally increased from the NRZ, to the GRZ to the Residential Growth Zone (RGZ). He opined that the RGP and CSGP land values would steadily increase over time through the Amendments. His experience was that, generally, land that enables higher density development is valued higher than land which accommodates lower densities, assuming demand for higher density exists, which he opined did.

³⁴ Mr Hrelja's evidence, para 24-25

Mr Hrelja's opinion was that where 13.5 metres building heights limits were proposed, being taller than allowed by the GRZ parent provision, land values would sit between those observed for the GRZ and RGZ.

The Panel questioned Mr Hrelja on land values in the opposing CSGP condition where GRZ3 is proposed with maximum building height limits of the NRZ (9 metres). Mr Hrelja maintained that land values would increase as the GRZ3 allows a higher range of dwellings and that land values for lots will depend on floor area potential created through amalgamation. He viewed the proposed higher amenity would increase housing values and thereby property values.

The Panel's deliberations on property values is limited to considerations of the scenario where the Amendments are found to be not achieving the required outcomes during future review processes and do not underpin its assessment of the Amendments. Impacts on individual property values are not a planning consideration.

The Panel notes Mr Hrelja's evidence that the Amendments will likely increase property values and that landowners will not be financially disadvantaged. It reflects on Mr Buxton's views that higher amenity is a key objective of the Amendments. It further notes Mr Hrelja's statement that, in general, higher amenity areas attract higher land values.

Managing issues on isolated undeveloped lots flanked by redeveloped sites

Submitters raised a range of issues in relation to isolated undeveloped lots. These were lack of redevelopment potential including in current conditions from Submission 7R, amenity concerns from Submissions 2R and 2CS, construction and noise impacts from Submission 5CS, and an interpretation that isolated sites would oblige those landowners to sell from Submission 4CS.

The Panel Directions requested Council respond to managing issues on isolated lots. On redevelopment potential, it:

... agree[d] that individual properties could be left outside of future lots amalgamated as a result of the proposed Amendments. The current residential development market is already resulting in this outcome; and there is no ability to reduce the likelihood of this outcome through the planning system.³⁵

Council submitted any potential amenity impacts would continue to be managed by Clauses 54 and 55 and that the DPOs seek improved amenity outcomes. Mr Buxton's view echoed this.

Council submitted construction and noise impacts would be managed via the same means it currently applies being to require a Construction Management Plan for developments.

Neither Council nor its experts viewed that the Amendments imposed obligations for landowners to sell. Mr Buxton opined the Amendments do not force consolidation but rather incentivise it.

The Panel agrees with Council that lack of redevelopment potential of isolated undeveloped lots is a consideration that applies beyond the Amendments. It appreciates that the Amendments do not afford equal redevelopment opportunities across all lots. Indeed, the provisions have been specifically drafted as so. The Panel upholds that this condition is not unique to the Amendments as the planning system calls for site responsive design and each lot provides its own set of site constraints and opportunities regardless of being subject to the same controls as other lots.

As discussed in Chapter 4.5 the Panel considers amenity impacts will be appropriately managed.

³⁵ Council Part B submission, para 153

The Panel accepts Council's response that construction and noise impacts can be appropriately managed by means explained by Council.

The Panel finds no evidence to suggest the Amendments will force landowners to sell. It can appreciate that the Amendments indisputably encourage lot amalgamation however, they do not overrule a person's right to retain their current residence or property.

Sufficient provision for mobility impaired accessibility and services

Submitters 2CS and 3CS raised concern for mobility impaired accessible development and services, as did Submission 10CS.

The proposed DPOs require provision for accessible dwellings at a ratio consistent with the Better Apartment Design Standards (BADS).

Clause 55 (including BADS) seeks that dwelling design consider the needs of people with limited mobility and guides a minimum ratio of dwellings to provide a related set of design layouts.³⁶

Council relied on Mr Buxton's evidence on this matter. He responded to questions of Submitter 3CS that Council has included DPO provisions for improved accessibility as far as it can and pointed to a disconnect between the national construction code, which regulates building design for the mobility impaired, and what Council can implement through the planning scheme.

The Panel finds the Amendments provide sufficient provision for the mobility impaired.

Impact of an increased population on the provision of community services

Submission 2CS questioned whether additional community services such as medical centres, childcares and schools, were required to support the projected population.

