

# WHITTLESEA PLANNING SCHEME

## AMENDMENT C241WSEA

### EXPLANATORY REPORT

#### Who is the planning authority?

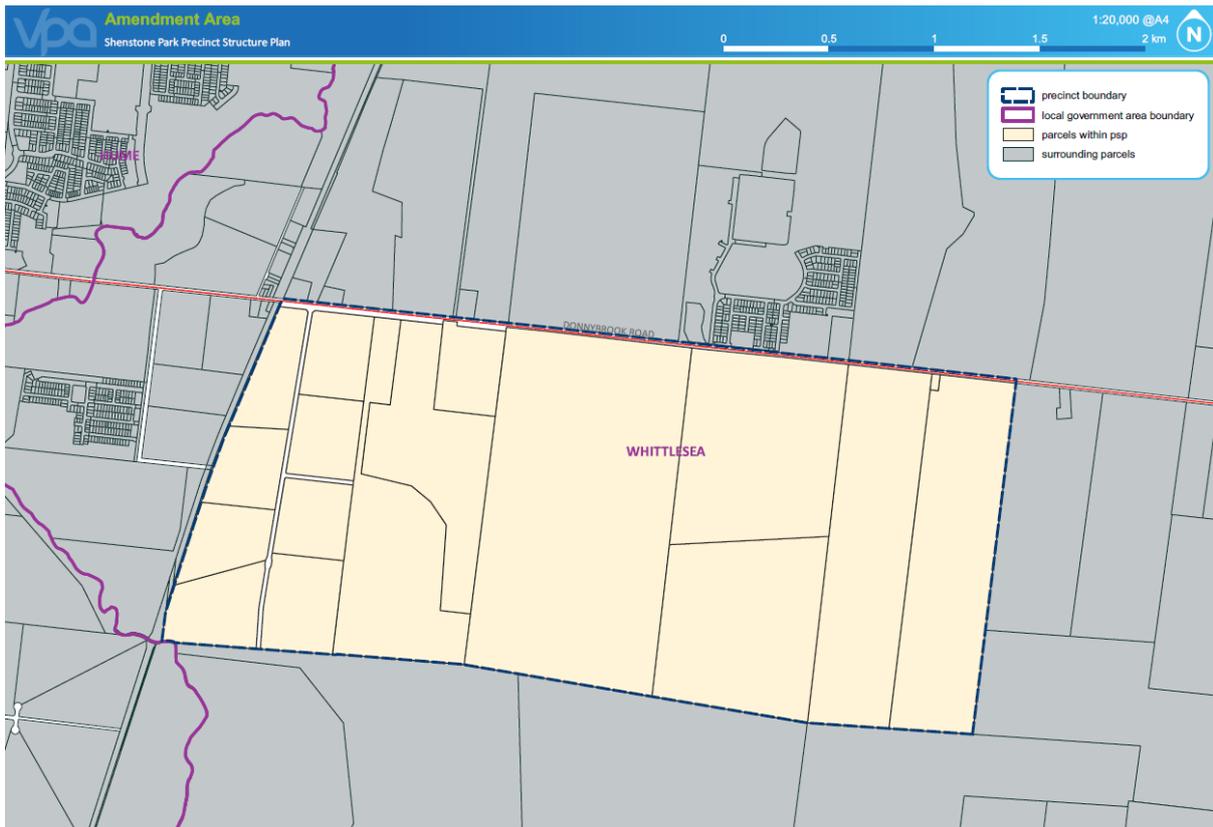
This amendment has been prepared by the Victorian Planning Authority, which is the planning authority for this amendment.

The Amendment has been made at the request of the Victorian Planning Authority.

#### Land affected by the Amendment

The amendment applies to the land identified in the Shenstone Park Precinct Structure Plan (PSP) area in the City of Whittlesea and shown in Map 1 below. The precinct is approximately 628 hectares in size and is bound by Donnybrook Road to the north, Sydney - Melbourne railway line to the west, the Urban Growth Boundary to the east and the Wollert Suburb boundary to the south.

Map 1- Land affected by the amendment



#### What the amendment does

The amendment incorporates a new document into the Whittlesea Planning Scheme titled '*Shenstone Park Precinct Structure Plan, September 2019*' (the PSP). The amendment also rezones the majority of land to Urban Growth Zone Schedule 7 to facilitate the development of the land generally in accordance with the PSP and makes a number of other consequential changes to the Whittlesea Planning Scheme to support the implementation of the PSP.

More specifically, the amendment proposes the following changes to the Whittlesea Planning Scheme:

