

Planning and Environment Act 1987

Panel Report

**Banyule Planning Scheme Amendment C153bany
Bellfield Project**

8 April 2020

How will this report be used?

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

The planning authority must consider this report before deciding whether or not to adopt the Amendment. [section 27(1) of the *Planning and Environment Act 1987* (the Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

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

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

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Banyule Planning Scheme Amendment C153bany

Bellfield Project

8 April 2020



Sarah Carlisle, Chair

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Glossary and abbreviations

Act	<i>Planning and Environment Act 1987</i>
Bellfield Project site	the land on which the Bellfield Project will be developed, namely the subject land, as well as the adjacent site at 230 Banksia Street Bellfield
Cohousing Banyule Council	collectively refers to Cohousing Banyule and Cohousing Australia Banyule City Council
Design Guidelines	<i>Bellfield Master Plan Design Guidelines</i> , May 2019 prepared by MSG Architects
MSS	Municipal Strategic Statement
NEIC	National Employment and Innovation Cluster
PPF	Planning Policy Framework
PPN04	<i>Planning Practice Note 4: Writing a Municipal Strategic Statement</i>
PPN23	<i>Planning Practice Note 23: Applying the Incorporated Plan and Development Plan Overlays</i>
PPN91	<i>Planning Practice Note 91: Using the Residential Zones</i>
PUZ	Public Use Zone
RGZ	Residential Growth Zone
Planning Scheme	Banyule Planning Scheme

subject land the land to which the Amendment applies, namely 96, 98 and 100 Oriel Road and 232 Banksia Street Bellfield

Overview

Amendment summary

The Amendment	Banyule Planning Scheme Amendment C153bany
Common name	Bellfield Project
Brief description	Rezones part of the land, applies a Development Plan Overlay and removes a covenant applying to part of the land to facilitate the Bellfield Project
Subject land	96, 98 and 100 Oriel Road and 232 Banksia Street, Bellfield (refer to Figure 1)
The Proponent	Banyule City Council
Planning Authority	Banyule City Council
Authorisation	17 September 2019
Exhibition	10 October to 18 November 2019
Submissions	Number of Submissions: 3 Opposed: 1. Informal submissions: 3 <ul style="list-style-type: none"> - Department of Transport (support) - Cohousing Banyule and Cohousing Australia (support but requesting changes) - Sarah Taylor (oppose) - Phillipe Haquin (informal) - Sylvia (informal) - Lyn Kearney (informal)

Panel process

The Panel	Sarah Carlisle
Directions Hearing	Council Greensborough offices, 20 January 2020
Panel Hearing	Council Greensborough offices, 5 March 2020
Site inspections	Unaccompanied, 5 March 2020
Parties to the Hearing	<ul style="list-style-type: none"> - Council: represented by Laura Murray of Ethos Planning, with a presentation from Scott Walker, Director City Development - Cohousing Banyule and Cohousing Australia: represented by Teresa Dominik
Citation	Banyule PSA C153bany [2020] PPV
Date of this Report	8 April 2020

Executive summary

Banyule Planning Scheme Amendment C153bany (the Amendment) seeks to facilitate the development of land in Oriel Road and Banksia Street Bellfield for the purposes of the Bellfield Project. The Project is described in the *Bellfield Master Plan Design Guidelines*, May 2019 (the Design Guidelines). It aims to provide 200 to 300 new market housing dwellings (apartments and townhouses), 20 to 30 new social housing dwellings, community facilities, open space, and pedestrian and cycling links.

Specifically, the Amendment proposes to:

- rezone part of the land to Residential Growth Zone (RGZ)
- apply a new Development Plan Overlay Schedule 8 (DPO8) to the site
- facilitate the removal of a restrictive covenant from part of the land
- make associated changes to the Municipal Strategic Statement (MSS).

Key issues raised in submissions included:

- objections to the closure of the Hi City facility on part of the site and the removal of the covenant that restricts the use of the land to a facility for the support of persons with disabilities
- increased density of development
- increased traffic and congestion
- insufficient carparking for current residents, which would be exacerbated by the redevelopment of the site
- pedestrian safety.

The Amendment facilitates urban renewal in an area identified for growth in Plan Melbourne, on a strategic redevelopment site with good access to services and facilities. The site is within a Diversity Area. Council's Housing Strategy and MSS encourage a variety of different housing types in Diversity Areas, including medium and higher density housing, so that more people have better access to public transport, shops, services and community facilities.

The Panel is satisfied that the DPO8 captures the key elements of the Design Guidelines and will ensure that the medium density housing will be well designed and sustainable, and will provide a walkable, permeable neighbourhood that encourages sustainable transport modes.

The recent closure of the Hi City facility on part of the land is not related to the removal of the covenant. The site was closed because it was not financially viable for the Bedford Group to continue to operate the facility from the site. The Panel concludes that the covenant should be removed, subject to Council satisfying itself that it has met its obligations under the *Planning and Environment Act 1987* to identify and notify all beneficiaries of the covenant.

The Amendment is supported by, and implements, the relevant sections of the Planning Policy Framework, and is consistent with the guidance in relevant practice notes. The Amendment is well founded and strategically justified, and will deliver net community benefit and sustainable development. The Amendment should proceed, subject to

addressing the Panel's specific recommendation in relation to the drafting of Clause 21.06 of the MSS.