The Panel Directions requested that Council confirm whether any assessment had been made on the likely impacts of an increased population on the demand for Council and other services and utility and public transport infrastructure.

Council referred the Panel to a volume of documents (Document 14) including physical and community infrastructure reports, transport and movement assessments and written confirmation from utility providers on capacity to services the projected additional dwellings.

The Panel's brief assessment of the documents lead it to observe that additional community services and public transport demand would be relatively small and incremental and able to be accommodated as part of broader services and network plans. Provision for medical centres is beyond the scope of the Amendments.

The Panel concludes Council sufficiently considered impacts of the increased population on services and infrastructure and that these impacts do not require provision beyond what is provided by the Amendments.

Ongoing security and maintenance of future constructed shared facilities

Submissions 1R, 2R and 3R collectively raised concern for security and maintenance of future constructed shared facilities in private and public land.

Council made no submissions on this matter.

³⁶ Clause 55.05-1, Clause 55.05-7, Clause 55.05-11

The Panel considers the Amendments will not raise material impacts on ongoing security and maintenance of future constructed shared facilities. These are matters that extend beyond the Amendments and relate to post-construction stages. The Panel observes the Amendments encourage design that provides for passive surveillance opportunities.

(iii) Conclusions

The Panel concludes:

- The property values are not a relevant planning consideration to assess the appropriateness of the Amendments and, in terms of any long term implementation considerations, are unlikely to substantially reduce through the Amendments.
- The existing and proposed planning provisions will appropriately manage amenity considerations including during construction.
- The Amendments will not impose obligations for landowners to sell or move from properties.
- The existing and proposed provisions suitably accommodate mobility impaired accessibility and services.
- The increases in community services demand from the project population have been adequately considered.
- Security and maintenance of future constructed shared facilities can be appropriately managed through the standard development processes.

Appendix A Submitters to the Amendment

No.	Submitter	No.	Submitter
1R	Ed Wilkins	1CS	Alison Kuhne and Justin Brown
2R	David Thompson	2CS	Croydon Conservation Society (Liz Sanzaro)
3R	Annette Triolini	3CS	Alison Townsend
4R	Angela Baltas	4CS	Wayne Hulbert
5R	Mandy Sawatzki	5CS	Annette O'Brien
6R	Anabianco Ananiev	6CS	Robert Chan
7R	Alison Roe & Ahmad Lahza	7CS	Katherine Gray-Ward and George Ward
8R	DoT	8CS	Robert John Hatch
9R	Lay Doc Luu (late)	9CS	DoT
		10CS	Neroli Wesley (Croydon Conservation Society)

Appendix B Parties to the Panel Hearing

Submitter	Represented by
Maroondah City Council	Ms Maria Marshall of Maddocks Lawyers assisted by Ms Georgia de Castella of Maddocks Lawyers and Ms Angela Asproloupou, of Maroondah City Council who called expert evidence on: <ul style="list-style-type: none"> - development contributions and property economics from Mr Alex Hrelja of HillPDA - town planning from Mr Paul Buxton of Plan 2 Place Pty Ltd
Ms Angela Baltas	
Ms Alison Roe	
Croydon Conservation Society	Ms Liz Sanzaro
Ms Alison Townsend	
Mr Lay Doc Luu	Ms Grace Bai (interpreter)

Appendix C Document list

No.	Date	Description	Provided by
1	28/04/2021	Notice of Directions Hearing	Planning Panels Victoria
2	19/05/2021	Directions and Timetable	PPV
3	31/05/2021	Report of meeting between Council and DoT	Mr Coutts Department of Transport
4	21/06/2021	Council Part A submission and 7 Attachments	Ms de Castella Maddocks Lawyers
5	"	Council response to questions raised by Panel and 17 Attachments	"
6	"	Expert Witness Statement of Mr Paul Buxton	"
7	"	Expert Witness Statement of Mr Alex Hrelja	"
8	"	Location of submitters for each Amendment	"
9	"	Late submission from Grace Bai	PPV
10	22/06/2021	Further declaration from Ms McIntosh re work undertaken at VPA	"
11	"	Submission for Hearing	Ms Townsend
12	23/06/2021	Submission for Hearing Croydon Conservation Society	Ms Sanzaro
13	25/06/2021	Timetable Version 2	PPV
14	"	Council Part B submission and 12 attachments	Ms de Castella
15	26/06/2021	Exhibition version of Clause 21.02 for C134maro	Ms Asproloupou
16	"	Exhibition version of Clause 21.02 for C136maro	Ms Asproloupou
17	"	Exhibition version of Clause 21.06 for C134maro	Ms Asproloupou
18	"	Exhibition version of Clause 21.06 for C136maro	Ms Asproloupou
19	"	Exhibition version of Clause 21.07 for C134maro	Ms Asproloupou
20	"	Exhibition version of Clause 21.07 for C136maro	Ms Asproloupou