- Inserts Schedule 7 to Clause 37.07 Urban Growth Zone (UGZ7) and rezones the majority of the precinct to UGZ7. This schedule includes controls to facilitate land use and development controls for the precinct and requires land use and development to be generally in accordance with the incorporated *Shenstone Park Precinct Structure Plan*.
- Rezones a portion of Farming Zone (FZ) land to UGZ7.
- Rezones a portion of FZ land to Special Use Zone (SUZ4) to enable the protection and expansion of the Woody Hill Quarry located within the precinct.
- Rezones land from Rural Conservation Zone (RCZ1) to UGZ7 to reflect changes to the boundary of *Biodiversity Conservation Strategy* (BCS) Conservation area 28 which was approved by the Minister for the Department of Environment and Energy on 12 July 2017.
- Rezones land from FZ1 to RCZ1 to correct an error in the zoning map and to reflect the correct BCS boundary.
- Inserts Schedule 11 to Clause 37.01 Special Use Zone (SUZ11) and rezones land from RCZ1 and FZ to SUZ11 that is within the transmission line easement. SUZ11 includes land use and development controls to facilitate the development of the land generally in accordance with the PSP.
- Deletes Schedule 4 to Clause 42.01 Environmental Significance Overlay (ESO4) from land within the precinct.
- Applies Schedule 6 to Clause 42.01 Environmental Significance Overlay (ESO6) to land within the *Biodiversity Conservation Strategy*.
- Inserts Schedule 8 to Clause 43.03 Incorporated Plan Overlay (IPO8) into the Whittlesea Planning Scheme and applies IPO8 to land within the *Biodiversity Conservation Strategy* and zoned RCZ within the amendment area.
- Inserts Schedule 9 to Clause 43.03 Incorporated Plan Overlay (IPO9) into the Whittlesea Planning Scheme and applies IPO9 to land zoned SUZ4 and SUZ11 within the amendment area which includes the existing and expanded Woody Hill Quarry and land within the transmission line easement, to ensure any future development within these areas is generally in accordance with the PSP.
- Amends the Schedule to Clause 43.01 Heritage Overlay and includes a new entry HO187 relating to 1030 Donnybrook Road, Donnybrook.
- Amends the Schedule to Clause 52.17 Native Vegetation to identify native vegetation exempt from requiring a planning permit for its removal.
- Amends the Schedule to Clause 52.33 Post Boxes and Dry Stone to identify dry stone walls exempt from requiring a planning permit for demolition, removal or alteration within the PSP area.
- Amends the Schedule to Clause 66.04 Referral of Permit Applications Under Local Provisions to require:
  - Referral to the Secretary to the Department administering the *Mineral Resources (Sustainable Development) Act 1990* of an application for subdivision, the use of land, or the construction of a building or carrying out of works on land within the 'Woody Hill sensitive use buffer' shown on Plan 15 of the PSP.
  - Referral to the Environmental Protection Authority of an application for the use of land, or the construction of a building or carrying out of works on land in the 'Sewage treatment plant odour buffer' shown on Plan 15 of the PSP.
  - Referral to the Department of Transport of an application for subdivision, use of land or the construction of a building or carrying out of works on land identified as 'station car parking' on Plan 3 of the PSP.
  - Referral to the Secretary to the Department administering the *Mineral Resources (Sustainable Development) Act 1990* for an application for subdivision, the use of land, or the construction of a building or carrying out of works for Accommodation, Convenience shop, Education centre, Food and drink premises, Display home centre, Hospital, Market, Medical centre, Plant nursery and Veterinary centre on land identified as 'future residential area' on Plan 3 and within the 'Phillips Quarry sensitive use buffer' on Plan 15 of the PSP.

- Amends the Schedule to Clause 66.06 Notice of Permit Applications Under Local Provisions to require:
  - Notice to the gas pipeline licensee under the *Pipelines Act 2005* for a permit application for Accommodation (other than Dwelling), Child care centre, Cinema based entertainment facility, Corrective institution, Education centre, Hospital, Place of Assembly, Residential aged care facility, retail and service station within the '590m measurement length' shown on Plan 15 of the PSP.
- Amends the Schedule to Clause 72.04 Documents Incorporated in this Planning Scheme to incorporate the *Shenstone Park Precinct Structure Plan, September 2019* and *1030 Donnybrook Road Statement of Significance, September 2019*.

## **Strategic assessment of the Amendment**

### **Why is the Amendment required?**

Melbourne has experienced considerable population growth in recent years that is expected to continue. It is expected that some of this population growth – and jobs to support it – will be accommodated within Melbourne's greenfield growth areas within the Urban Growth Boundary (UGB).

Land within the precinct area was included within the UGB for urban development in August 2010 as part of Planning Scheme Amendment VC68, which introduced several changes to planning schemes across metropolitan Melbourne in line with the objectives of the policy document titled *Delivering Melbourne's newest sustainable communities*.

This planning scheme amendment introduces provisions to implement the State Planning Policy Framework with regard to the growth of Melbourne by facilitating new urban development, associated infrastructure provision, conservation and open space outcomes.

The amendment provides for the development of approximately 3,600 new homes to accommodate an expected population of between 10,000 to 11,000 residents, and approximately 131 hectares of the precinct will accommodate land for the purpose of industrial and commercial development creating up to 4,500 jobs in a variety of sectors for the local region in the long term.

To service this new population, the amendment provides for a local town centre, local convenience centre, future government school, recreational facilities and community services, connector roads, public open space, waterway and drainage reserves. The PSP adjoins the existing Donnybrook-Woodstock PSP to the north, the English Street PSP to the west and the future Northern Quarries PSP to the south and has been drafted to integrate with the existing PSPs.

The extractive resources within and adjacent to the proposed Shenstone Park PSP, in particular those that are encompassed by Woody Hill (including expansion areas) and the future Phillips Quarry (to the south of the precinct) are of strategic importance to the growth of Melbourne. The City of Whittlesea is within the Top 10 list of Critical Extractive Resource Locations and is in the Top 10 highest demand areas for extractive resources for the State. The extractive resources in this area are recognised within an Extractive Industry Interest Area, as well as the North Growth Corridor Plan, and were also contemplated for immediate expansion and development by the Joint Ministerial Statement of Extractive Resources. The expanded and increased extraction depth at the Woody Hill Quarry and a future quarry at the former Phillips Quarry are both considered to be strategic extractive resource operations and opportunities.

The amendment and PSP have been drafted to respond to both of these strategic opportunities by identifying the existing Woody Hill operations area and an area to allow for its maximum possible expansion within the PSP. This is supported by rezoning the expansion area from Farming Zone 1 to Special Use Zone 4, to align with the existing zoning for the Woody Hill Quarry Works Plan operation area, which also applies to all extractive areas within the City of Whittlesea. The PSP and UGZ7 prohibit the construction of most buildings within the Woody Hill blast buffer (shown in the PSP) and designating certain sensitive land uses be prohibited near the interface with the quarry (Woody Hill sensitive use buffer), whilst also introducing a permit trigger for a range of uses considered sensitive to potential impacts from the quarry.

The PSP also protects the Phillips Quarry which is located outside of the precinct boundary to the south. This is facilitated in the PSP by designating buffers, specifically the Phillips sensitive use buffer (shown in the PSP), which is within the precinct boundaries, and ensures that any future development

within the future residential area is restricted until such time as buffer generating operations within the northern part of the Phillips Quarry are completed. This is further supported by including the Secretary to the Department administering the *Mineral Resources (Sustainable Development) Act 1990* as a determining referral authority within the appropriate statutory tool.