The Panel concludes as follows in relation to the specific issues raised in submissions:

- Housing diversity is broader than just a mix of housing sizes and typologies. It includes a mix in affordability, tenure and possibly also delivery models, including deliberative housing. This, however, is already recognised in state and local planning policy, and the Panel was not persuaded that the changes sought by Cohousing Banyule to the DPO8 to reinforce these issues are necessary or justified.
- The densities envisaged on the site under the Design Guidelines and the DPO8 are appropriate. The RGZ is the appropriate zone to apply to the land.
- The proposed development will not have adverse impacts on transport routes, congestion, carparking or pedestrian safety.
- While the Panel supports the principles underlying the changes to the DPO8 sought by Cohousing Banyule in relation to environmentally sustainable design, it does not consider that these changes are necessary. The principles are already adequately addressed in the Planning Policy Framework.
- The Panel supports flexibility in landscaping and carparking requirements as sought by Cohousing Banyule, but considers that the exhibited DPO8 provides sufficient flexibility in relation to these requirements. No further changes are necessary.
- The Panel does not support including the Design Guidelines as a reference document in the MSS, or the proposed additional strategy in Clause 21.06-1 relating to the redevelopment of the site. It is not the role of the MSS to address development on specific sites. This is the role of the DPO8, and the appropriate place for the Planning Scheme to reference the Design Guidelines is the DPO8.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Banyule Planning Scheme Amendment C153bany be adopted as exhibited subject to the following change:

- 1. Amend Clause 21.06-1 to:**
 - a) delete the final strategy under Objective 4 Housing Change relating to the Bellfield Precinct Redevelopment Site**
 - b) delete the reference to the Bellfield Master Plan Design Guidelines (2019) after the Residential Areas Framework Map.**

1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of the Amendment is to facilitate the development of the land as envisaged in the *Bellfield Master Plan Design Guidelines*, May 2019 prepared by MSG Architects (the Design Guidelines), for the purposes of the Bellfield Project (described below).

Specifically, the Amendment proposes to:

- rezone the land at 96, 98 and 100 Oriel Road from Public Use Zone (PUZ) and General Residential Zone to Residential Growth Zone (RGZ)
- apply a new Development Plan Overlay Schedule 8 (DPO8) to 96, 98 and 100 Oriel Road, and 232 Banksia Street
- facilitate the removal of a covenant from 98 Oriel Road
- make associated changes to the Municipal Strategic Statement (MSS).

(ii) The subject land

The Amendment applies to the land shown in Figure 1, except 230 Banksia Street, which is not included in the Amendment but is included in the Bellfield Project. Council currently owns the whole site.

Figure 1 The Bellfield Project site, including the subject land



Source: S Walker PowerPoint presentation (Document 4)

The site is identified as a strategic redevelopment site in the Residential Areas Framework in the MSS and in Council's Housing Strategy (2009).

230 and 232 Banksia Street

The land at 230 and 232 Banksia Street is the former site of the Banksia Latrobe Secondary College. The school closed down some years ago, and Council purchased the land from the Department of Education in 2012. This part of the site is currently vacant, with several trees.

96 Oriel Road

The land at 96 Oriel Road is currently occupied by community facilities including the Bellfield Community Centre and the Bellfield Community Garden. The Community Centre buildings are ageing and no longer fit for purpose. The Community Centre and Community Garden will be relocated to 230 Banksia Street as part of the Bellfield Project.

98 Oriel Road

The former City of Heidelberg gifted the land at 98 Oriel Road to the Bedford Group (formerly Heidelberg Handicapped Persons Bureau Ltd) in the 1970s. A covenant was put on the land at the time limiting the use of the land to “*a sheltered workshop or workshops for handicapped persons*”.

For some years the Bedford Group operated disability support service Hi City from the land. The Bedford Group has indicated to Council that the Hi City operations are not financially viable at the site. Council purchased the land back from the Bedford Group in 2018, and leased it to the Bedford Group for around two years. Bedford Group vacated the site in February 2020.

100 Oriel Road

The land at 100 Oriel Road has been in Council ownership for some time. It is currently vacant, but was previously occupied by a Royal District Nursing Service depot.

1.2 The Bellfield Project

The Bellfield Project is described in the Design Guidelines. It aims to provide 200 to 300 new market housing dwellings in the form of apartments and townhouses, 20 to 30 new social housing dwellings, community facilities, open space, and pedestrian and cycling links.

The Design Guidelines identify three general precincts, as shown in Figure 2:

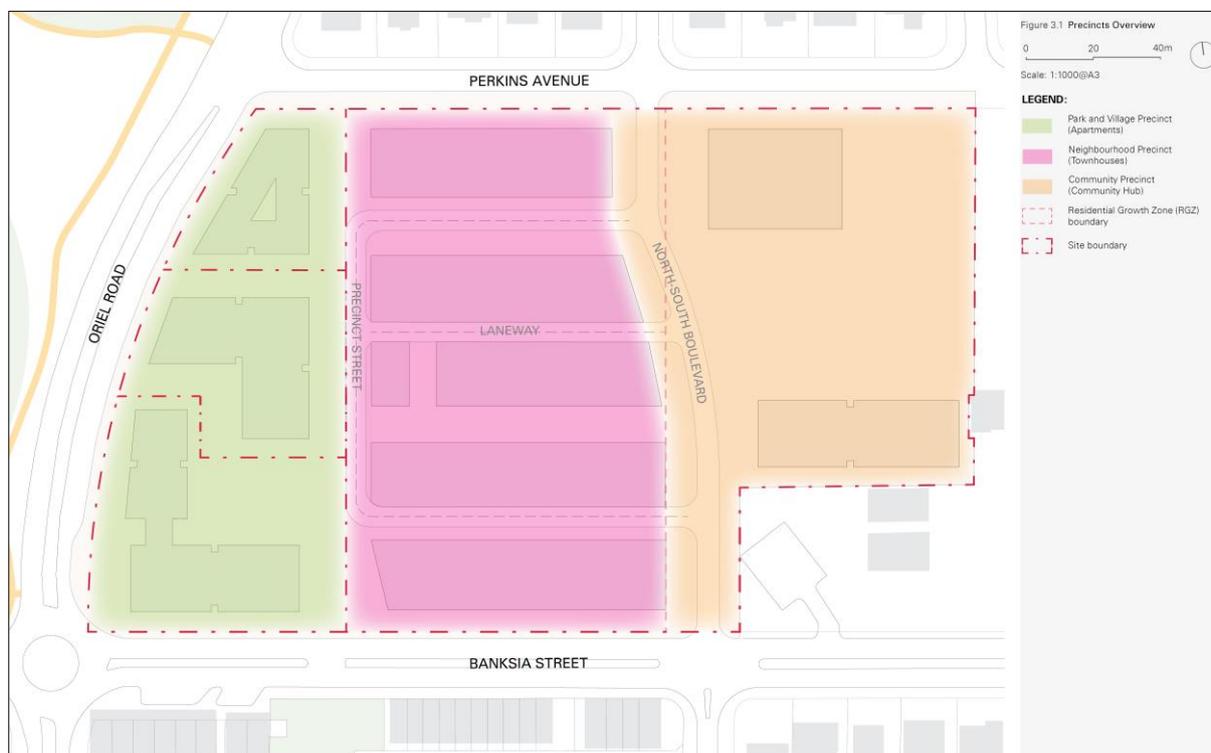
- the Park and Village Precinct (green), which is envisaged for apartments
- the Neighbourhood Precinct (pink), which is envisaged for townhouses
- the Community Precinct (orange), which will include the social housing units, and the relocated Community Centre and Community Garden.