No.	Date	Description	Provided by
21	"	Exhibition version of Clause 21.10	Ms Asproloupou
22	"	Exhibition version of Clause 22.02 for C134maro	Ms Asproloupou
23	"	Exhibition version of Clause 22.02 for C136maro	Ms Asproloupou
24	"	Exhibition version of Clause 32.08 Schedule 3	Ms Asproloupou
25	"	Exhibition version of Clause 42.03 Schedule 7 for C134maro	Ms Asproloupou
26	"	Exhibition version of Clause 42.03 Schedule 8 for C136maro	Ms Asproloupou
27	28/06/2021	Post-Council meeting version of Clause 21.02 for C134maro	Ms Asproloupou
28	"	Post-Council meeting version of Clause 21.02 for C136maro	Ms Asproloupou
29	"	Post-Council meeting version of Clause 42.03 Schedule 7 for C134maro	Ms Asproloupou
30	"	Post-Council meeting version of Clause 42.03 Schedule 8 for C136maro	Ms Asproloupou
31	"	Submission for Hearing (PowerPoint presentation)	Ms Townsend
32	"	Submission for Hearing	Ms Bai
33	29/06/2021	Additional flooding material from Council	Ms de Castella
34	06/07/2021	Ms Baltas post-hearing submission	Ms Baltas
35	7/07/2021	Post Hearing submission Maroondah Council	Ms de Castella
36	8/07/2021	Notes of developers forum May 2019	Ms de Castella

Appendix D Panel preferred versions of DPO7 and DPO8

Tracked Added

~~Tracked Deleted~~

SCHEDULE 7 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO7**.

RINGWOOD GREYFIELD RENEWAL PRECINCT

1.0 Objectives

- To encourage site consolidation that enables increased housing density and diversity, improved open space and built form outcomes and enhanced local infrastructure.
- To identify land suitable for increased maximum dwelling heights on consolidated sites consistent with this schedule.
- To enhance the residential and landscape character of the precinct through increased tree coverage and open space areas and reduced site coverage, hard surface areas and heat island effects.
- To strengthen and improve pedestrian circulation and the amenity of the precinct through the introduction of new, and the upgrading of existing, pedestrian connections.
- To integrate the principles and techniques of environmentally sustainable design into the design, construction and operation stages of new development in the precinct.

2.0 Requirement before a permit is granted

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, provided that:

- The responsible authority is satisfied that the granting of a permit will not prejudice the preparation and approval of a development plan, including the outcomes for the land set out in the requirements to this schedule.
- The permit includes any conditions or requirements set out in this schedule

3.0 Conditions and requirements for permits

A permit must be generally in accordance with Figure 1 (Indicative Concept Plan) and Figure 2 (Building Height Plan).

4.0 Requirements for development plan

A development plan must be generally in accordance with Figure 1 (Indicative Concept Plan) and Figure 2 (Building Height Plan) of this schedule.

A development plan must be generally in accordance with the *Design Framework and Concept Plan, Ringwood Greyfield Precinct, 2019*.

A development plan may be prepared and implemented in stages.

One or more development plans may be approved for the precinct.

A development plan must include the following requirements:

- The indicative number of dwellings and dwelling density for the land as detailed in Table 1: Dwelling Density.
- A mix of approximately an even number of ~~An even mix of housing types and sizes, including one, two, three (or more) bedroom dwellings.~~ ~~A mix of housing types and sizes, including one, two, three (or more) bedroom dwellings.~~
- Accessible dwellings provided at a ratio consistent with the Building Apartments Design Standards.

