

BRIMBANK PLANNING SCHEME

AMENDMENT C105

EXPLANATORY REPORT

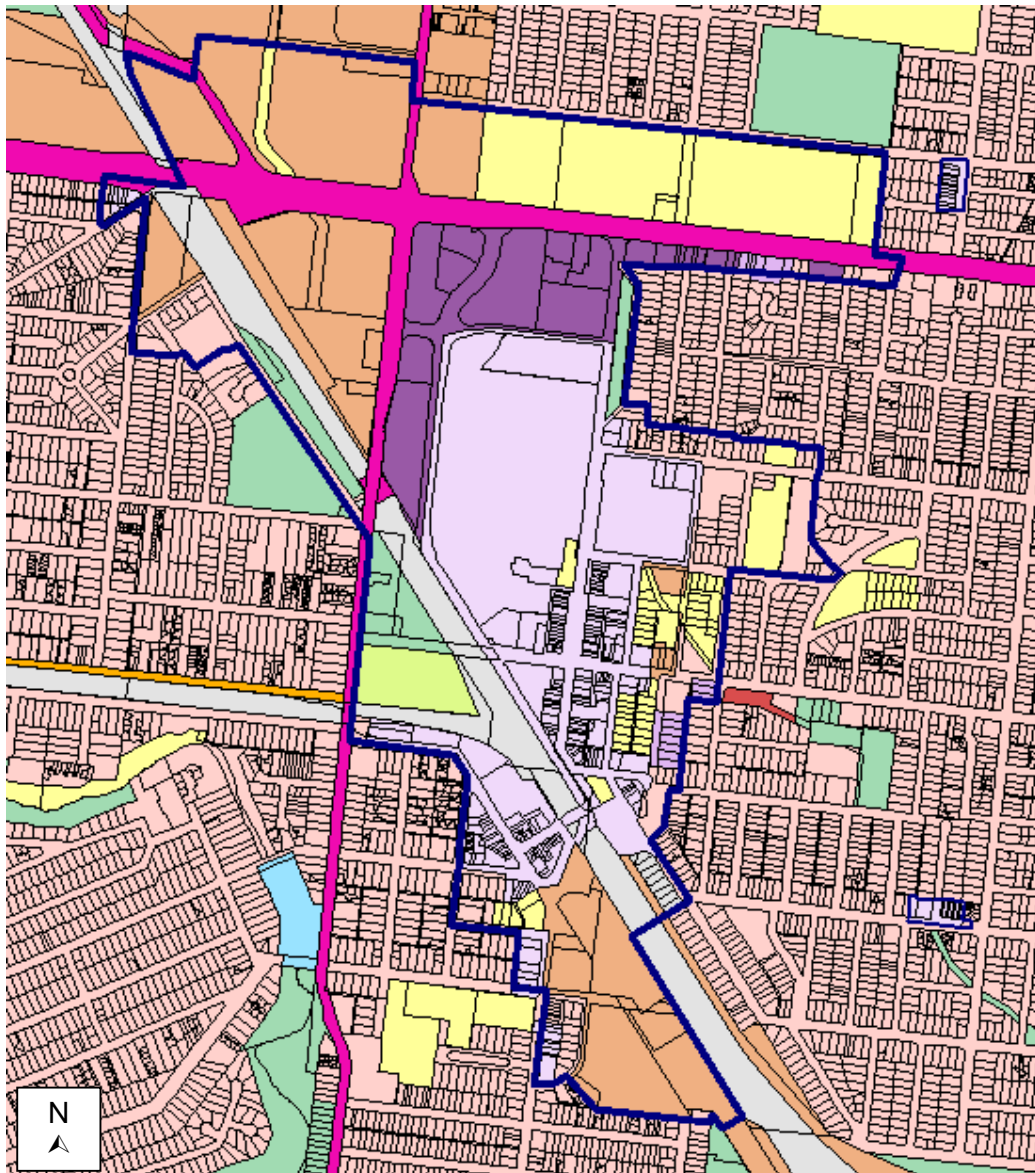
Who is the planning authority?

This amendment has been prepared by the Minister for Planning, who is the planning authority for this amendment.

The amendment has been made at the request of Brimbank City Council.

Land affected by the amendment

The amendment affects all land within the Sunshine Town Centre. The land is concentrated around Hampshire Road and bounded by Phoenix Street to the north, Anderson Road and Talmage Street to the west, Derby Road to the south, and a network of streets in and around Withers and Kennedy Streets to the east. It includes both Sunshine and Albion railway stations.