The Design Guidelines specify key directions and guidelines for the Park and Village Precinct and the Neighbourhood Precinct, including landscape, built form, access and interface controls. Council intends to sell this land to a developer. Council will retain the land in the Community Precinct, and will develop this part of the site itself. The Community Precinct does not have specific design guidelines, other than suggested use and access.

The Amendment affects the Park and Village Precinct and the Neighbourhood Precinct, but not the Community Precinct. The land in the Park and Village Precinct needs to be rezoned to facilitate the medium density development envisaged in the Design Guidelines. The Neighbourhood Precinct is already zoned RGZ. The DPO8 is proposed to both Precincts to implement the Design Guidelines.

The Amendment does not include the Community Precinct. It is not included in the DPO8, and does not need to be rezoned as the community uses proposed can already be established under the existing Public Use Zone.

Figure 2 Precincts of the Bellfield Project



1.3 The broader context

The site is approximately 8 kilometres north-east of Melbourne's CBD, and is within the La Trobe National Employment and Innovation Cluster (NEIC) identified in Plan Melbourne.

Immediately surrounding the site are conventional residential development (north), the Waratah Special Development School (east), two and three storey medium density townhouse development and conventional residential development (south), and Ford Park (west) which includes sports ovals and a newly developed regional playground facility.

The site is within close proximity to a number of major employment precincts and activity centres, and has access to many services, facilities and employment opportunities. These include the Northland Major Activity Centre, Heidelberg Major Activity Centre, Summerhill Activity Centre, Northland Employment Precinct, Heidelberg West Industrial Precinct, and La Trobe University Bundoora Campus, which are all within 3 kilometres.

The site is close to Melbourne Polytechnic, regional open space including Darebin Parklands and Yarra Bend Park, the Darebin Creek Corridor, health facilities including the Austin Hospital and Warringal Private Hospital, and train stations including Heidelberg, Eaglemont and Ivanhoe Stations. Bus routes which form part of the Principle Public Transport Network run past the site on Oriel Road.

1.4 The covenant

The covenant applying to the former Hi City site (98 Oriel Road) states:

... City of Heidelberg Handicapped Persons Bureau Limited for itself its successors assigns and transferees ... DOTH HEREBY COVENANT with The Mayor Councillors and Citizens of the City of Heidelberg its successors assigns and transferees that the City of Heidelberg Handicapped Persons Bureau Limited will not

- (1) erect construct or build ... any building or buildings other than a building or buildings designed for or in connection with a sheltered workshop or workshops for handicapped persons; or
- (2) commence construction of any such building or buildings without the consent in writing of The Mayor Councillors and Citizens of the City of Heidelberg to the plans and specifications thereof.

1.5 The conditions of authorisation

On 17 September 2019, the Department of Environment, Land, Water and Planning (under delegation from the Minister for Planning) authorised the preparation and exhibition of the Amendment, subject to the following conditions:

1. Ensure adequate notification is undertaken to all potential beneficiaries of the proposed covenant removal are notified of the amendment and removal of the covenant.
2. Amend Clause 21.04 [of the MSS] by deleting reference in this policy area to the [Design Guidelines].
3. Amend Clause 21.06 Built Environment, in particular clause 21.06-1 Objectives and Strategies and in Objective 4 – Housing Change, introducing the term strategic redevelopment sites in various locations as indicated in the sample clause attached ...

The sample Clause 21.06 added a further dot point to the description of Diversity Areas in the Residential Framework (Clause 21.06-2):

- Have been identified as strategic redevelopment sites

It amended strategies in Clause 21.06-1 as follows (changes are underlined):

- Support residential development in accordance with the Residential Areas Framework which identifies varying degrees of housing change across the City's residential neighbourhoods, strategic re-development sites, Activity Centres and Neighbourhood Centres.
- Encourage a substantial proportion of new housing to be located within or close to Activity Centres, strategic redevelopment sites and the Principal Public Transport Network particularly where there is high frequency and quality of public transport services in operation.
- Protect the existing and surrounding character of land adjoining key strategic redevelopment area known as Bellfield Precinct Redevelopment Site, by ensuring the land is developed as envisaged in the Bellfield Master Plan Design Guidelines (2019).

It added the Design Guidelines as a background document in a new Clause 21.06-3.

It suggested modifying the Residential Areas Framework Map to clarify whether the parcels along Oriel Road are included in the Diversity Area (along with the parcel at 232 Banksia Street, which is the former Banksia Latrobe Secondary College site).

1.6 Procedural issues

(i) Informal submissions

Three of the six submissions (those from Mr Haquin, Ms Kearney and Sylvia) objected to the removal of the covenant from the Hi City site. They pointed out that the covenant was put in place to protect the Hi City participants, and when the facility closes down, they will lose their employment (some would also lose their housing), as well as the support, companionship and social connections with their workmates and housemates. The submissions were concerned that the Bedford Group had not, as yet, identified an alternative site, and suggested that Council provide an alternative facility on the site supporting persons with disabilities, or that it rent or purchase an alternative site in the area for Hi City or its employees to relocate to. They also objected to Hi City having 'profited' from the sale of the land to Council.

Council submitted that these submissions were not formal submissions, as they raised issues that are beyond the scope of the Amendment. It submitted that the Bedford Group had decided to close down the Hi City facility for unrelated reasons, that Council was not able to influence or control. Hi City's decision to vacate the site was unrelated to the removal of the covenant.

The Panel agrees that Bedford Group's decision to vacate the Hi City site is not related to the Amendment, and that the issues raised in these submissions are beyond the scope of the Amendment. The Panel therefore makes no further comment on these issues.