- Development designed to meet the building heights and street setbacks specified in Table 2 to this clause and Figure 2: Building Heights Plan
- Dwellings orientated in an east-west direction.
- A basement setback a minimum of 1.2 metres to site boundaries, excluding vehicle access ramps.
- Buildings setback from side boundaries by a minimum of 1.4 metres for 40 percent of the length of the site boundary if adjoining a building of 9 metres in height. Building setbacks can be reduced if sufficient site landscaping and dwelling outlooks are provided to the front and rear of the site.
- Where the rear boundary of a site is adjacent to Notlen Park, a minimum rear setback of 3 metres.
- A maximum site coverage of 50 per cent, including a basement.
- A minimum permeable area of 35 per cent with at least 30 per cent provided as grassed area and landscaping.
- A minimum of ~~45~~50 per cent direct sunlight to communal open spaces areas for a minimum of two hours between 9 am and 3 pm on 21 June.
- Provide communal open space as detailed in Table 3.
- A landscape plan which includes:
 - The retention of canopy trees with a height of 4 metres ~~off~~Me~~or~~ higher and remnant vegetation to the maximum extent practicable and incorporated into proposed areas of landscaping.
 - Canopy trees with a minimum height of 4 metres within front setbacks, private open spaces areas and common garden areas of native and exotic species that are capable of reaching a minimum mature height of 12 to 14 metres, where possible.
 - All asphalted, paved and concreted areas, including vehicle accessways, of light colours and shaded by adjacent vegetation.
- Car parking consolidated to minimise the extent of hard surface cover on the site.
- Only one vehicle crossover provided to each development setback a minimum of 1.5 metres from any street tree, except where a larger distance is required for a larger street tree.
- Access and car parking provided from a rear lane or from the street to a basement and generally concealed from the street.

Where vehicular access is proposed from Kennedy Avenue or Woodside Avenue to an amalgamated lot of at least three pre-existing lots (with the proposed number of dwellings exceeding that originally existing on the sites), the proposal must be accompanied by an Integrated Transport and Impact Assessment to the satisfaction of the Head, Transport for Victoria and the Responsible Authority and provide details on:

- Existing turning volumes at the intersection of the street and Warrandyte Road.
- The impact of turning movements generated by the proposed use and development on the operation and safety of traffic on Warrandyte Road and its relevant intersections.
- Proposed mitigation measures to address any unsatisfactory impacts (if any).
- Any basement car parking area extending above the finished ground level screened and concealed with landscaping.
- Garages that face the frontage set back a minimum of 1 metre behind the front facade of the dwelling.

- Buildings articulated into a series of distinct but complementary street wall elements that reinforce the existing residential grain, rhythm and streetscape elements and respond to the varying scales of adjacent buildings.
- Where a development is adjacent to a laneway or public accessway, new dwelling entries orientated to the accessway and vehicle access located to the rear or a basement.
- Where a dwelling abuts communal open space or a public park, provide windows, balconies and an outlook at all levels orientated towards to the open space and/or park.
- Where fencing is proposed, low and open fencing allowing for passive surveillance of any adjacent street and park with a maximum height of:
 - 1.2 metres for streets in a Road Zone, Category 1;
 - 0.9 metres for other streets.
- Environmentally sustainable design features including:
 - Sustainable transport measures.
 - A BESS Rating or equivalent with a 50 per cent score.
 - Minimum 70 per cent performance for water, urban ecology and stormwater.
 - Solar and renewable energy.
 - Integrated water and stormwater management.
 - Waste and recycling facilities.
- Design detail and amenities including:
 - Materials which are environmentally sustainable.
 - Visual impacts of parking areas and driveways minimised with no greater than 30 per cent of the frontage taken up by garages and carports.
 - Roof design that complements and strengthens the overall proportions of the built form.
 - Utilities and services that are well integrated into the overall design of the building functionally and aesthetically.