Sunshine Town Centre boundary

What the amendment does

The amendment implements the land use and urban design directions of the adopted Sunshine Town Centre Structure Plan (2014) through the application of the Activity Centre Zone (ACZ) to all land within the Sunshine Town Centre which is not within a Public Use Zone, Public Park and Recreation Zone, Special Purpose Zone or otherwise publically owned (with the exception of 1 Midway Lane which was excluded owing to its continued operations as a concrete batching facility).

The ACZ includes two reference documents, the Sunshine Town Centre Structure Plan (2014) and the Darling Flour Mill View Line Assessment (2014).

A Development Plan for the Sunshine Gateway site is proposed to be approved with the adoption of the ACZ in accordance with the requirements of the ACZ for this site.

The amendment implements the adopted Sunshine Town Centre Development Contribution Plan (November 2013) through the application of the Development Contributions Plan Overlay (DCPO) to all land within the Sunshine Town Centre and incorporating this document within the scheme at Clause 81.01.

The amendment deletes Schedule 6 to the Design and Development Overlay (DDO6) from the lots either side of McIntyre Road south of Anastasia Way and Phoenix Street as the relevant design considerations from the DDO6 for these sites have been incorporated into the ACZ.

It also applies the Environmental Audit Overlay (EAO) to sites which may be potentially contaminated (i.e. the Sunshine Marketplace site) and sites which are currently within an Industrial Zone and will be rezoned to allow sensitive uses.

Specifically, the amendment:

- Updates clause 22.02 (MSS – Key Land Use Issues) to include reference to the Sunshine National Employment Cluster.
- Updates clause 22.08 (MSS – Retailing and Activity Centres) to reflect the role and significance of the Sunshine National Employment Cluster.
- Introduces clause 37.08 (ACZ) and an accompanying Schedule 1 to land within the Sunshine Town Centre.
- Introduces clause 45.06 (DCPO) and an accompanying Schedule 1 to all land within the Sunshine Town Centre.
- Applies the EAO to additional properties in the Sunshine Town Centre as shown in the relevant planning scheme amendment map.
- Amends Schedule 1 to clause 61.03 (General Provisions) to include maps 9DCPO and 12DCPO.
- Amends the Schedule to clause 81.01 to include the Sunshine Town Centre Development Contributions Plan (November 2013) as an incorporated document.
- Deletes Schedule 6 to clause 43.02 from the land as shown in the relevant planning scheme amendment map.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to implement the recommendations of the Sunshine Town Centre Structure Plan to facilitate development within the Sunshine Town Centre. Currently large areas of the Town Centre are industrially zoned and are unable to be developed in accordance with the vision articulated for these sites. Other sites are zoned Commercial 2 Zone which precludes residential development. As residential development is desired throughout the Town Centre a holistic review and amendment to the applicable land use controls is required.

The amendment will also implement the adopted Sunshine Town Centre Development Contributions Plan (November 2013) as it is anticipated that the Town Centre will be the subject of substantial redevelopment within the 20 year timeframe of the plan. It is appropriate that new development should contribute to the provision of infrastructure within the Town Centre that will support and service those developments and the increased residential, visitor and worker populations.

The application of the EAO is required to identify land which is currently industrially zoned and is proposed to be zoned to permit sensitive uses in accordance with Ministerial Direction no.1 *Potentially Contained Land*.

Schedule 6 to the Design and Development Overlay is proposed to be deleted from the lots either side of McIntyre Road south of Anastasia Way and Phoenix Street as it would be a duplication of controls because the relevant design objectives for these lots have been incorporated into the ACZ.

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

The amendment implements the objectives of planning in Victoria by providing a facilitatory framework for the renewal of the Sunshine Town Centre. Plan Melbourne has identified the Town Centre as a key Metropolitan Activity Centre, which due to its location and accessibility will play a major service delivery role and provide a diverse range of jobs, activities and housing to a regional catchment.

Achieving this vision will require substantial investment from the private sector. The ACZ allows for a streamlined approach to the redevelopment of the Town Centre as the one zone is able to incorporate the relevant land use and design directions of the Structure Plan.

The zone will support development in the Town Centre by allowing development that is in accordance with the provisions of the zone, to be exempt from third party notice and appeal rights.

The amendment achieves the *'fair, orderly, economic and sustainable use, and development of land'* by introducing the DCPO to ensure that all new development contributes in a fair and transparent way to the delivery of infrastructure required to the increasing population and employment base within the Town Centre.

The amendment also seeks to *'secure a pleasant, efficient and safe working, living and recreational environment'* through the application of the EAO to potentially contaminated sites in accordance with Ministerial Direction no.1.

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

There are not considered to be any significant environmental effects as a result of this amendment. The majority of land within the town centre has already been developed for a combination of industrial, commercial and residential land uses. The amendment is considered to have a net positive benefit to the environment in regard to the increased capacity for urban densification within an existing town centre which is well serviced by public transport.