(ii) Notification requirements in relation to the covenant

Additional notice requirements apply to an amendment that authorises the variation or removal of a restrictive covenant. As well as notifying owners and occupiers of land that it believes may be materially affected by the amendment, sections 19(1)(ca) and 19(2A) of the *Planning and Environment Act 1987* (the Act) require the planning authority to directly notify all benefitting landowners, and place signs on the land.

The authorisation for the Amendment was subject to a condition that Council "*ensure adequate notification is undertaken to ensure all potential beneficiaries of the proposed covenant removal are notified of the amendment and removal of the covenant*".

Council submitted that Council is the only beneficiary of the covenant. However, the covenant refers to "*the Mayor, Councillors and citizens of the City of Heidelberg*" (Panel's emphasis). On a strict reading, the beneficiaries of the covenant may extend beyond Council itself, to the citizens of Banyule (or at least to the citizens of the area formerly known as the City of Heidelberg).

Council undertook extensive notification of the Amendment, including:

- placing notices on the land at 98 Oriel Road (as required under sections 19(1)(ca) and 19(2A) of the Act)
- direct notice to the occupiers of the land
- direct notice to neighbouring landowners and occupiers
- direct notice to parties to the Bellfield Masterplan
- direct notice to public authorities, prescribed Ministers, State and Federal Members of Parliament

- information on Council's website and online engagement platform Shaping Banyule, including an online submission form
- notice in the Heidelberg Leader and Government Gazette
- information at Council's Greensborough, Rosanna and Ivanhoe offices
- three community drop-in sessions at Bellfield Community centre.

It is not for the Panel to form a view as to who the beneficiaries of the covenant are, or whether the notice given by Council met the requirement in section 19(1)(ca) of the Act. It does, however, note that the notice of the Amendment was extensive. The Panel notes that Council can seek legal advice as to whether the statutory requirements of section 19(1)(ca) have been met before adopting the Amendment.

1.7 Summary of issues raised in submissions

The key issues raised in the formal submission that opposed the Amendment were:

- increased density of development
- increased traffic
- insufficient carparking for current residents, which would be exacerbated by the redevelopment of the site
- pedestrian safety.

The Department of Transport supported the Amendment, but submitted that access points from Banksia Street should be limited to minimise conflicts with the future function of the potential Strategic Cycling Corridor on Banksia Street.

Cohousing Banyule and Cohousing Australia supported the spirit of the Amendment, but requested changes to better reflect the aspirations of the Design Guidelines to encourage alternative housing delivery models. They submitted that Council should consider allocating a portion of the subject land as a demonstration housing precinct where alternative housing models could be established.

1.8 The Panel's approach

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

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from its site visit, and submissions and other material presented to it during the Hearing. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Strategic justification
- Covenant removal
- Housing diversity
- Other issues.

1.9 Limitations

As noted in Chapter 1.6(i) above, the Panel considers that the three submissions objecting to the closure of the Hi City facility and the sale of the Hi City site are beyond the scope of the Amendment. The Panel has not commented further on these issues.

2 Planning context

2.1 Planning policy framework

Victorian planning objectives

The objectives of planning in Victoria are set out in section 4 of the Act. They include (as relevant):

- To provide for the fair orderly, economic and sustainable use and development of land
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
- To facilitate the provision of affordable housing in Victoria
- To balance the present and future interests of all Victorians.

Clause 11 (Settlement)

Clause 11 states that planning should anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing. Key strategies include:

- Promote and capitalise on opportunities for urban renewal and infill redevelopment
- Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.

Clause 15 (Built Environment and Heritage)

Clause 15 states that planning should recognise the role of urban design and building design in delivering liveable and sustainable cities, towns and neighbourhoods. Planning should ensure development appropriately responds to its surrounding landscape and character.

Clause 15.01-1S (Urban Design) seeks to ensure that urban environments are safe, healthy, functional and enjoyable and contribute to a sense of place and cultural identity.

Clause 16 (Housing)

Clause 16 requires planning to provide for housing diversity, and ensure the efficient provision of supporting infrastructure. It should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space. Planning should include the provision of land for affordable housing.

Clause 16.01-1S (Integrated housing) seeks to promote a housing market that meets community needs. Key strategies include:

- Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.
- Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.
- Facilitate the delivery of high quality social housing.

Clause 16.01-2S (Location of residential development) seeks to locate new housing in areas that offer good access to jobs, services and transport. Key strategies include:

- Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.

- Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.
- Identify opportunities for increased residential densities to help consolidate urban areas.

Clause 21.04 (Land Use)

Clause 21.04 deals with land use. Clause 21.04-1 deals with housing, and clause 21.04-4 deals with community facilities.

Housing

Objective 1 in Clause 21.04-1.1 is:

To guide new dwellings to preferred locations, including in Activity Centre Zones, while continuing to promote appropriate urban consolidation to satisfy housing demand.

Strategies to achieve this objective include:

- Encourage housing growth to locate close to Activity Centres, Neighbourhood Centres and the Principal Public Transport Network.
- Protect residential amenity and provide for the desired future neighbourhood character of residential areas.
- Encourage the use and development of surplus land suitable for residential purposes.
- Promote the use and development of large residential sites.

Objective 2 is to provide a greater diversity of affordable housing opportunities in appropriate locations, and Objective 3 is to improve housing affordability. These objectives and their related strategies are discussed in more detail in Chapter 5.

Clause 21.04-1.2 states as follows:

Implementation

The Responsible Authority will implement the objectives and strategies for housing by:

- Applying appropriate zones and overlays in the Banyule Planning Scheme including:
 - The Residential Growth Zone for identified residential areas offering good access to services and transport including activities areas.

Community facilities

Objectives and strategies in Clause 21.04-4 (Community facilities) include:

Objective 1 – Availability of community facilities

To provide a wide range of high-quality cultural, health, educational and institutional uses, responsive to the existing and likely future needs of the community.

Strategies to achieve this objective include:

...

- Ensure that future development or expansion of all cultural, health, educational and institutional facilities is undertaken in accordance with approved master plans.

...

- Encourage appropriate use and development of land no longer required for institutional purposes.

...

Objective 2 - Location

To provide facilities located so as to be easily accessible to users, but with minimal negative impact on the amenity of the surrounding area.

...