Overall, the land uses designated within the PSP align with those shown in the *North Growth Corridor Plan*. Specifically, the PSP:

- Protects the biodiversity area within the south-western and south-eastern portion of the land;
- Protects the existing Woody Hill Quarry and provides for a maximum possible expansion area to ensure that the blast buffer and sensitive use buffers are confined to the commercial and industrial areas surrounding the quarry. This aligns with the area shown in the corridor plan as non-urban/utilities and industrial areas;
- Nominates a location for the future Yarra Valley Water Sewage Treatment Plant;
- Plans for a new residential area to the east of the precinct;
- Provides a north-south road dissecting the PSP through the middle and terminated at the northern edge of the biodiversity conservation area; and
- Provides an east-west road terminating at the eastern edge of the industrial area.

The amendment also streamlines the development process in relation to the retention, removal, destruction or lopping of native vegetation by incorporating exemption from permit requirements for vegetation removal provided it is generally in accordance with the PSP. In addition, Schedule 8 to Incorporated Plan Overlay (IPO8) is proposed to ensure conservation areas not zoned UGZ7 are protected and managed in a manner consistent with the PSP and the *Biodiversity Conservation Strategy* (BCS), where relevant.

Two high-pressure gas pipelines traverse the precinct in a north-south direction, one of which connects to the Donnybrook-Woodstock PSP. The pipeline requires protection to ensure it is not ruptured during the course of development. UGZ7 has been drafted to require a construction management plan to be submitted prior to any works (including demolition) being carried out within 50 metres of the pipeline easement. An application for certain sensitive uses and types of development will require notice to be given to the gas pipeline licensee where these uses or development types are proposed within the measurement length for the pipelines, as shown in the PSP.

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

The amendment will facilitate the efficient development of land within the Urban Growth Boundary (UGB) of metropolitan Melbourne. It will increase the support of land for housing and employment, and ensure that the required community services and physical infrastructure are identified in the PSPs and can be provided early in the life of the new community.

The amendment implements the objectives of planning in Victoria under Section 4 of the *Planning and Environment Act 1987* (the Act) through the delivery of a PSP and associated statutory planning tools prepared to facilitate development. In particular:

- *To provide for the fair, orderly, economic and sustainable use and development of land*

The amendment will facilitate the development of a new community with access to community infrastructure, services, employment and public open space. The delivery of housing makes effective use of the available land within the area with an average overall projected density of 18.9 dwellings per net developable hectare, and at least 25 dwellings per hectare within areas designated 'walkable catchment' shown in the PSP.

Employment generating uses have been catered for through the applied zones listed in the UGZ7. The employment area, local convenience centre and industrial areas will provide the primary locations for employment. The delivery of community infrastructure such as the school, community centre, child care facilities and the establishment of home-based businesses within residential areas will also provide employment opportunities.

The Precinct has been planned to ensure dwellings are located within walkable distance to public transport. Connections via shared bicycle and pedestrian links encourage sustainable modes of transport and an alternative to the private vehicle.

Essential local infrastructure such as arterial roads, intersections, bridges, community facilities, sports and recreation facilities and open space will be funded via an Infrastructure Contributions Plan (ICP). The ICP for the Shenstone Park PSP will be incorporated into the Whittlesea Planning Scheme via a subsequent amendment.

- *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.*

The Biodiversity Conservation Strategy (BCS) sets out all the conservation measures required for Matters of National Environmental Significance (MNES) and State significance to satisfy Federal and State biodiversity and native vegetation requirements. Areas within the precinct have been identified for conservation purposes consistent with the BCS. The amendment provides statutory tools ensuring adequate protection of these conservation areas consistent with Environment Protection & Biodiversity Conservation Act 1999 (EPBC Act).

The amendment protects BCS Areas 28 and 34 that sit within the precinct boundary, in line with the Melbourne Strategic Assessment (MSA). Development of Melbourne's growth areas carried out in accordance with the MSA do not need referral under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* as the environmental outcomes have already been agreed upon by both State and Federal Governments. The Department of Environment, Land, Water and Planning is responsible for ensuring the protection and ongoing management of BCS areas and they have been consulted to ensure this amendment complies with the requirements of the MSA and the EPBC Act.

The precinct also contains several indigenous River Red Gum trees of varying arboricultural value. The PSP aims to retain a significant number of these trees to enhance the landscape character of the area. Areas with significant conservation value have been set aside in the PSP to preserve and enhance native vegetation.

Further, the PSP has been drafted having consideration for the existing Woody Hill Quarry operations area, the future Yarra Valley Water Waste Sewage Treatment Plant and the Phillips Quarry. This includes the designation of buffers designed into the Future Urban Structure to ensure that buildings and works do not occur within certain distance of these assets, as well as introducing land use permit requirements and prohibitions, particularly in relation to any future sensitive land uses.

An integrated stormwater management system will convey stormwater runoff through the PSP in natural and constructed waterways, control the rate of flow and treat the quality of runoff to meet best practice standards.

- *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*

A safe and high amenity working environment will be encouraged through zoning for employment uses in appropriate locations with respect to the quarry buffers.

New local parks, linear open spaces, sporting facilities, waterway corridors and drainage assets will also contribute to the creation of a pleasant living and recreational environment for the community and its visitors.

- *To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*

There are areas of post contact heritage value within the precinct, including the land at 1030 Donnybrook Road, as identified in the 'Shenstone Park Precinct Structure Plan (PSP1069.1), Donnybrook, Victoria: Post-Contact Heritage Assessment' (May 2017) prepared by Ecology & Heritage Partners. As part of this amendment, it is proposed to protect the homestead and apply the Heritage Overlay (HO).

The report also nominates a number of drystone walls where specific guidelines and requirements within the PSP ensure their protection. The PSP requires development within and adjacent to identified heritage places to have regard to their heritage significance and be designed sensitively.

- *To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.*

The amendment ensures that servicing of the new urban development will be of sufficient capacity to ensure future development is connected to reticulated electricity, gas, water and sewer.

The PSP has been drafted to have due consideration for the future Yarra Valley Water Sewage Treatment Plant located to the south of the precinct. This treatment plant is planned to provide sewage treatment to the northern corridor. The amendment includes land use requirements and prohibitions within the 'sewage treatment plant odour buffer' shown on Plan 15 of PSP, particularly in relation to any future sensitive land uses.

An electricity transmission easement traverses the south-west corner of the precinct. The use and development of the easement will be partially regulated through the application of the SUZ11, which will require any uses within the easement to be generally in accordance with the PSP.