Table 1: Indicative Dwelling Density

Site Area	Max No of Dwellings	Dwelling Density
Up to 1000 square metres	37	3270 dwellings per hectare
1000 to 2000 square metres	2430	155480 dwellings per hectare
2000 square metres	None specified	180 dwellings per hectare

Table 2: Building Heights and Street Setbacks

Sub-precinct	Maximum building height	Minimum site area	Street setback
A	9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.	None specified	<p>For one dwelling on a lot:</p> <ul style="list-style-type: none"> Minimum front street setback is the distance specified in Clause 54.03-1 or 6 metres, whichever is lesser. Minimum side street setback is the distance specified in Clause 54.03-1. <p>For two or more dwellings on a lot or a residential building:</p> <ul style="list-style-type: none"> Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser. Minimum side street setback is the distance specified in Clause 55.03-1
B	<p>11 metres for a minimum site area of 1000 square metres m².</p> <p>9 metres for a site of less than 1000 square metres in area, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.</p>	<p>1000 square metres</p> <p>Includes land only in Sub-precinct B.</p>	<p>For one dwelling on a lot:</p> <ul style="list-style-type: none"> Minimum average front street setback of 6 metres. Minimum side street setback is the distance specified in Clause 54.03-1. <p>For two or more dwellings on a lot or a residential building:</p> <ul style="list-style-type: none"> Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres whichever is the lesser. Minimum side street setback is the distance specified in Clause 55.03-1.

C	<p>13.5 metres for a site of 2000 square metres m² or more in area.</p> <p>9 metres for a site of less than 2000 square metres m² in area, unless the slope of the natural ground level at any crosssection wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.</p>	<p>2000 square metres.</p> <p>Includes land only in Sub-precinct C.</p>	<p>For one dwelling on a lot:</p> <ul style="list-style-type: none"> Minimum <u>front</u> street setback is the distance specified in Clause 54.03-1 or 6 metres, whichever is lesser. Minimum side street setback is the distance specified in Clause 54.03-1. <p>For two or more dwellings on a lot or a residential building:</p> <ul style="list-style-type: none"> Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser. Minimum side street setback is the distance specified in Clause 55.03-1.
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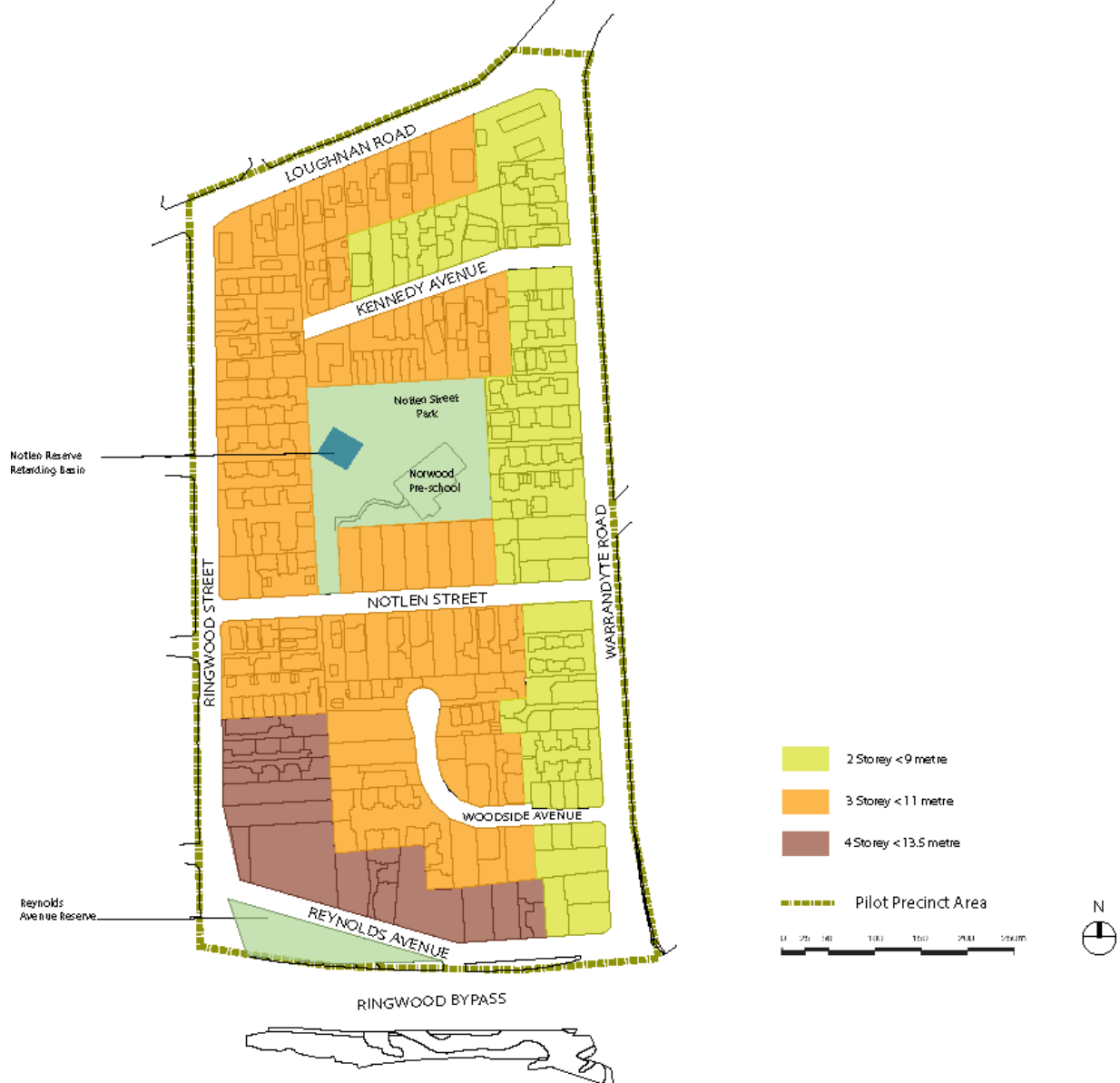
Table 3: Communal open space