Environmental issues related to the redevelopment of potentially contaminated land have been dealt with through the application of the EAO as described above.

The amendment is considered to result in a positive social benefit through the application of the Development Contributions Plan. Increased investment in the town centre will result in upgrades to existing infrastructure, the provision of new infrastructure and improvements to the public realm. An increase in the residential population of the Town Centre and increased day and night time activity will have a positive social impact through improved perceptions of safety due to increased passive surveillance.

The increase in the residential, worker and visitor populations are also expected to have a positive economic benefit to the Town Centre as will the temporary and permanent job creation associated with the construction and occupation of new development.

Does the amendment address relevant bushfire risk?

This is not a relevant consideration for this amendment.

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

The amendment complies with the requirements of Ministerial Direction no.1 by including additional properties with the EAO in accordance with the general practice note *Potentially Contaminated Land* (DSE 2005).

The amendment complies with Ministerial Direction no.9 Metropolitan Planning Strategy as follows:

- *What aspects, if any, of the Metropolitan Planning Policy are relevant?* The Sunshine Town Centre has been identified in Plan Melbourne as Metropolitan Activity Centre and forms part of the Emerging Sunshine Employment Cluster.
- *How does the Metropolitan Planning Strategy affect the amendment?* The Metropolitan Planning Strategy affects the amendment as Metropolitan Activity Centres are designated to play a major service delivery role, including government health, justice and education services, providing a diverse range of jobs, activities and housing for a subregional catchment.
- *Does the amendment support, give effect to or assist the implementation of the Metropolitan Planning Strategy or can it be reasonably modified to do so?* The amendment supports and implements the Metropolitan Planning Strategy by putting in place a planning framework which can achieve the vision for the Sunshine Activity Centre as articulated in Plan Melbourne.
- *Will the amendment compromise the implementation of the Metropolitan Planning Strategy?* No, the amendment is part of the implementation of Plan Melbourne.

The amendment also complies with the Ministerial Direction on Development Contributions Plans as the Sunshine Town Centre Development Contribution Plan (November 2013) was written in accordance with the Department's Guidelines on *Preparing a Full Cost Apportionment DCP* (v.5.9 March 2007).

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

The amendment implements the SPPF with specific reference to the following clauses:

Clause 11 Settlement – the amendment supports the objectives of this clause by encouraging the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into an established activity centre which provides a variety of land uses and are highly accessible to the community.

Clause 13 Environmental Risks – the amendment complies with this policy as it relates to the use of contaminated or potentially contaminated land through the application of the EAO to formerly industrially zoned land and land known to be potentially contaminated.

Clause 15 Built Environment and Heritage – this policy states that '*Planning should ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value*'. The amendment supports this policy as the ACZ includes the key urban design and built form criteria (from the Sunshine Town Centre Structure Plan) to assess the appropriateness of applications for buildings and works. It also provides decision guidelines for the assessment of applications and includes consideration of important urban features like view lines to the iconic Darling Flour Mills.

Clause 16 Housing – the amendment supports this clause by increasing the supply of land for infill housing in a well serviced and accessible location. It also provides for housing diversity and affordability as the majority of the existing housing stock within Brimbank is low rise residential which does not cater for all household incomes or types. This amendment provides the opportunity to develop well designed and well located housing in a medium to

high density format which will assist in meeting housing needs of existing and future residents.

Clause 17 Economic Development – this policy states that the objective for commercial development is ‘to encourage development which meet the communities’ needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities’. The amendment supports this clause by providing appropriate land use and development controls within an existing Metropolitan Activity Centre to facilitate and enhance its commercial and retail functions.

Clause 18 Transport – the amendment supports this clause by integrating land use and transport planning in so far as the amendment facilitates the redevelopment of large amounts of industrially zoned land for commercial and mixed uses which makes better use of the existing transport (including public transport) infrastructure. The amendment also facilitates the development of alternative means of personal transport through identifying the preferred routes for several shared (bicycle and pedestrian) paths throughout the centre to be delivered as part of the DCPO.

Clause 19 Infrastructure – the amendment supports this clause via the application of the DCPO to provide for a range of ‘development infrastructure’ items which will improve the function and appearance of the town centre and facilitate growth.

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

The amendment supports the LPPF and MSS with specific reference to the following clauses:

Clause 21.04 Strategic Land Use Vision – this clause identifies Sunshine as a Principal (now Metropolitan) Activity Centre.