A measurement length is referred to in the PSP, adjacent to the existing high-pressure gas transmission easement, which traverses along the north-south within the precinct. The PSP will ensure sensitive land uses are minimised within the Measurement Length of the high-pressure gas transmission pipelines and that construction is managed through a mandatory construction management plan for all works within 50 metres of the easement to minimise risk of rupture to the pipes.

The PSP also facilitates provision of a future 3ha commuter carpark in the north western part of the PSP to service the nearby Donnybrook Train Station.

- *To balance the present and future interests of all Victorians*

The PSP identifies land for arterial road upgrades, significant employment opportunities, sports facilities, local parks and the provision of utilities that will benefit future residents of the precinct as well as the wider community. The new community contributes to the cost of this new infrastructure in line with the new community's use of them. This will primarily be via the introduction of an ICP which will be introduced into the planning scheme by a subsequent amendment and will ensure that those benefiting directly from the infrastructure contribute a fair share to its delivery. A complementary Development Services Scheme, administered by Melbourne Water will also facilitate the provision of drainage infrastructure, including waterways and wetlands.

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

#### *Environmental Effects*

The amendment identifies vegetation to be protected and retained where appropriate. There is a conservation area identified under the Biodiversity Conservation Strategy (BCS) that will be managed in accordance with the EPBC Act by applying ESO6 and IPO8 to this area.

The precinct also contains several indigenous River Red Gum trees of varying arboricultural value. The PSP aims to retain a significant number of these trees to enhance the landscape character of the area. Areas with significant conservation value have been set aside in the PSP to preserve and enhance native vegetation.

Approximately 151 hectares or 24.1% of the precinct is set aside for open space of varying types. The open space network will provide opportunities for informal recreational activities within the precinct.

Existing waterways will be retained and improved to cater for increased surface water flows resulting from increased hard surface area associated with urban development.

Waterways will be complemented by water treatment facilities, wetlands and retarding basins to ensure water flowing through and out of the precinct is conveyed safely and is of a high quality.

The distribution of open space within the precinct ensures that the majority of residential properties have access to open space within a walkable distance of 400 metres.

#### *Economic Effects*

The amendment facilitates the delivery of land for urban growth that will include the provision of employment and residential land consistent with the objectives of the *North Growth Corridor Plan*. The precinct has the potential to deliver up to 4,500 jobs in a variety of sectors for the local region in the long term, by creating industrial and commercial areas.

The PSP and supporting statutory provisions to be implemented by this amendment provide guidance to the hierarchy of centres throughout the precinct by ensuring they are strategically located and scaled to serve the primary residential catchment but not compromise the functions and roles of existing town centres.

### *Social Effects*

Development facilitated by the amendment is expected to generate positive social benefits through the provision of residential neighbourhoods in close proximity to employment areas (retail, commercial and industrial) and well serviced by community facilities and other key infrastructure including schools, passive open space and recreational facilities.

Planning for the development of community infrastructure such as sporting fields and other community facilities, which will have a close spatial relationship with residential neighbourhoods, will assist in the creation of a 'sense of place' by fostering social interaction within the immediate and wider community.

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

The precinct lies within an identified Bushfire Prone Area (BPA). Most of the land within and surrounding the precinct is currently used for agriculture and general farming. In the short to medium term this land presents a fire risk, albeit low, generally from grasslands. In the medium to long term most of the land within the precinct, land directly to the north, west and south of the precinct will be developed for urban purposes and subsequently will substantially reduce any identified fire risk. The land to the east is outside of the urban growth boundary and will continue to pose a fire risk.

This amendment sets out fire management planning controls that will ensure that the fire risk is managed during the staging of development across the precinct. These controls will work in combination with new building regulations and standard bushfire risk management provisions in a manner suitable for an area transitioning from rural to urban land uses.

A bushfire assessment was prepared by Terramatrix ('Bushfire Development Report for the Shenstone Park Precinct Structure Plan' dated April 2019) to determine existing hazardous vegetation and the actions required by the amendment to address the bushfire risk.

The precinct is in a designated Bushfire Prone Area (BPA), no part is covered by the Bushfire Management Overlay. The landscape is one of low to moderate bushfire risk, which will lessen as development in and to the north, west and south of the precinct occurs. The hazard is largely restricted to Grassland, and bushfire behaviour can reasonably be expected to be within AS 3959-2018 presumptions and design parameters. Accordingly, it is considered that the risk can be mitigated to an acceptable level and that the proposed development is appropriate, if dwellings are separated from hazardous vegetation to allow BAL-12.5 construction, in accordance with the building regulations and Clause 13.02 it is considered that development can appropriately prioritise the protection of human life and meet the objectives of Clause 13.02, largely by ensuring future dwellings will not be exposed to RHF above 12.5kW/m<sup>2</sup>, which is commensurate with a BAL-12.5 construction standard. This would require a minimum 19m setback from areas of classified Grassland.

To address these areas of hazardous vegetation, the PSP includes built form setbacks from all hazardous vegetation to achieve a BAL-12.5 rating or lower. This includes a 34m wide arterial road to the east, a 20m local access street to the south of the residential area will be provided adequately separating future development from hazardous vegetation.

Good access and egress for emergency management vehicles and residents, in the event of a bushfire, will be achieved via a conventional urban-residential road network.

Furthermore, a standard requirement within the UGZ7 specifies that an application for residential subdivision must be accompanied by a site management plan that assesses bushfire risk during and where appropriate after, construction of subdivision works and specifies vegetation-building setbacks (defendable space) where bushfire risk is managed, consistent with the separation distances specified in AS3959-2009. These provisions accord with the views of the CFA, will work in combination with the building regulations and are suitable for an area transitioning from rural to urban land uses.

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

The amendment complies with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The amendment also complies with the following relevant Ministerial Directions:

### Direction No.1 – Potentially Contaminated Land

A Preliminary Environmental Contamination Assessment – Shenstone Park Precinct Structure Plan (Meinhardt, March 2017) was carried out for the precinct to provide a high-level assessment of the potential for environmental contamination within the precinct, assessing the nature of potential contaminants to be considered during the design and construction phases.

