

## **BAYSIDE PLANNING SCHEME**

### **AMENDMENT C157**

#### **EXPLANATORY REPORT**

##### **Who is the planning authority?**

This amendment has been prepared by the Department of Health and Human Services.

The Minister for Planning is the planning authority for this amendment.

##### **Land affected by the Amendment**

The Amendment applies to the land shown on the plan below and particularly the land at Allot 6 Sec.24 at Elsterwick, Parish of Prahran and Lot 1 on TP298184 on New Street Elsterwick.



## **What the amendment does**

The Amendment seeks to facilitate and guide the redevelopment of land at New Street, Brighton that is currently used for public housing.

The Amendment seeks to make the following planning control changes applying to the site:

- Rezone from a General Residential Zone – Schedule 1 (Future Moderate Residential Growth Areas: Southland, Elsternwick, Hampton East (Moorabbin) and Cheltenham Activity Centres (GRZ1) to a Mixed Use Zone – Schedule 2 (New Street, Brighton);
- Apply a Development Plan Overlay – Schedule 3 (New Street, Brighton) (DPO3);
- Remove the Design and Development Overlay – Schedule 2 (Building Height Control – Inland Areas) (DDO2);
- Apply a Parking Overlay – Schedule 1 (New Street, Brighton) (PO1); and
- Add the Minister for Planning as Responsible Authority in the Schedule to Clause 61.01.

## **Strategic assessment of the Amendment**

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

This amendment is required to allow the redevelopment of the New Street site to provide improved social and private housing through the Public Housing Renewal Program. The existing General Residential Zone does not reflect the existing General Residential Zone does not reflect the existing medium density use of the land and limits the potential for increased housing density and diversity of land uses.

Rezoning the land to a Mixed Use Zone (MUZ) will support the preferred housing density and resultant built environment in this highly suitable location. The MUZ will also enable the provision of a broader range of land uses, such as retail, commercial and community facilities, to provide for the needs of the local community.

The application of the Development Plan Overlay (DPO) will provide a framework to guide the future residential development of the New Street site. The DPO Schedule will outline design responses expected to achieve the preferred future outcome for the New Street site. The application of the DPO will provide assurance to government agencies, Council, developers and the local community about the future development outcomes on the land.

Removal of the Design and Development Overlay – Schedule 2 (DDO2) will avoid duplication of built form controls applying to the site.

The application of the Parking Overlay (PO) will facilitate an appropriate provision of car parking spaces for residential uses within the New Street site.

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

The amendment implement the objectives of planning in Victoria as outlined in Section 4 of the *Planning and Environment Act 1987* through:

- Providing for the fair, orderly, economic and sustainable use and development of land;
- Securing a pleasant, efficient and safe work, living and recreational environment for all Victorians and visitors to Victoria;
- Balance the present and future interests of all Victorians;
- Ensuring sound, strategic planning and co-ordinated action at State, regional and municipal levels;

- Enabling land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;
- Facilitating development that achieves the objectives of planning in Victoria and planning objectives set up in planning schemes; and
- Ensure the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.

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

The amendment is expected to have a net community benefit and positive environmental, social and economic benefits through:

- Supporting an urban renewal opportunity in a location with ready access to multiple activity centres, public transport routes and pedestrian and bicycle infrastructure. These locational advantages can support increased housing density and some non-residential activity;
- Encouraging a high quality of development incorporating environmentally sustainable design and water sensitive urban design;
- Encouraging a mix of uses, including retail, commercial and community activities that provide opportunities for local employment opportunities and access to services for the local community;
- Increasing the supply of both social and private housing opportunities in order to cater to forecasted demands; and
- Encouraging a high quality public realm that contributes to pedestrian and resident amenity and contributes to the ongoing connectivity and safety of the precinct.

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

This amendment affects land within an established urban area and therefore bushfire risk is not relevant.

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

The amendment complies with section 7(5) of the Act and complies with all relevant Minister's Directions under Section 12 of the *Planning and Environment Act 1987*.

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

The amendment supports and implements the State Planning Policy Framework (SPPF). Key State planning policies of relevance to this amendment include:

- Clause 9 Plan Melbourne facilitates provisions for adequate employment, housing and transport through strategic vision employed by the Victorian Government.

Plan Melbourne 2017-2050: Metropolitan Planning Strategy seeks to make better use of underutilised land that is close to jobs, services and public transport infrastructure. At the local level, Plan Melbourne 2017-2050 seeks to enable people to live within 20 minute neighbourhoods by providing residents access to a wide ranges of goods and services.