Clause 21.07 Housing – this clause seeks to direct the housing growth forecast for the municipality into key strategic development sites, surplus industrial areas and activity centres. It also promotes housing diversity noting that currently almost 1 in 5 people in Brimbank live in a single household. The amendment supports this policy by making large areas of land within Sunshine Town Centre available for medium and high density housing.

Clause 21.08 Retailing and Activity Centres – this clause promotes the use of structure plans and design frameworks to guide future development in activity centres. The amendment supports this clause by implementing the Sunshine Town Centre Structure Plan land use and urban design strategies.

Clause 21.10 Transport and Infrastructure - this clause seeks to improve access to sustainable transport and increase the range of the walking and cycling network. It also promotes the use of development contributions plans for achieving upgrades to the transport system including roads and shared paths. The amendment facilitates these goals by introducing a DCPO across the town centre which will contribute funding towards roads and cycling infrastructure.

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

The amendment makes proper use of the VPP.

The ACZ has been selected as the appropriate tool for the implementation of the Sunshine Town Centre Structure Plan as the purpose of the zone is to:

- Implement the SPPF and LPPF including the MSS and local planning policies.
- Encourage a mixture of uses and the intensive development of the activity centre.
 - As a focus for business, shopping, working, housing, leisure, transport and community facilities.
 - To support sustainable urban outcomes that maximise the use of infrastructure and public transport.
- To deliver a diversity of housing at higher densities to make optimum use of the facilities and services.

- To create through good urban design an attractive, pleasant walkable, safe and stimulating environment.
- To facilitate use and development of land in accordance with the development framework for the activity centre.

The EAO is used in accordance with Ministerial Direction no.1 to protect workers, occupants and structures from issues relating to potentially contaminated land. The DCPO is the appropriate tool for the implementation of the adopted Sunshine Town Centre Development Contributions Plan (November 2013).

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

The views of relevant agencies were sought and are outlined below:

VicRoads – VicRoads supports the amendment and associated documents.

Department of Education and Early Childhood Development (DEECD) - DEECD requested that the residentially zoned portion of the Sunvale Primary School site be removed from the ACZ and be rezoned to the General Residential Zone (GRZ). Council considered this submission however found that this change was not strategically justified as the land is a strategic redevelopment site within close proximity of the 'commercial core' of the activity centre. It is noted that the site has now been sold and as such DEECD no longer has an interest in the land.

VicTrack - VicTrack submitted that Amendment C105 requires further review and consideration to ensure that the proposed planning frameworks do not detrimentally impact on land required for public transport purposes. As a consequence of the delivery of the Regional Rail Line, the extent of the land included in the Public Use Zone (PUZ4) will need to be updated to reflect current and future transport requirements therefore VicTrack requested that all land owned by VicTrack be removed from the ACZ, EAO and DCPO. Council has removed all VicTrack land from the ACZ, however found the removal of the EAO and DCPO unwarranted as the requirements of these controls will not be triggered unless a commercial development is proposed on land. VicTrack also requested some minor wording changes to Schedule 1 to the ACZ and that their land be removed from the Albion Triangle Development Plan Area D shown in the ACZ. These changes have been accommodated in the updated amendment documents.

Public Transport Victoria (PTV) - PTV expressed concerns that the amendment will facilitate mixed use development that has the potential to impact on the operation of road and rail based public transport and that the views of public transport operators and rail freight operators needs to be taken into account. Council considered this submission however found that as Plan Melbourne seeks to intensify development within the Sunshine Metropolitan Activity Centre and Sunshine Emerging National Employment Cluster it is considered that the adoption of the ACZ as the facilitatory mechanism for this development should proceed.

It is also anticipated that further strategic work will be undertaken to assess future transport and access requirements as part of the delivery of Plan Melbourne.

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

An assessment against the requirements of the Transport Integration Act 2010 was undertaken. At this time the potential negative impacts of increased densification of the activity centre on the operations of the road network and public transport system cannot be quantified. However, it is considered that the amendment will have an overall net benefit on the transport system by concentrating high demand generating activities such as housing and employment within an activity centre that has excellent local and regional road, rail and bus connections. It is anticipated that by directing growth and development into the town centre in this way and supporting sustainable means of personal transport the amendment will result in a modal shift towards public transport and sustainable personal transport that will ultimately result in less road traffic and congestion compared to a more dispersed pattern of development.

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 a small impact on the resource and administrative costs of the responsible authority as it will be required to establish and maintain a specific accounting system for the transparent collection and use of money collected via the Development Contributions Plan.

Where you may inspect this amendment

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

Brimbank City Council

- Keilor Office Customer Service Centre, Old Calder Highway, Keilor 3036
- Sunshine Council Office, Alexandra Avenue, Sunshine 3020.

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website www.delwp.vic.gov.au/public-inspection.