Objective 3 – Recreational, cultural and leisure facilities

To provide recreational, cultural and leisure facilities and activities, that meets the community’s needs and expectations, without causing detriment to the natural environment.

Strategies to achieve this objective include:

...

- Enhance the use and safety of walking and bike paths.
- Link walking and bike paths.

...

- Identify and plan for local social and community infrastructure needs.
- Support development that include social and community infrastructure that meets community needs.

Clause 21.06 (Built Environment)

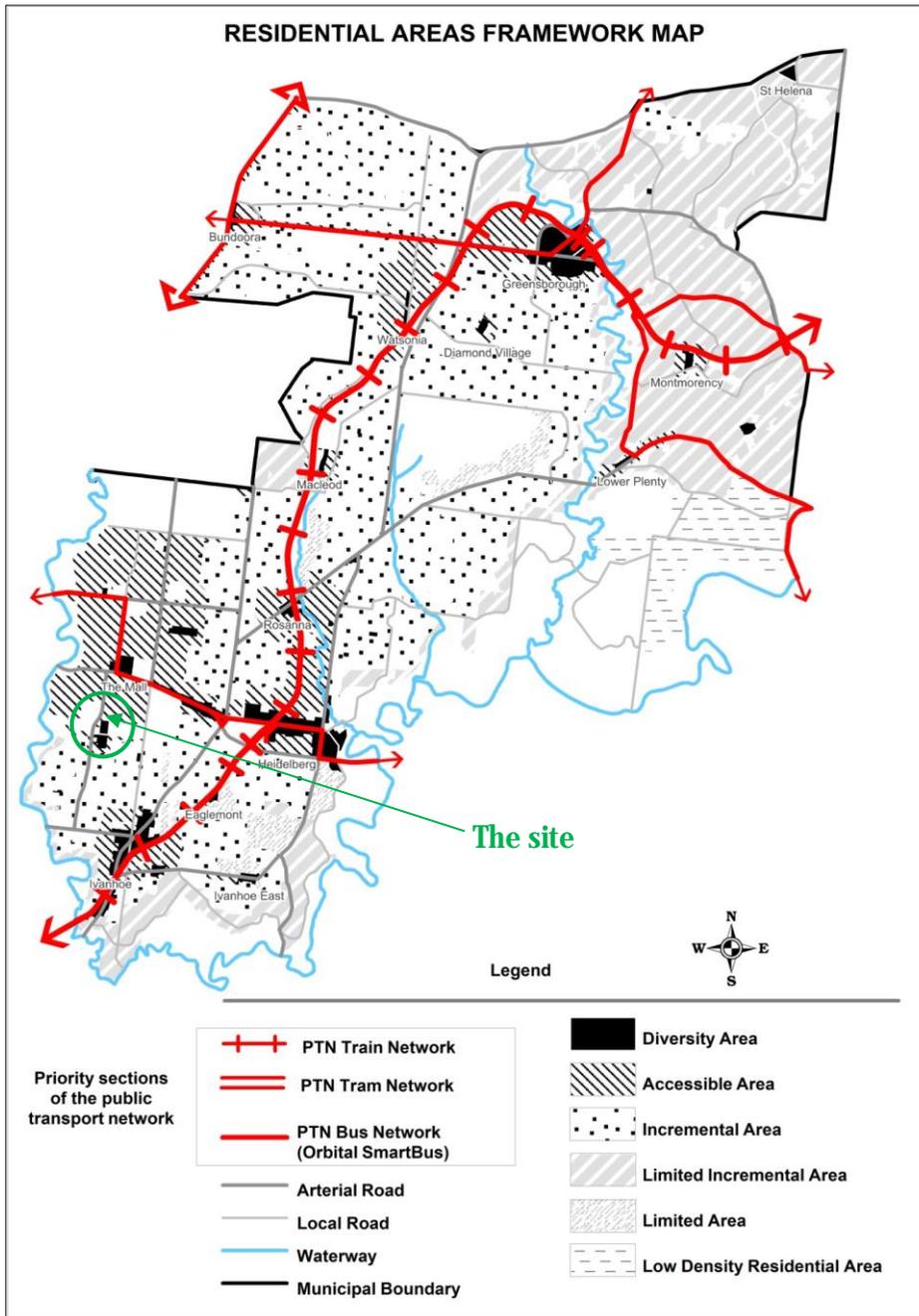
Clause 21.06 includes a Residential Areas Framework and a Residential Areas Framework Map. Although it is not overly clear, the Residential Areas Framework Map identifies the site (or at least that part of the site that was the former Banksia Latrobe Secondary College) as a Diversity Area, along with the site to the south on the other side of Banksia Street. Refer to Figure 3 below. The Amendment proposes to clarify the map to make it clear that the Diversity Area extends to include the parcels along Oriel Road.

Clause 21.06-2 describes Diversity Areas as follows. The underlined words are an addition proposed by the Amendment, in accordance with the conditions of authorisation (see Chapter 1.5).

Table 1 Description of Diversity Areas in Clause 21.06-2 (Residential Areas Framework)

Residential area	Vision
Diversity	<p>These areas typically have the following characteristics:</p> <ul style="list-style-type: none"> - Within the business core of an Activity Centre or Neighbourhood Centre. - Some residential properties along streets that immediately surround the business core of an Activity Centre or Neighbourhood Centre. - <u>Have been identified as strategic redevelopment sites.</u> <p>They will provide for shop-top and apartment living in higher density mixed use and residential developments. These areas include strategic redevelopment sites that provide for higher density housing.</p> <p>Development will make a positive contribution to the identity of the Activity Centre or Neighbourhood Centre and the desired future character of surrounding residential neighbourhoods.</p> <p>In these areas people live close to train stations, transport interchanges, shops, services and nodes of employment. These areas include higher density and some medium housing opportunities.</p>

Figure 3 Residential Areas Framework map



Source: Clause 21.06 (Built Environment) of the MSS, with Panel annotations in green

2.2 Other relevant planning strategies and policies

(i) Plan Melbourne

Plan Melbourne 2017-2050 sets out strategic directions to guide Melbourne’s development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes

will be achieved. Outcomes that are particularly relevant to the Amendment are set out in Table 2.