The assessment rates 870 Donnybrook Road (Woody Hills Quarry) as having a 'High' Potential for Contamination rating and recommends that the application of an Environmental Audit Overlay (EAO) is appropriate for this property to provide a suitable degree of protection for any future development of the property for more sensitive land uses. However, the intent of this amendment is to ensure the protection of the existing quarry operation for its current land use and does not rezone the land to allow for opportunities of sensitive land uses. In such time as the quarry is rehabilitated and rezoned, would the application of the EAO be more appropriate. Therefore, the EAO is not proposed to be applied to 870 Donnybrook Road.

The assessment also nominates fifteen properties as having a 'Medium' Potential for Contamination rating and recommends a further site assessment be prepared and consist of a more detailed site specific Phase 1 ESA, site inspection and, if required, a limited environmental sampling program, to provide a better understanding of potential environmental contamination at the property. It is noted that of these medium risk properties identified, properties 1-9 and 11 (as identified in the Meinhardt report) are proposed as part of this amendment to be rezoned to UGZ7 with an applied Industrial 1, Industrial 3 and Commercial 2 zones which has been tailored to limit sensitive uses from occurring. As a result, this amendment has been drafted to include a specific requirement and condition for the preparation of a further Environmental Site Assessment for properties 12-16 only within UGZ7. These properties include 960, 1030, 1100, 1140 and 1150 Donnybrook Road.

### Direction No. 9 Metropolitan Strategy

The amendment implements the growth area elements of the Metropolitan Strategy. The amendment provides for a fully serviced new urban neighbourhood in a designated growth area.

### **Policy 1.1.6 Plan for industrial land in the right locations to support employment and investment opportunities, Policy 1.1.7 Plan for adequate commercial land across Melbourne and Policy 1.2.2 Facilitate investment in Melbourne's outer areas to increase local access to employment**

The PSP includes approximately 131 hectares (net developable) of land designated for commercial and industrial development, of which 97ha (outside the Woody Hill quarry blast buffer) will be available for development on the short to medium term. The remaining 34ha of commercial and industrial land is contained within the Woody Hill quarry blast buffer and this will only be available for substantive development in the long term when impacting extraction operations are complete.

These commercial and industrial areas are located to be generally consistent with the *North Growth Corridor Plan*, with the industrial and commercial areas to surround the Woody Hill Quarry within the western part of the PSP and act as buffers to residential development within the PSP to the east and to the Donnybrook-Woodstock PSP to the north.

### **Policy 2.2.5 Require development in growth areas to be sequenced and staged to better link infrastructure delivery to land release.**

The PSP is strategically positioned to the south of the previously approved Donnybrook-Woodstock PSP and east of the previously approved English Street PSP and will provide for a contiguous area of developable land from the south. The infrastructure projects listed in the PSP will be delivered through a combination of developer works, ICP funded works, Council and State funded works as the precinct is developed, in line with the demand created by the new residential and employment areas. The PSP is also adjacent to the existing Sydney - Melbourne railway line and Donnybrook Train Station.

### **Policy 2.5.2 Provide a range of housing types in growth areas**

The PSP at Table 2 and Table 3 provides an anticipated lot yield (density) for the PSP and guidance on how to achieve housing diversity by providing a broad range of housing types on varied lot sizes. The use of walkable catchments within the PSP encourages higher density housing in proximity to future town centres, public transport and services.

**Policy 3.2.1 Improve roads in growth areas and outer suburbs**

The PSP clearly defines a new road network that builds on the limited number of existing roads in the area. The planned road network follows a somewhat conventional grid pattern and allows for suitable links into surrounding areas, specifically to the north of the precinct.

**Policy 3.2.2 Improve outer-suburban public transport**

The PSP encourages transport choice and a reduction in private car use by nominating a bus capable road network and connection to the existing Donnybrook Railway Station, along with dedicated on-road bicycle lanes and off-road shared paths.

**Policy 4.4.1 Recognise the value of heritage when managing growth and change**

There are areas of post contact heritage value within the Precinct, including 1030 Donnybrook Road and dry stone walls. As part of this amendment 1030 Donnybrook Road will be protected by the Heritage Overlay. Guidelines and requirements have been inserted into the PSP in relation to the dry stone wall to ensure that development within and adjacent to these places has regard to their heritage significance.

**Policy 4.4.2 Respect and protect Melbourne's Aboriginal cultural heritage**

Background studies informing the amendment have identified places of particular significance for Aboriginal cultural heritage. Development proponents are required to comply with the *Aboriginal Heritage Act 2006* in relation any matters of aboriginal cultural significance on the land. Areas of significant cultural landscape have been identified within the PSP.

**Policy 5.1.1 Create mixed-use neighbourhoods at varying densities**

Residential areas within the precinct will be capable of being developed at a range of densities based on proximity to public transport and local services. The local town centre will provide a central spot for the community where its residents can interact, utilise recreational areas and have employment opportunities.

**Policy 5.2.1 Improve neighbourhoods to enable walking and cycling as part of daily life**

The PSP requires new development to deliver a planned pedestrian and cycle network that provides safe and direct access to the planned recreational trails, local parks, town centres and the wider neighbourhood. Walking and cycling paths must also be integrated into roads designed primarily for vehicle use.

**Policy 5.3.1 Facilitate a whole-of-government approach to the delivery of social infrastructure**

Relevant government departments have been consulted as part of this amendment and support the designation of social infrastructure in the precinct. The Department of Education supports the designated government primary school; Whittlesea City Council supports the community activity centre, neighbourhood house, sports field, parks and other Council social infrastructure shown in the PSP.

**Policy 5.4.1 Develop a network of accessible, high quality, local open spaces**

The amendment sets aside nearly 9% of the PSP's residential developable land and just over 2% of the employment developable land for local parks and sporting reserves. The distribution of open space within the precinct ensures that the majority of residential properties have access to open space within a walkable distance of 400 metres.

Further, when combined with complementary conservation areas, waterway reserve and easements, a fully integrated open space system is provided that covers over 24% of the precinct.

**Policy 6.3.2 Improve alignment between urban water management and planning by adopting an integrated water management approach**

The PSP has been drafted to incorporate integrated water management guidelines and requirements for all development within the precinct. An integrated stormwater and drainage system will be adopted to appropriately manage stormwater runoff and quality, while also enhancing the amenity of the precinct through recreation, cooling and greening benefits.