Number of Dwellings	Percentage of site area required as Communal Open Space
Up to 10	Not required
11 to 20	10%
21 to 30	15%
31 or more	20%

Figure 1: Indicative Concept Plan



Figure 2: Building Height Plan



[Combine the plan at Figure 1: Indicative Concept Plan and the plan at Figure 2: Building Height Plan \(Figure 2\) into one plan](#)

[Delete references to '<' in the legend of Figure 2: Building Height Plan](#)

SCHEDULE 8 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO8**.

CROYDON SOUTH GREYFIELD RENEWAL PRECINCT

1.0 Objectives

- To encourage site consolidation that enables increased housing density and diversity, improved open space and built form outcomes and enhanced local infrastructure.
- To identify land suitable for increased maximum dwelling heights on consolidated sites consistent with this schedule.
- To enhance the residential and landscape character of the precinct through increased tree coverage and open space areas and reduced site coverage, hard surface areas and heat island effects.
- To strengthen and improve pedestrian circulation and the amenity of the precinct through the introduction of new, and the upgrading of existing, pedestrian connections.
- To integrate the principles and techniques of environmentally sustainable design into the design, construction and operation stages of new development in the precinct.

2.0 Requirement before a permit is granted

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, provided that:

- The responsible authority is satisfied that the granting of a permit will not prejudice the preparation and approval of a development plan, including the outcomes for the land set out in the requirements to this schedule.
- The permit includes any conditions or requirements set out in this schedule

3.0 Conditions and requirements for permits

A permit must be generally in accordance with Figure 1 (Indicative Concept Plan) and Figure 2 (Building Height Plan).

4.0 Requirements for development plan

A development plan must be generally in accordance with Figure 1 (Indicative Concept Plan) and Figure 2 (Building Height Plan) of this schedule.

A development plan must be generally in accordance with the *Design Framework and Concept Plan, Croydon South Greyfield Precinct, 2019*.

A development plan may be prepared and implemented in stages.

One or more development plans may be approved for the precinct.

A development plan must include the following requirements:

- The indicative number of dwellings and dwelling density for the land as detailed in Table 1: Dwelling Density.
- A mix of approximately an even number of ~~An even mix of A mix of~~ housing types and sizes, including one, two, three (or more) bedroom dwellings.
- Accessible dwellings provided at a ratio consistent with the Building Apartments Design Standards.
- Development designed to meet the building heights and street setbacks specified in Table 2 to this clause and Figure 1: Indicative Concept and Building Height Plan.