Table 2 Relevant parts of Plan Melbourne

Outcome	Directions	Policies
Outcome 1 Melbourne is a productive city that attracts investment, supports innovation and creates jobs	<ul style="list-style-type: none"> - Create development opportunities at urban renewal precincts across Melbourne 	<ul style="list-style-type: none"> - Plan for and facilitate the development of urban renewal precincts
Outcome 2 Melbourne provides housing choice in locations close to jobs and services	<ul style="list-style-type: none"> - Manage the supply of new housing in the right locations to meet population growth and create a sustainable city - Deliver more housing closer to jobs and public transport - Facilitate decision-making processes for housing in the right locations - Provide greater choice and diversity of housing. 	<ul style="list-style-type: none"> - Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods - Provide certainty about the scale of growth in the suburbs - Support new housing in places that offer good access to jobs, services and public transport - Facilitate housing that offers choice and meets changing household needs

(ii) The Housing Strategy

Council adopted its Housing Strategy in March 2009. It addresses housing issues facing Banyule under five themes – Sustainability, Affordability, Diversity, Character and Infrastructure, Services and Transport.

Under Character, the Housing Strategy identifies four types of residential area, with differing levels of change expected in each. It states:

By applying the above typology for all of Banyule's residential areas, future housing will be guided towards accessible places. This approach will help establish planning policy to protect and enhance valued neighbourhood character across Banyule.

The attributes and level of change expected in each type of area are set out in Table 3 below. As noted above, the site (or at least that part occupied by the former school) is in a Diversity Area (see Figure 3).

Table 3 Residential area typologies in the Housing Strategy

Area	Attributes and expected level of change
Diversity Areas	<ul style="list-style-type: none"> - occur in the core of Activity Centres, on Major Redevelopment Sites and in local shopping centres - Major Redevelopment Sites are located either within or outside Activity Centres in areas that have good access to public transport and services and have the potential to accommodate medium or higher density housing - a variety of different housing types will be encouraged, including medium and higher density housing - a greater proportion of new housing in these areas so more people have better access to public transport, shops, services and community facilities
Incremental Change Areas	<ul style="list-style-type: none"> - residential areas immediately surrounding the core of Activity Centres and along sections of the Principle Public Transport Network, which gives good access to Activity Centres
Limited Incremental Change Areas	<ul style="list-style-type: none"> - all residential locations outside Diversity, Incremental and Minimal Change areas and the area east of the Plenty River - generally do not have convenient access to public transport, shops and services, and therefore only a low level of housing change will be encouraged
Minimal Change Areas	<ul style="list-style-type: none"> - exist across the municipality on sites and in precincts affected by heritage and outside Diversity Areas - little change encouraged

(iii) Postcode 3081 Urban Design Framework

The Bellfield Project site is immediately south of the Postcode 3081 Urban Design Framework area. The Postcode 3081 Urban Design Framework sets out a design vision for the residential suburbs on the western boundary of the municipality of Banyule, including Heidelberg West, Heidelberg Heights and Bellfield. It promotes the renewal of this area through coordination of private housing renewal and improvements to the public realm.

The Urban Design Framework seeks to promote innovative forms of housing and homes that are socially and environmentally sustainable. A chapter is dedicated to housing innovation and affordability, aiming to support innovative forms of housing such as cohousing.

Amendment C120bany proposes to implement the Urban Design Framework into the Planning Scheme by rezoning land, applying various Design and Development Overlays and amending the local policy framework to reflect the Urban Design Framework. The Urban Design Framework is proposed to be included as a reference document in Clause 21.09 of the MSS. Amendment C120bany was adopted by Council in September 2019 and has been submitted to the Minister for approval.

(iv) The Bellfield Master Plan Design Guidelines

The Design Guidelines were produced in 2018 to guide future development at the site following the rezoning of the middle part of the site (230 Banksia Street) to RGZ by Amendment C96. The Design Guidelines were adopted by Council on 25 February 2019, at

the same meeting at which Council resolved to seek authorisation to prepare Amendment C153bany.

Council submitted:

The community have been fully engaged and involved in the evolution of this site from Amendment C96, to community consultation of the Design Guidelines. The final Design Guidelines adopted through Council in 2019 incorporate the community's feedback to ensure the future development of this site not only meets community aspirations but creates a sense of community pride with a positive legacy into the future.

The Design Guidelines are not currently referenced in the Planning Scheme.

(v) The La Trobe National Employment and Innovation Cluster Draft Framework Plan

The site is within the La Trobe National Employment and Innovation Cluster (NEIC). NEICs are identified in Plan Melbourne as areas of national significance where a concentration of businesses and institutions will provide a major contribution to the Victorian economy. Plan Melbourne recognises the capacity of NEICs to accommodate future growth in jobs and housing.

A draft Framework Plan has been prepared for the La Trobe NEIC (March 2017) which includes the following principles:

- a key aspiration for the area includes “*a mixed use cluster with better services and facilities and affordable, accessible and diverse housing close to jobs*” (Principle 5)
- there is a need for affordable housing options in the area that have a focus on sustainable and high quality design, at higher densities rather than typical detached housing typologies (Strategic Outcome 3)
- there is a need for improved public open space and community infrastructure to meet changing needs (Strategic Outcome 4).

2.3 Planning scheme provisions

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

(i) Zones

The Amendment proposes to rezone the subject land to RGZ, consistent with the current zoning of the adjacent parcel at 232 Banksia Street. The purposes of the RGZ are:

- To provide housing at increased densities in buildings up to and including four storey buildings.
- To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.
- To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.
- To ensure residential development achieves design objectives specified in a schedule to this zone.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

(ii) Overlays

The purposes of the Development Plan Overlay are:

- To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.
- To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.

(iii) Other provisions

Clause 52.02 (Easements, Restrictions and Reserves) facilitates the variation or removal of covenants. The Amendment proposes to include the land at 96 Oriel Road (the former Hi City site) in the schedule to Clause 52.02.

Other relevant particular provisions include:

- Clause 52.06 Car Parking
- Clause 52.34 Bicycle Facilities
- Clause 56 Residential Subdivision
- Clause 58 Apartment Developments.

Any future development on the site will need to meet the requirements of these provisions.

