

NILLUMBIK PLANNING SCHEME

AMENDMENT C117

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Nillumbik Shire Council, which is the planning authority for this amendment.

The Amendment has been made at the request of Nillumbik Shire Council.

Land affected by the Amendment

The Amendment applies to the following land

1. Lot 1 on Title Plan 966315W V 12023 F670 known as 20A Henry Street, Eltham
2. Reserve 2 on Plan of Subdivision 218858J V 10072 F102 known as 12 The Eyrie, Eltham
3. Reserve 1 on Plan of Subdivision 114619 V 8967 F320 and Reserve 2 on Plan of Subdivision 086304 V9325 F281 known as 26 Renshaw Drive, Eltham
4. Lot 11 Block D on Plan of Subdivision 006091 V09010 F263 known as 34 Glen Park Road, Eltham
5. Reserve 1 on Plan of Subdivision 097424 V09168 F411 known as 120 Arthur Street, Eltham
6. Reserve 1 on Plan of Subdivision 096223 V09168 F410 known as 17a Ruskin Court, Eltham
7. Reserve 1 on Plan of Subdivision 414298N V11371 F361 and Reserve 2 on Plan of Subdivision 421549Y V11371 F370 known as 60 David Hockney Drive, Diamond Creek
8. Lot 63 on Plan of Subdivision 11579 V09229 F535 known as 14 Ripon Close, Diamond Creek
9. Reserve 1 on Plan of Subdivision 031238 V08533 F201 known as 4 Raglan Court, Research
10. Lot 1 on Title Plan 966781Q V12049 F809 known as 34 Raglan Road, Research
11. Reserve 1 on Plan of Subdivision 337171S V10260 F575 known as 46 Symon Crescent, Greensborough
12. Reserve 1 on Plan of Subdivision 212411M V09880 F853 and Lot C on Plan of Subdivision 211669A V9844 F182 known as 8-9 Cosham Court, Greensborough
13. Lot 1 on Plan of subdivision 547201P V11346 F707 known as Lot 1/ 44 Graysharps Road, Hurstbridge
14. Lot A on Plan of Subdivision 719931S V11955 F123 known as Lot 2 32-34 Civic Drive, Greensborough
15. Lot 1 on Title Plan 162541U V09105 F443, Lot 1 on Title Plan 123461N V09942 F673 and Lot 1 on Title Plan 123802N V09951 F962 known as 36-44 and 44b Civic Drive, Greensborough

What the amendment does

The Amendment rezones the following land:

1. 20A Henry Street, Eltham from Activity Centre Zone 1 to Public Park and Recreation Zone
2. 12 The Eyrie, Eltham from General Residential Zone 1 to Public Park and Recreation Zone
3. 26 Renshaw Drive, Eltham from General Residential Zone 1 to Public Park and Recreation Zone

4. 34 Glen Park Road, Eltham from Neighbourhood Residential Zone 7 to Public Park and Recreation Zone
5. 120 Arthur Street, Eltham from Neighbourhood Residential Zone 7 to Public Park and Recreation Zone
6. 17a Ruskin Court, Eltham from Neighbourhood Residential Zone 7 to Public Park and Recreation Zone
7. 60 David Hockney Drive, Diamond Creek from General Residential Zone 1 to Public Park and Recreation Zone
8. 14 Ripon Close, Diamond Creek from General Residential Zone 1 to Public Park and Recreation Zone
9. 4 Raglan Court, Research from General Residential Zone 1 to Public Park and Recreation Zone
10. 34 Raglan Road, Research from General Residential Zone 1 to Public Park and Recreation Zone
11. 46 Symon Crescent, Greensborough from General Residential Zone 1 to Public Park and Recreation Zone
12. 8-9 Cosham Court, Greensborough from General Residential Zone 1 to Public Park and Recreation Zone
13. Lot 1 Graysharps Road, Hurstbridge from Township Zone to Public Park and Recreation Zone, removes Schedule 7 of Development Plan Overlay and Schedule 5 of Design and Development Overlay
14. Lot 2 32-34 Civic Drive, Greensborough from Public Use Zone 6 (Local Government) to Public Park and Recreation Zone
15. 36-44 and 44b Civic Drive, Greensborough from Public Use Zone 6 (Local Government) to Public Park and Recreation Zone.

Strategic assessment of the Amendment

Why is the Amendment required?

Access to green public open spaces is vital for a healthy, active and connected community. The Nillumbik Council Plan reflects this in the following objectives:

- 2.1 Provide a range of infrastructure that encourages people of all ages to participate in a variety of active and passive opportunities.
- 2.2 Create and active places and spaces that have good connectivity, provide needed infrastructure and promote social interaction.

The properties subject to this amendment have been identified as serving a public open space function but are not zoned for this purpose. This amendment will change the zoning to ensure the land use is consistently and appropriately recognised for meeting the open space requests of the local community.