- Dwellings orientated in an east-west direction.
- A basement setback a minimum of 1.2 metres to site boundaries, excluding vehicle access ramps.
- Buildings setback from side boundaries by a minimum of 1.4 metres for 40 percent of the length of the site boundary if adjoining a building of 9 metres in height. Building setbacks can be reduced if sufficient site landscaping and dwelling outlooks are provided to the front and rear of the site.
- A maximum site coverage of 50 per cent, including a basement.
- A minimum permeable area of 35 per cent with at least 30 per cent provided as grassed area and landscaping.
- A minimum of 50 per cent direct sunlight to communal open spaces areas for a minimum of two hours between 9 am and 3 pm on 21 June.
- Provide communal open space as detailed in Table 3.
- A landscape plan which includes:
 - The retention of canopy trees with a height of 4 metres ~~or~~ higher and remnant vegetation to the maximum extent practicable and incorporated into proposed areas of landscaping.
 - Canopy trees with a minimum height of 4 metres within front setbacks, private open spaces areas and common garden areas of native and exotic species that are capable of reaching a minimum mature height of 12 to 14 metres, where possible.
 - All asphalted, paved and concreted areas, including vehicle accessways, of light colours and shaded by adjacent vegetation.
- Car parking consolidated to minimise the extent of hard surface cover on the site.
- Only one vehicle crossover provided to each development setback a minimum of 1.5 metres from any street tree, except where a larger distance is required for a larger street tree.
- Access and car parking provided from a rear lane or from the street to a basement and generally concealed from the street.
- Any basement car parking area extending above the finished ground level screened and concealed with landscaping.
- Garages that face the frontage set back a minimum of 1 metre behind the front facade of the dwelling.
- Buildings articulated into a series of distinct but complementary street wall elements that reinforce the existing residential grain, rhythm and streetscape elements and respond to the varying scales of adjacent buildings.
- Where a development is adjacent to a laneway or public accessway, new dwelling entries orientated to the accessway and vehicle access located to the rear or a basement.
- Where a dwelling abuts communal open space or a public park, provide windows, balconies and an outlook at all levels orientated towards to the open space and/or park.
- Where fencing is proposed, low and open fencing allowing for passive surveillance of any adjacent street and park with a maximum height of:
 - 1.2 metres for streets in a Road Zone, Category 1;
 - 0.9 metres for other streets.
- Environmentally sustainable design features including:

- Sustainable transport measures.
- A BESS Rating or equivalent with a 50 per cent score.
- Minimum 70 per cent performance for water, urban ecology and stormwater.
- Solar and renewable energy.
- Integrated water and stormwater management.
- Waste and recycling facilities.
- Design detail and amenities including:
 - Materials which are environmentally sustainable.
 - Visual impacts of parking areas and driveways minimised with no greater than 30 per cent of the frontage taken up by garages and carports.
 - Roof design that complements and strengthens the overall proportions of the built form.
 - Utilities and services that are well integrated into the overall design of the building functionally and aesthetically.

Table 1: Indicative Dwelling Density

Site Area	<u>Max No of</u> <u>Dwellings</u>	Dwelling Density
Up to 1000 square metres	3	32 dwellings per hectare
1000 to 2000 square metres	24	155 180 dwellings per hectare
2000 square metres plus 3000 square metres	None specified 32	155 180 dwellings per hectare

Table 2: Building Heights and Street Setbacks

Sub-precinct	Maximum building height	Minimum site area	Street setback
A	9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.	None specified	<p>For one dwelling on a lot:</p> <ul style="list-style-type: none"> ▪ Minimum front street setback is the distance specified in Clause 54.03-1 or 6 metres, whichever is lesser. ▪ Minimum side street setback is the distance specified in Clause 54.03-1. <p>For two or more dwellings on a lot or a residential building:</p> <ul style="list-style-type: none"> ▪ Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser. ▪ Minimum side street setback is the distance specified in Clause 55.03-1

B	<p>11 metres for a minimum site area of 1000 square metres m² or more in area.</p> <p>9 metres for a site of less than 1000 square metres in area, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.</p>	<p>1000 square metres</p> <p>Includes land only in Sub-precinct B.</p>	<p>For one dwelling on a lot:</p> <ul style="list-style-type: none"> Minimum average street setback of 6 metres. Minimum side street setback is the distance specified in Clause 54.03-1. <p>For two or more dwellings on a lot or a residential building:</p> <ul style="list-style-type: none"> Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres whichever is the lesser. Minimum side street setback is the distance specified in Clause 55.03-1.
C	<p>13.5 metres for a site of 2000 square metres m² or more in area.</p> <p>9 metres for a site of less than 2000 square metres m² in area, unless the slope of the natural ground level at any crosssection wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.</p>	<p>2000 square metres.</p> <p>Includes land only in Sub-precinct C.</p>	<p>For one dwelling on a lot:</p> <ul style="list-style-type: none"> Minimum street setback is the distance specified in Clause 54.03-1 or 6 metres, whichever is lesser. Minimum side street setback is the distance specified in Clause 54.03-1. <p>For two or more dwellings on a lot or a residential building:</p> <ul style="list-style-type: none"> Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser. Minimum side street setback is the distance specified in Clause 55.03-1.