2.4 Ministerial Directions

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

2.5 Planning Practice Notes

Planning Practice Note 91: Using the Residential Zones

Planning Practice Note 91: Using the Residential Zones (PPN91) provides information and guidance about how to use the residential zones to implement strategic work. It sets out the role of the RGZ:

Applied to areas suitable for housing diversity and housing at increased densities in locations offering good access to services, jobs and public transport, and to provide a transition between areas of more intensive use and development such as activity centres, and other residential areas

It supports the application of the residential zones based on strategic work such as a Housing Strategy.

Planning Practice Note 23: Applying the Incorporated Plan and Development Plan Overlays

Planning Practice Note 23: Applying the Incorporated Plan and Development Plan Overlays (PPN23) provides advice on when these tools should be used. It states:

Both overlays should be underpinned by a strategic framework that sets out the desired development outcomes and the overall layout of the land including, if relevant, the design principles for the development, major land uses, transport and open space networks. The strategic framework should be prepared before the overlay is applied ...

The strategic framework should be set out in the planning scheme or form part of the amendment introducing the overlay into the planning scheme ...

3 Strategic justification

3.1 Submissions

Council submitted that by 2036, Banyule's population is anticipated to grow from 130,240 residents to 150,760, an increase of 20,520. It submitted that the Bellfield Project site is a strategic redevelopment opportunity for Council to create more dwellings at an increased density to accommodate Banyule's growing population. It submitted that the site's proximity to key services and centres aligns with the principle of creating 20-minute neighbourhoods in Plan Melbourne, and is consistent with Clauses 15.01-4R, 16.01-2R and 18.02-1R of the Planning Scheme which encourage increased housing density in such areas.

Council pointed to the analysis of the strategic justification for the Amendment in the Bellfield Planning Framework report, which was produced by Ethos Urban to inform the preparation of the Amendment. Section 3.1 (Strategic Justification) of the Framework report states:

The proposal provides a positive solution for residential consolidation and redevelopment. High quality housing at higher densities as well as new community facilities would be an exceptional outcome for the immediate and surrounding Banyule community. The redevelopment will offer a range of housing typologies, from apartments to townhouses, as well as a new Community Centre and Garden and Social Housing within the PUZ6 site in the Community Precinct (230 Banksia Street).

...

The provision of dwellings at higher densities is suitable for this site as the residential uses will be located between the provision of new community facilities and the extensive Ford Park (located on the West side of Oriel Road). The site would also provide for new dwellings complementary to the vision for the La Trobe NEIC (see Section 4.1 for further discussion) and the key objectives of Plan Melbourne that aim to "improve access to jobs across Melbourne and closer the where people live (Direction 1.2)" (see Section 4.2 for further discussion).

In addition to access to existing jobs, redevelopment of the precinct itself will enable job creation through both pre and post-construction and approximately 20-30 jobs at the new community centre.

Section 4.4 of the Framework report discusses how the Amendment is consistent with the local policy framework:

The rezoning will provide for the required additional housing the municipality needs to accommodate the anticipated growth while creating an integrated community where there is access to jobs, transport and services. Application of a DPO allows for a desired built form outcome to be achieved that will not only cater for a variety of needs but also ensures that the built form created is of a high quality, is energy efficient, and is built to last.

The site is also within the La Trobe NEIC, an area of strategic significance within the municipality. The site is an emerging cluster area, with a focus on employment and education in health and research, as well as significant retail opportunities. The proposal will provide additional housing close to employment opportunities within the cluster area, as well as provide additional community facilities for those who will be living and working in the precinct.

No submitter commented on the Amendment's strategic justification.

3.2 Discussion

The Bellfield Project site is identified in the Housing Strategy as a strategic redevelopment site with good access to public transport and services and the potential to accommodate medium or higher density housing. The site is in a Diversity Area, and a NEIC. Clause 21.06 and the Housing Strategy encourage medium and higher density housing in Diversity Areas, and Plan Melbourne envisages NEICs as areas where businesses and institutions will concentrate, with capacity to accommodate future growth in jobs and housing.

The Amendment facilitates urban renewal in an area identified for growth in Plan Melbourne, on a strategic redevelopment site with good access to services and facilities. This is consistent with the settlement policy in Clause 11 of the PPF, and the housing policy in Clauses 16 and 21.06 of the PPF.

Both State and local housing policy encourage housing diversity, long term sustainability of new housing, and affordable housing. Key strategies in Clause 16.01-1S are:

- Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.
- Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.
- Facilitate the delivery of high quality social housing.

Clause 16.01-3S seeks to encourage housing stock that provides a range of housing types to meet diverse needs. It encourages well designed medium density housing that respects neighbourhood character, improves housing choice, and makes better use of existing infrastructure. Facilitating increased density housing on a site that is accessible by the principle public transport network, and is located opposite a park with regional facilities and next to a school and community facilities, is consistent with Clause 16.01-3S.

PPN23 provides advice on the use of the Incorporated Plan and Development Plan Overlays. It states that a DPO should be underpinned by a strategic framework that sets out the desired development outcomes and the overall layout of the land. The Design Guidelines provide this strategic framework, and the Panel is satisfied that the DPO8 captures the key elements of the Design Guidelines. The DPO8 will ensure that the medium density housing will be well designed and sustainable, and will provide a walkable, permeable neighbourhood that encourages sustainable transport modes (walking and cycling).

PPN23 outlines the following considerations that should be taken into account when deciding which overlay to use:

- The Incorporated Plan Overlay should normally be used for sites that are likely to affect third-party interests and sites comprising multiple lots in different ownership, including most redevelopment of existing urban land, particularly where the surrounding land use is residential.
- The Development Plan Overlay should normally be applied to development proposals that are not likely to significantly affect third-party interests, self-contained sites where ownership is limited to one or two parties and sites that contain no existing residential population and do not adjoin established residential areas.
- In some situations on large self-contained sites, both overlays can be used. The Incorporated Plan Overlay can be used to manage the strategic development

framework, and the Development Plan Overlay can be used to specify conditions and require a development plan to specify the form for the development of the site.

The Panel is satisfied that the DPO is the appropriate tool to apply in this case. The subject land is a large self-contained site that does not have any direct residential abuttals. The DPO8 specifies the form of development on the site, and requires a master planned approach to any future development. While future development on the site is likely to affect third-party interests (particularly those of the surrounding residents), the Panel notes that the Design Guidelines have been through an extensive community consultation process. The Panel is satisfied that the community has had adequate opportunity to input into the form of development on the site.