Further analysis of the existing and potential land use of the properties, including community consultation, has determined that each site is an important community asset for local residents. This is particularly so in areas, such as Eltham and Diamond Creek, where increasing urban density in the Activity Centre's is impacting the provision of private open space. These 'pocket parks' play an important role for communities by:

- Localised opportunity informal and formal recreational activities
- Social cohesion and community connectedness
- Environmental benefits

The importance of small scale green open spaces and the opportunity localised opportunity for lifetime play is recognised in the Nillumbik Lifetime Play Strategy, 2018. The Nillumbik Health and Wellbeing Plan 2017-2021 includes the key strategy 'Encourage Active Living', which includes:

Design, develop and promote the development of built infrastructure and the natural environments that support active transport, improved walkability and active recreation.

Many of these reserves are informal pathways which provide important pedestrian links. It is important that these linkages are not further fragmented through development.

This Amendment responds to the State Government's strategy of continuing to encourage better quality and improved access to public open space in the long term.

Twelve Council Owned Properties currently used as reserves

At 30 January 2018 the Ordinary Meeting of Council, Council considered the details of 17 parcels of Council owned land that were being proposed for future sale.

Council gave public notice under the Local Government Act, held five special council meetings to hear submitters who wished to speak on behalf of their submission and received written submissions for said properties.

All of the properties were being used as public open space despite being under a variety of planning zones.

Council resolved at the 1 May 2018 Ordinary Meeting of Council to rezone 12 of the said Council owned properties to PPRZ.

Lot 1, Graysharps Road, Hurstbridge

This site was originally owned by the Department of Education and was used for Hurstbridge High School. When declared surplus to requirements, Council bought the site with a view of rezoning and to allow the development of a medium density cluster of affordable and accessible housing.

In November 2016, Nillumbik Council determined that this area should be retained as open space and, as such, it now forms part of the area commonly referred to as the Graysharps Road Precinct. The *Graysharps Road Open Space Precinct Plan 2018* has been completed after extensive community engagement.

The Plan seeks to achieve a number of key objectives:

- To provide an improved network of pedestrian connections which are safe, pleasant and which support the future Diamond Creek Trail.
- To improve the functionality of both the East Oval and Indoor Stadium and provide safe access and appropriate facilities to support their on-going use.
- To enhance and expand the ranges of community activity around and within the Community Hub.
- To consolidate and more efficiently use car parking areas to cater for increasing demand while reducing the visual dominance of car parking within the precinct.
- To improve the key entries to the precinct, particularly to the north and south.
- To respect and protect the important natural values of the creek corridor and adjoining land.

The current Township Zone, Development Planning Overlay (DPO7) and Design Development Overlay (DDO5) on Lot 1 Graysharps Road are inconsistent with Council's strategic objective for the site to be retained as public open space. The Public Park and Recreation Zone is the most appropriate zone and will also be consistent with the surrounding for Graysharps Road Precinct, which is already zoned for Public Park and Recreation.

Lot 2, 32-34 Civic Drive, Greensborough, 36-44 and 44b Civic Drive, Greensborough

In 2009 Council commenced the process of preparing a draft Civic Drive Concept Plan for the land located at 14-32 Civic Drive, Greensborough (the Civic Drive Precinct), in order to acknowledge existing uses and identify other potential opportunities for the site.

Amendment C88 approved in July 2015, amended the Nillumbik Planning Scheme by rezoning land at 14 - 44 and 44A Civic Drive, Greensborough from the Public Use Zone – Schedule 6 to part General Residential Zone and part Public Park and Recreation Zone on the corner of Bullano Court and Civic Drive.

During the amendment process, community concern was raised about the loss of public open space and requests for the remaining Council owned open space at Civic Drive to be rezoned as Public Park and Recreation were raised. Council chose not to rezone the additional land at this point in time.

The Civic Drive Concept Plan was expanded to include the associated Council owned open space at 36-44 and 44b Civic Drive and the need for a Master Plan to guide the design and construction of community facilities across the open space precinct was identified.

At the 24 May 2016 Ordinary Meeting of Council, Council adopted the *Civic Drive Precinct Development: Community Facilities Upgrade Masterplan* and resolved to refer the required Planning Scheme Amendment to rezone the land at Civic Drive to Public Park and Recreation Zone to the budget process for 2017-2018 and to receive a further report to seek authorisation to commence the amendment.

At the 26 March Ordinary Meeting of Council 2019, Council instructed officers to formally request authorisation from the Minister for Planning to prepare and exhibit Amendment C117.

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

The Amendment implements the following objectives as set out in Section 4 of the Planning and Environment Act 1987:

- s4 (1) (a) To provide for the fair, orderly, economic and sustainable use and development of land.
- • s4 (1) (b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.
- S4 (1) (c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- S4 (1) (g) To balance the present and future interests of all Victorians.

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

- The social interactions and community building that public open spaces bring enhances community connectivity and community capital.
- Retention of the open space assists in maintaining the attractiveness and amenity of the public realm
- Retention of the open space will continue to provide habitat for flora and fauna within the predominantly urban environment. Pockets of planted open space help connect larger patches of bushland, and allow freedom of movement for wildlife

Does the Amendment address relevant bushfire risk?