Table 3: Communal open space

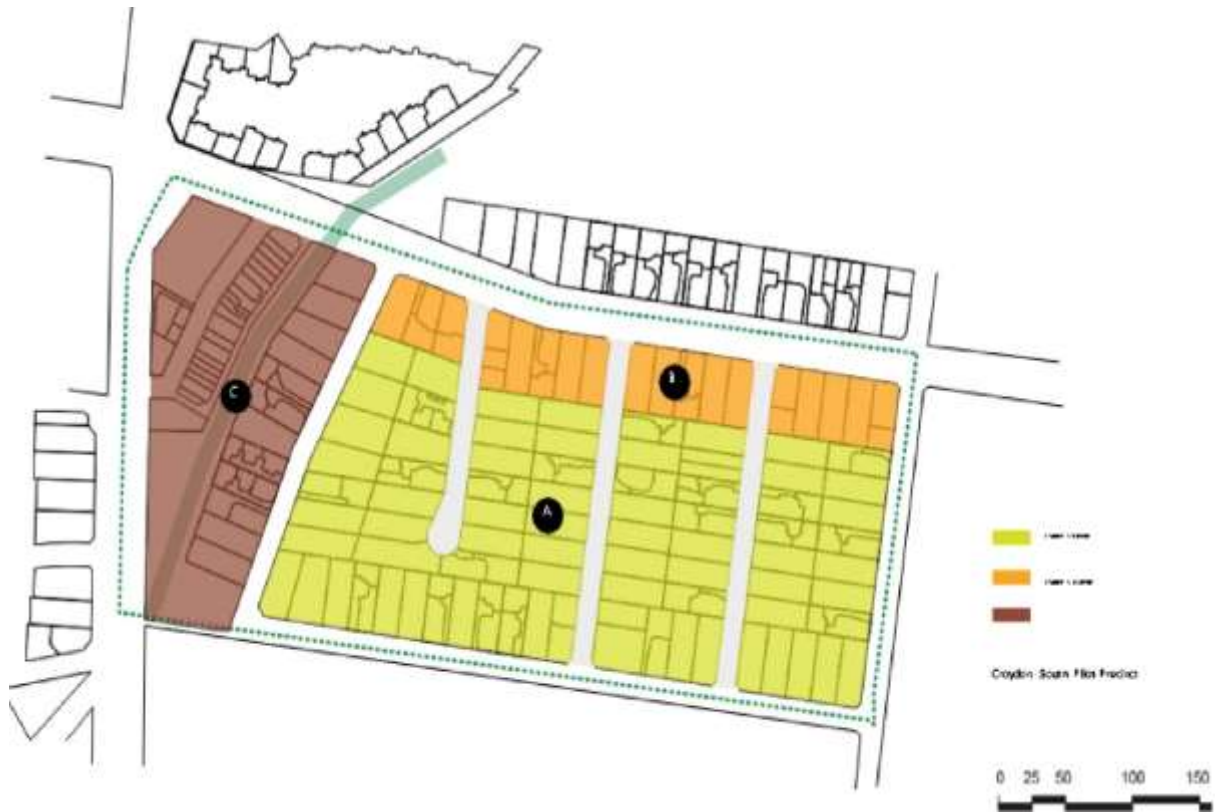
Number of Dwellings	Percentage of site area required as Communal Open Space
Up to 10	Not required
11 to 20	10%
21 to 30	15%
31 or more	20%

FIGURE 1: INDICATIVE CONCEPT PLAN



[Delete the 'potential pedestrian path' extending between Mackenzie Court and Thomas Street](#)

FIGURE 2: BUILDING HEIGHT PLAN



[Combine the plan at Figure 1: Indicative Concept Plan and the plan at Figure 2: Building Height Plan \(Figure 2\) into one plan](#)

[Delete references to '<' in the legend of Figure 2: Building Height Plan](#)