- Clause 10 Operation of the State Planning Policy Framework, in particular:

*"Planning and responsible authority should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations."*

- Clause 11 Settlement requires that planning contributes to 'diversity of choice', 'a high standard of urban design and amenity' and 'accessibility'. It encourages opportunities for consolidation, redevelopment and intensification. The strategies of this policy encourages a diversity of housing types at higher densities in and around activity centres.
- Clause 15 Built Environment and Heritage seeks to create safe, functional, good quality urban environments, It provides urban design principles for development which includes context, the public realm, safety, landmarks, views and vistas, pedestrian spaces, heritage, architectural design and landscape architecture.
- Clause 16 Housing supports increasing development density whilst providing for housing diversity, access to services and planned long term sustainability. Higher density development is encouraged in locations in and around activity centres, close to public transport and employment opportunities.
- Clause 17 Economic Development seeks to provide a strong and innovative economy. Planning is to contribute to the economic well-being of communities and the State by supporting and fostering growth and development through providing land, facilitating decisions and encouraging development that meets the needs of the community.
- Clause 18 Transport relates to an integrated and sustainable transport system that provides universal access to social and economic opportunities and the coordination of reliable movement of people.

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

The Bayside Municipal Strategic Statement (MSS) sets out the land use and development strategies for the municipality. Clause 21.01 Municipal Profile states that the municipality's population is projected to increase from its 87,939 residents estimated in the 2006 census.

To accommodate population increases and respond to changing demographic profiles, Clause 21.03 Settlement and Housing provides the following strategies:

- *"Ensure a diversity of housing is provided to meet the needs of the community over time.*
- *Support the provision of housing to enable people to live in Bayside throughout their lives.*
- *Enhance the range of accommodation options for older people and the availability of affordable housing.*
- *Direct new medium density housing to Major Activity Centres, residential opportunity areas, particularly those with good access to public transport routes as identified in the Residential Strategic Framework Plan."*

The site is located within a 'moderate residential growth area', due to its proximity to the Elsternwick Urban Village.

Clause 22.06 Neighbourhood Character Policy applies to residential zones and provides the following objectives:

- *"To ensure that development is responsive to the preferred future character of the area.*
- *To retain and enhance the identified elements that contribute to the character of the area.*
- *To implement the recommendations of the Bayside Neighbourhood Character Review 2004 and the Bayside Neighbourhood Character Review Stage 2, July 2008 (Revised August 2011).*
- *To recognise the need for change around activity centres while respecting the desired future character of the area.*
- *To recognise the need for new or additional Design Objectives and Design Responses for areas affected by structure planning outcomes and Melbourne 2030 housing objectives."*

Other local policies of relevance are:

- Clause 21.02 Bayside Key Issues and Strategic Vision
- Clause 21.04 Environmental and Landscape Values
- Clause 21.06 Built Environment and Heritage
- Clause 21.07 Economic Development
- Clause 21.09 Transport and Access
- Clause 22.08 Water Sensitive Urban Design (Stormwater Management)

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

The amendment utilises the appropriate tools from the Victoria Planning Provisions toolbox.

The land can easily accommodate an increased development density. In this context it is considered that the Mixed Use Zone to be the most appropriate zone for the New Street site as it allows for housing at higher densities and a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.

The application of the Development Plan Overlay will deliver a framework to guide the future development of the New Street site. The site specific schedule sets parameters against which the responsible authority can assess the required development plan and subsequent planning permit applications.

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

The views of the following agencies were sought and considered during the preparation of this amendment:

- Bayside City Council;
- Department of Environment, Land, Water and Planning;
- Department of Health and Human Services;
- Office of the Victorian Government Architect, Development Victoria, Victorian Planning Authority;
- VicTrack, VicRoads, Public Transport Victoria, Infrastructure Victoria;
- Sustainability Victoria;
- City West Water, Yarra Valley Water, South East Water; and
- Powercor, NBN, Ausnet.

It is anticipated that the views of these and other relevant agencies can be addressed as part of the amendment process.

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

The amendment complies with the relevant requirements of the *Transport Integration Act 2010*, specifically Part 2, Division 2, 11 – Integration of transport and land use.

The amendment will allow for an increase in residential, retail, commercial and community uses in a location that is well-served by multiple public transport modes. This development will contribute to environmental sustainability, social inclusion, and economic prosperity.

## **Resource and administrative costs**

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

The new planning provisions will have a positive impact on both the resources and administration costs of Bayside City Council, particularly through the Minister for Planning becoming the Responsible Authority for development on the New Street site. The amendment will improve and clarify future planning outcomes and provide for more guidance for decision makers and applicants.

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

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

- Bayside City Council, 76 Royal Avenue, Sandringham
- Brighton Library, 14 Wilson Street, Brighton
- Elsternwick Library, 4 Staniland Grove, Elsternwick
- St Kilda Town Hall, 99a Carlisle Street, St Kilda

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/shrp](http://www.planning.vic.gov.au/shrp).

## **Submissions**

Any person who may be affected by the Amendment may make a submission to the Minister for Planning. Submissions about the Amendment must be received by 5pm, Friday 6 October 2017.

A submission must be made online at [www.planning.vic.gov.au/shrp](http://www.planning.vic.gov.au/shrp).

Where internet access is not available call Planning Panels Victoria on (03) 8392 5123.

## **Advisory Committee dates**

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

- Directions Hearing: 9 October 2017
- Advisory Committee Hearing: week of 6 November 2017