Advice from the CFA has been sought in relation to the proposed amendment. CFA believes that the bushfire threat will not be altered due to the proposed rezoning.

CFA highlights and Council recognises that ongoing maintenance of all native vegetation fuel loads in all reserves/parkland will be required to ensure the community is provided valuable protection from the dangers of bushfire during the Fire Danger Period.

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

The Amendment complies with the requirements of the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Planning and Environment Act 1987 and is consistent with Ministerial Direction No. 11.

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

This Amendment supports the objective of Clause 19.02 - *Open Space* – to establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community. Specifically, the amendment supports the following strategies set out in Clause 19.02 6S:

- Ensure land identified as critical to the completion of open space links is transferred for open space purposes.
- Ensure that where there is a reduction of open space due to a change in land use or occupation, additional or replacement parkland of equal or greater size and quality is provided.
- Ensure that urban open space provides for nature conservation, recreation and play, formal and informal sport, social interaction, opportunities to connect with nature and peace and solitude.

This Amendment supports the following directions and policy set out in *Plan Melbourne 2017 - 2050*, the State's current metropolitan planning strategy:

Direction 5.4 Deliver local parks and green neighbourhoods in collaboration with communities

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

Direction 6.4 Make Melbourne cooler and greener

- Policy 6.4.2 Strengthen the integrated metropolitan open space network

Direction 6.5 Protect and restore natural habitats

- Policy 6.5.1 Create a network of green spaces that support biodiversity conservation and opportunities to connect with nature

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

This Amendment supports and implements the following Local Planning Policy Framework, and specifically the Municipal Strategic Statement as set out in *Clause 21.05 Infrastructure*:

- Objective 4 Provide equitable local recreational facilities and public open spaces to meet local community needs.

Rezoning the proposed properties to a Public Park and Recreation Zone will ensure that the open space needs of a growing population are met.

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

The Amendment makes proper use of the Victorian Planning Provisions.

The use of the Park and Public Recreation Zone is appropriate due to the current and future intended use of the properties. Lot 1 (44 Graysharps Road, Hurstbridge) and Civic Drive have masterplans specifically identifying the future use as public open space. The remaining properties are already operating as reserves.

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

The amendment will be placed on public exhibition and will accordingly be referred to relevant agencies for their consideration.

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

The amendment will not have a significant impact on the transport system. Potentially Lot 1 (44 Graysharps Road, Hurstbridge) may result in an increase in passenger traffic due to the proximity of the site to the Hurstbridge train station. The other properties are unlikely to attract additional public transport users as the properties are already being used as public open space.

Resource and administrative costs

The amendment will have minimal impact on the resource and administrative costs of the responsible authority.

Where you may inspect this Amendment

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

Nillumbik Shire Council Offices
PO Box 476
Greensborough 3088

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.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 20 September 2019.

A submission must be sent to Strategic Planning, Nillumbik Shire Council, Civic Drive (PO Box 476) Greensborough 3088 or lodged through the "Enquiries and Submissions" tab at <https://participate.nillumbik.vic.gov.au/AmendmentC117>

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 week of 21/10/2019
- panel hearing: To commence in the week of 11/11/2019

[Delete this section if not applicable]

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Hurstbridge	Lot 1, Graysharps Road	Nillumbik C117 001 DDO5 Map 7 Exhibition
Hurstbridge	Lot 1, Graysharps Road	Nillumbik C117 002 DPO Map 7 Exhibition
Hurstbridge	Lot 1, Graysharps Road	Nillumbik C117 003 PPRZ Map 7 Exhibition
Diamond Creek	14 Ripon Close	Nillumbik C117 004 PPRZ Map 9 Exhibition
Diamond Creek	60 David Hockney Drive	Nillumbik C117 005 PPRZ Map 9 Exhibition
Greensborough	46 Symon Crescent	Nillumbik C117 005 PPRZ Map 9 Exhibition
Greensborough	8-9 Cosham Court	Nillumbik C117 005 PPRZ Map 9 Exhibition
Greensborough	32-34, 36-44 and 44b Civic Drive	Nillumbik C117 006 PPRZ Maps 8 and 9 Exhibition
Eltham	34 Glen Park Road	Nillumbik C117 007 PPRZ Map 9 Exhibition
Eltham	12 The Eyrie	Nillumbik C117 008 PPRZ Map 9 Exhibition
Eltham	26 Renshaw Drive	Nillumbik C117 009 PPRZ Map 9 Exhibition
Eltham	20 A Henry Street (Roseo Street on title)	Nillumbik C117 010 PPRZ Map 9 Exhibition
Eltham	120 Arthur Street	Nillumbik C117 011 PPRZ Map 14 Exhibition
Eltham	17 A Ruskin Court	Nillumbik C117 011 PPRZ Map 14 Exhibition