**Policy 6.3.3 Protect water, drainage and sewerage assets**

All developable land is located out of areas that are known to flood. Land required for a Melbourne Water development (drainage) services scheme has been identified in the PSP and will be implemented for the precinct to divert stormwater to wetlands and retarding basins. Water sensitive urban design (WSUD) measures within developments will ensure storm water itself is treated to a quality fit for return to the natural watercourse.

**Policy 6.4.2 Strengthen the integrated metropolitan open space network**

The PSP provides an integrated and accessible public open space network offering attractive active and passive recreation opportunities that cater for people of all ages, genders, cultures and abilities.

**Policy 6.5.2 Protect and enhance the health of urban waterways**

New retarding basins and water treatment wetlands will ensure run-off from development is captured, slowed and treated before entering the Darebin Creek, Curly Sedge Creek and Merri Creek, ensuring the aesthetic and environmental value of the waterways are maintained. An outflow pipe will also be installed adjacent to Curly Sedge Creek to ensure flow rates do not increase through the area that could potentially damage the protected vegetation within the BCS.

*Direction No. 11 - Strategic Assessment of Amendments*

This direction seeks to ensure a comprehensive strategic evaluation of a planning scheme amendment. This Explanatory Report addresses the requirements outlined in this direction.

*Direction No. 12 - Urban Growth Areas*

Part 6 of Ministerial Direction 12 requires that when preparing an amendment to introduce or change provisions in a schedule to the UGZ, a planning authority must evaluate and include in the explanatory report a discussion about:

- *How the Amendment implements any Growth Area Framework Plan applying to the land*

The precinct is within the published *North Growth Corridor Plan*.

The *North Growth Corridor Plan* identifies for Shenstone Park the following:

- Biodiversity area for the south eastern portion of the land;
- Woody Hill Quarry bounded by non-urban/utilities and industrial areas for the entire western half of the PSP;
- Residential area for the north eastern portion of the land;
- A north-south road dissecting the PSP through the middle and terminated at the northern edge of the Biodiversity area.
- An east-west road terminating at the eastern edge of the industrial area.
- A future Sewage Treatment Plant location and size to be determined.

The PSP has been drafted having consideration of the *North Growth Corridor Plan* by prioritising the Woody Quarry Hill and its expansion within the PSP. This includes applying the Industrial 1, Industrial 3 and Commercial 2 zones to the surrounding land to act as buffers to enable the quarry use to continue in an expanded form. The extent of this surrounding land aligns with the area of the Corridor Plan nominated as non-urban/utilities and industrial.

The eastern portion of the PSP has been drafted to facilitate residential land uses whilst also protecting the conservation area to the south-east of the precinct.

The precinct will be developed ensuring the road and public transport network is well connected with existing and future identified transport network identified in the Corridor Plan.

In addition, areas identified in the corridor plan as having landscape values, conservation values, and necessary utility provision are included in the precinct.

Due to buffers surrounding the Woody Hill Quarry, the future Yarra Valley Sewage Treatment Plant has been nominated as being located to the south of the precinct.

- *How does the Amendment accord with the Precinct Structure Planning Guidelines (October 2009)?*

Objective one: To establish a sense of place and community

The amendment will provide for a largely self-sustaining community, defined by a town centre, meeting places and green spaces for conservation and recreation. The amendment actively incorporates natural features such as River Red Gums, Biodiversity Conservation Areas, stony rises, waterways and cultural heritage elements into the Future Urban Structure.

The PSP will deliver a range of lot sizes to increase housing choice and diversity for future residents as well as provide a robust road network to facilitate efficient movement throughout the precinct for vehicles and provide a framework to link to off-street walkways and cycle paths and accommodate public transport.

The proposed arterial and connector road network will complement and connect to existing roads of adjoining networks. Nature strips along roadways will be of sufficient width to support long term tree growth and contribute to the sense of the place, and allow individual neighbourhood characters to be established across the precinct.

Objective two: To create greater housing choice, diversity and affordable places to live

The amendment follows the VPA's approach to the distribution of housing density. The PSP at Table 2 and Table 3 provide an anticipated lot yield (density) for the PSP and guidance on how to achieve housing diversity by providing a broad range of housing types on varied lot sizes. These measures will facilitate development that achieves an average overall density of 18.9 dwellings per net developable hectare (inclusive of higher densities in the areas within the 'walkable catchment') to provide a variety of lots and housing types at varying sizes and price points.

Objective three: To create highly accessible and vibrant activity centres

The precinct provides for a local convenience centre and local town centre to be distributed within the residential area of the precinct, and a local convenience centre within the commercial area of the precinct. These will be easily accessible from residential areas by direct road networks and will be located on connector roads to maximise commercial exposure to passing traffic. These centres will be designed as centre points within their communities containing a range of shops and services within attractive, vibrant and quality public spaces for residents to enjoy.

Objective four: To provide for local employment and business activity

The precinct will deliver up to 4,500 job opportunities in a variety of sectors in the long term, including industrial and commercial. A significant proportion of these job opportunities are located within the western portion of the precinct and will contribute to the achievement of a greater diversity of employment opportunities as envisaged by the *North Growth Corridor Plan*.

The PSP also proposes two local convenience centres and local town centre. These will provide for an appropriate level of commercial opportunities for the new community and will create employment and business activity.

The proposed development will also provide short-term construction employment in the local area.

Objective five: To provide better transport choices

The precinct integrates with the existing road network and provides new arterial roads linking roads to the approved and future township in Donnybrook-Woodstock PSP area. The road network will provide

a modified grid connector street system that responds to the topography of the precinct while ensuring good connectivity both within the precinct and to Donnybrook-Woodstock to the north.

The cycle and walking trail network is deliberately aimed at providing access to key local destinations including the local town centre, local convenience centres, open space, school and community centre.

The PSP also facilitates provision of a future 3ha commuter carpark in the north western part of the PSP to service the nearby Donnybrook Train Station.

Objective six: To respond to climate change and increased environmental sustainability

Alternative transport modes will be readily available for future residents. The future bus route anticipated along the north-south and east-west arterial roads, and the internal bus route means most residents will be located within 400 metres of potential bus capable roads. The extensive path network and relatively small PSP area means most destinations will be accessible by cycling or walking.

Co-location of community facilities and namely the future government school, local community facilities, open space and local town centre will provide for the sharing of infrastructure.

A significant amount of land is set aside for conservation and biodiversity purposes, and when combined with other aspects of the open space and street network, this will also assist in cooling and greening the precinct.

Objective seven: To deliver accessible, integrated adaptable community infrastructure

Community facilities, including community health and early childhood education centres, schools and sports fields are co-located to provide opportunities for more efficient use and vibrant public places.

The proposed connector roads and associated cycling and shared trails within the precinct will provide excellent access to these community hubs.

- *How the provisions give effect to the intended outcomes of the precinct structure plan; and,*

The planning scheme ordinance forming part of the planning scheme amendment documentation have been drafted in response to the PSP. The requirements and guidelines of the PSP will be implemented, predominantly via the UGZ7, at the subdivision stage through application requirements and planning permit conditions.

As is intended by the PSP process, the UGZ7 will facilitate a streamlined planning permit approval process to provide certainty and clarity.

The applied zones identified in the UGZ7 respond to the future urban structure and intent of the PSP and, in addition to the parent zone, provide further site-specific guidance on uses and development that are encouraged, discouraged and prohibited.

- *How a translation of the provisions can be achieved, once development anticipated by the precinct structure plan is substantially complete.*

The UGZ7 has been drafted to respond to the Victorian Planning Provisions, building upon and tailoring these as necessary to implement the intent of the PSP. This way the translation of the UGZ7 to standard planning provisions can occur in a timely and efficient manner one development guided by the PSP is largely complete.

- *Direction No. 19 – Ministerial Direction on the Preparation and Content of Amendments that may significantly impact the environment, amenity and human health*

The VPA as the planning authority for this amendment has sought the written views of the Environment Protection Authority (EPA) to inform the basis of the amendment and the PSP. The views of the EPA were provided on 23 July 2019 and 27 August 2019.

The EPA provided general support of the methodology and approach used to mitigate risks related to environment and human health, specifically in relation to ensuring adequate separation distances from existing and proposed industry and the management of potentially contaminated land. A couple of suggested changes made by the EPA in relation to the Environmental Site Assessment application

requirement and decision guideline relating to the future Yarra Valley Water Sewage Treatment Plan have been incorporated into UGZ7.

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

The amendment represents an integrated decision-making process that balances the following objectives of the relevant Planning Policy Framework as follows:

*Clause 11.02 Managing Growth and 11.03 Planning for Places* – The amendment incorporates a PSP to direct how the precinct should accommodate residential growth and the relevant infrastructure to support this growth. The PSP sets out an orderly structure for development of the precinct including the location and function of varying activity centres taking into account the existing and planned network of activity centres in the region; introducing land for residential, employment and industrial uses to supply and encourage urban growth; and, providing developable land with good proximity to existing and future planned amenities, services and infrastructure.

*Clause 12.01-2S Native Vegetation Management* – The PSP identifies vegetation to be retained and areas of vegetation that are appropriate for removal to accommodate development. The amendment will streamline the process for native vegetation removal provided it is in accordance with the PSP.

*Clause 13.02 Bushfire* – The PSP has responded to the requirements of Clause 13.02 through a combination of defendable space at the development edge and construction management requirements, as described earlier in this report.

*Clause 13.04-1S Contaminated and potentially contaminated land* - The amendment responds to this clause as described earlier in this report.

*Clause 13.05 Noise* – The amendment includes an application requirement within the UGZ7 relating to development within the ‘Woody Hill existing noise buffer’ and ‘Woody Hill expansion noise buffer’ shown on Plan 15 of the PSP. An application for a sensitive use within this buffer must be accompanied by an acoustic assessment, demonstrating that an appropriate level of amenity can be achieved within the proposed buildings, consistent with the relevant Australian Standard.

*Clause 14.03-1S Resource exploration and extraction* – The amendment encourages and facilitates the long-term protection of existing natural resources within the *North Growth Corridor Plan*, namely the Woody Hill Quarry in its existing and expanded form, and the Phillips Quarry to the south of the precinct.

Buffer areas between these extractive industries and sensitive land uses, including buffers for blasting, dust, vibration and noise, have been developed and have influenced the Future Urban Structure presented within the PSP. This is further supported by UGZ7 which permits and prohibits certain land uses and buildings and works within these buffers, requires additional application requirements for development within certain buffers, and is supported by additional decision guidelines to ensure that the responsible authority considers the impacts that these extractive resources have on future development.

*Clause 15.01 Built Environment, Clause 15.02 Sustainable development, Clause 15.03 Heritage* – The amendment delivers a PSP that guides urban development so that it provides for a liveable and diverse community, that integrates and is well connected to existing and establishing communities. The PSP provides a Future Urban Structure that outlines a well-designed subdivision pattern and transport network that fosters more sustainable modes of transport, a safe public environment, a network of public open space, and a diverse housing stock to attract a diverse community.

The PSP encourages the development of the precinct so that it builds on the natural landscape and topography. The PSP also builds upon the heritage features of the precinct by encouraging enhancement and additional protection of heritage features. The application of the Heritage Overlay to 1030 Donnybrook Road will ensure protection of the heritage feature as part of the future subdivision of the land. The PSP also encourages the protection of dry-stone wall with very high, high and moderate significance.

*Clause 16.0 Housing* – New residents will have access to a range of services and employment opportunities within the precinct area and surrounding neighbourhoods. The PSP sets out provisions to facilitate a range of potential housing types and densities. Following subdivision, the full range of housing types, sizes and configurations may establish in large areas of the precinct without the need for a land use permit.

*Clause 17 Economic development* – The PSP will also provide for up to 4,500 jobs in the long term within industrial and commercial areas that will contribute to an employment hub for the north that is conveniently served by a train station along a nationally significant railway line, as well as major arterial roads and freeways.

The amendment also provides for a new local town centre and two local convenience centres, providing essential services and employment opportunities for residents within the precinct.

*Clause 17.03-1S Industrial land supply* – The PSP plans for approximately 131 hectares of industrial land, of which approximately 97ha will be available for development in the short to medium term. This aligns with the *North Growth Corridor Plan*. This land is strategically located adjacent to the Woody Hill Quarry and has good access to major arterial roads and freeways. The Industrial 1 Zone is applied to land immediately adjacent to the quarry, and the Industrial 3 Zone is applied to adjacent to the applied General Residential Zone to create a more appropriate interface treatment to more sensitive land uses.

*Clause 18 Transport* – The road network will integrate with the existing and planned arterial road network. The proposed road network provides a robust structure for traffic and transport movement within and through the precinct, whilst also being responsive to environmental constraints.

The precinct also leverages off the existing Donnybrook Railway Station and will have access to a number of bus capable roads.

*Clause 19.02 Community infrastructure, Clause 19.03 Development infrastructure* – A comprehensive Infrastructure Contributions Plan (ICP) will be implemented via a separate, subsequent amendment to the Whittlesea Planning Scheme.

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

#### Municipal Strategic Statement (MSS):

The amendment supports and implements the following clauses within the MSS and LPPF through the incorporation of the PSP and introduction of the UGZ7:

*Clause 21.04 Settlement, Clause 21.09 Housing* - Encourages for a diversity of housing types and densities, including increased housing density around activity centres.

*Clause 21.10 Economic Development* – Encourages local employment opportunities to meet the needs of the local population, and provide for employment growth in the wider population in the City of Whittlesea.

*Clause 21.11 Transport* – Contributes towards an efficient, interconnected multi-modal transportation system to increase the level of accessibility and choice within and beyond the City of Whittlesea.

*Clause 21.12 Infrastructure* – Encourages the co-ordinated provision of infrastructure and the collection of infrastructure contributions.

#### Local Planning Policy Framework (LPPF):

*Clause 22.03 Bushfire Management Policy* - The strategic planning for this PSP has considered the views of the Country Fire Authority (CFA) and as specified previously in this report, the PSP has responded to the requirements of Clause 13.02 through a combination of defensible space at the development edge and construction management requirements.

*Clause 22.04 Heritage Conservation Policy* – The amendment supports the protection of 1030 Donnybrook Road, Donnybrook through the incorporation of this place in the schedule to the HO. Further the PSP also encourages the protection of dry-stone walls.

*Clause 22.10 River Red Gum Protection Policy* - The PSP ensures that the development of the future urban area takes into account the presence of and plans for the retention, enhancement and long-term viability of River Red Gum trees.

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

The amendment meets the form and content requirements of the Victorian Planning Provisions. Importantly, the introduction of the UGZ7 is the most appropriate tool to apply a suite of Victorian Planning Provision conventional zones to guide future use and development of the precinct through the specification of conditions and requirements for permits.

### **How does the Amendment address the views of any relevant agency?**

The amendment has been prepared in consultation with affected agencies including Whittlesea City Council, Department of Environment, Land, Water and Planning (DELWP), Department of Jobs, Precincts and Regions (DJPR), Department of Transport (DOT), Yarra Valley Water, Department of Education and Training (DET), Hume City Council, Heritage Victoria, Environment Protection Authority (EPA), Country Fire Authority (CFA), Aboriginal Victoria (AV), Wurundjeri Land & Compensation Cultural Heritage Council Aboriginal Corporation, Parks Victoria, Bicycle Network, APA Group, Catholic Education Melbourne and Melbourne Water.

These agencies will be also be notified during the formal exhibition of the amendment.

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

The Victorian Planning Authority in itself and acting as a planning authority is an 'interface body' under the *Transport Integration Act 2010*. Under Section 25 of that Act:

- (1) *An interface body must have regard to the transport system objectives when exercising powers and performing functions under any interface legislation which are likely to have a significant impact on the transport system.*
- (2) *An interface body must have regard to the decision making principles in making decision under any interface legislation which are likely to have a significant impact on the transport system.*

The Amendment is likely to have a significant impact on the transport system at a local level. It plans for a new local road network that includes upgrades to the regional road network. It will also contribute to the development of the bus network in the area.

The proposed additions and changes to the existing transport system in and surrounding the PSP area will meet the transport system objectives by:

- Providing for an interconnected road system that responds to the likely level of use generated by the PSP area thereby encouraging development and services investment.
- Enabling efficient access to existing and planned employment and services, the potential future rail station and planned extensions to bus services.
- Ensuring the road network minimises impacts on the site's topography, native vegetation and water flow regimes.
- Designing roads that are of a suitable scale and compatible with the expected travel demand and that provide a suitable scale and impact in relation to likely adjoining development.
- Integrating the construction of bus stop facilities with the development process to minimise construction costs and provide the opportunity to optimise the location of bus stops and design of roads in relation to bus routes and associated facilities.
- Integrating relevant government bodies involved in the provision of transport infrastructure and services in the decision making process of the amendment.

### **Resource and administrative costs**

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

The amendment will have minimal impact on the resources and administrative costs of the responsible authority. The incorporation of the PSP in the Whittlesea Planning Scheme will facilitate the orderly

and proper planning of the area. The Growth Area Infrastructure Contribution (GAIC) that will assist in funding the provision of essential state public development and community infrastructure required to service the precinct.

An ICP to be implemented via a separate amendment and in accordance with the Ministerial Direction for ICP's will enable the collection of developer contributions to fund necessary community and development infrastructure for the precinct.

Further, the UGZ7 has been structured in such a way that the ultimate translation to conventional Victorian Planning Provisions zones can occur in a timely and efficient manner once the land has been developed.

### **Where you may inspect this Amendment**

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

Whittlesea City Council  
25 Ferres Boulevard  
South Morang VIC 3752  
[www.whittlesea.vic.gov.au/](http://www.whittlesea.vic.gov.au/).

Victorian Planning Authority  
Level 25, 35 Collins Street  
Melbourne VIC 3000  
[www.vpa.vic.gov.au](http://www.vpa.vic.gov.au)

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).

### **Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by 15 November 2019.

A submission must be sent to:

Victorian Planning Authority  
Level 25, 35 Collins Street  
Melbourne VIC 3000  
[www.vpa.vic.gov.au](http://www.vpa.vic.gov.au)

### **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: To commence in the week of Monday 3 February 2020
- panel hearing: To comment in the week of Monday 6 April 2020