Council sought to rely on the community benefit associated with the social housing and upgrading and replacement of the community facilities. While the Panel has no doubt that these elements of the Bellfield Project will deliver substantial benefits to the local community, these are not being facilitated by the Amendment. These elements of the Bellfield Project will be delivered in the Community Precinct, which is not part of the Amendment. Nevertheless, the Panel notes that the upgraded community facilities will be in an accessible location that is linked to surrounding areas by walking and cycling paths, consistent with the objectives of Clause 21.04-4 (Community facilities).

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the PPF. It is consistent with the guidance in PPN91 that the RGZ should be applied to areas suitable for housing diversity and housing at increased densities in locations offering good access to services, jobs and public transport. The Amendment is well founded and strategically justified, and should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3.3 Conclusion and recommendation

The Panel concludes:

- The Amendment is strategically justified and should proceed, subject to addressing the more specific issues raised in submissions.

The Panel recommends:

- 1. Adopt the Amendment as exhibited, subject to any other Panel recommendation.**

4 Covenant removal

4.1 The principles

There are no specific tests set out in the Act for an amendment that facilitates the removal of a covenant. However, the Mornington Peninsula C46 Panel Report sets out what have since become widely accepted principles that apply to such an amendment:

- First, the Panel should be satisfied that the Amendment would further the objectives of planning in Victoria. The Panel must have regard to the Minister's Directions, the Planning Provisions, MSS, strategic plans, policy statements, codes or guidelines in the Scheme, and significant effects the Amendment might have on the environment, or which the environment might have on any use or development envisaged in the Amendment;
- Second, the Panel should consider the interests of affected parties, including the beneficiaries of the covenant;
- Third, the Panel should consider whether the removal or variation of the covenant would enable a use or development that complies with the Planning Scheme; and
- Finally, the Panel should balance conflicting policy objectives in favour of net community benefit and sustainable development. If the Panel concludes that there will be a net community benefit and sustainable development, it should recommend the variation or removal of the covenant.

4.2 Submissions

Council submitted that the Amendment satisfied the principles set out by the Mornington C46 Panel. The Panel understood Council to have been referring specifically to the element of the Amendment that facilitates the removal of the covenant from the former Hi City site.

(i) Is the Amendment consistent with the objectives of planning in Victoria?

Council submitted that the Amendment supports the Victorian planning objectives and the objectives of the MSS by facilitating the efficient and sustainable development of an underutilised site for housing diversity. It submitted that the subject land is located in an existing urban area with good access to employment, services, transport options, community facilities, recreation and open space. The Amendment will allow housing growth in an area identified within the MSS and in forms that will contribute to housing diversity and environmental sustainability. Council submitted that the community needs for the social infrastructure previously accommodated on the site can be adequately provided for elsewhere.

(ii) Interests of affected parties

Council submitted that the removal of the covenant will allow the development of the site in accordance with the Design Guidelines, which were subject to an extensive public consultation process. It submitted that the application of the DPO8 will ensure that future development will follow the objectives of the Design Guidelines. It submitted:

The future urban form, including building heights and setbacks have been carefully considered to ensure there are no unreasonable impacts on the surrounding neighbourhoods. Background studies of the existing road capacity have confirmed that the traffic generation by the masterplan is anticipated to have a negligible impact on the surrounding road network.

...

The consideration of impacts on affected parties needs to be balanced against the benefits that removal of the covenant will bring. Any potential impacts on the amenity of surrounding landowners, will be appropriately managed through the Planning Scheme. The benefits of the removal of the covenant outweigh the potential negative impacts of a future redevelopment of the subject site.

(iii) Will the development of the site comply with the Planning Scheme?

Council submitted that there is no current proposal for the development of the site, but the rezoning of the site and application of the DPO8 applies a planning framework to guide future development of the site. It submitted that any future proposal will be required to respond to the PPF and the controls proposed by the Amendment, and would be assessed on its individual merits.

(iv) Net community benefit

Council highlighted a number of benefits that will flow from the removal of the covenant, including those discussed above and in Chapter 3. It further submitted:

The proceeds of the sale of the subject land (should it be sold following the removal of the covenant) would provide additional funds for other works and services to benefit the Banyule community.

The broader community benefits to be obtained by removing the covenant outweigh the potential dis-benefits to affected parties. The Bedford Group have indicated that current operations are not financially viable at this site, accordingly Bedford Group have relinquished the lease on the property. The removal of the covenant from the site will have no impact on the employees of Hi City as the operations were ceasing for unrelated reasons.

4.3 Discussion

Each of the informal submissions objected to the removal of the covenant, although as noted in Chapter 1.6(i), the Panel considers that the issues raised in these submissions are beyond the scope of the Amendment. The Panel notes that there is no suggestion that the Bedford Group's decision to vacate the site was prompted by Council's intention to remove the covenant from the land. Rather, it appears to have been driven by financial considerations.

The removal of the covenant will facilitate the Bellfield Project which the Panel considers is consistent with the Victorian planning objectives and the PPF for the reasons outlined in Chapter 3. While the removal of the covenant may not be strictly necessary for the Bellfield Project as a whole to proceed, it could not proceed in the coordinated and master planned way envisaged in the Design Guidelines if the covenant remains in place. The Panel is satisfied that the removal of the covenant satisfies the first principle outlined by the Mornington C46 Panel (consistency with the Victorian planning objectives).

In terms of the second principle (interests of affected parties), Council submitted that parties potentially affected include the occupiers of the land the covenant applies to as well as the owners and occupiers in the surrounding area. Council submitted that it was the only beneficiary of the covenant. The Panel is not persuaded that this is necessarily the case. See Chapter 1.6 for a more detailed discussion of this issue. That said, the Panel agrees with

Council that the application of the DPO8 will ensure that the Design Guidelines are adhered to, and that impacts on surrounding landowners will be managed appropriately.

In terms of the third principle (will development comply with the planning scheme), the removal of the covenant, combined with the rezoning of the land and the application of the DPO8, will enable a use or development that is consistent with state and local policy objectives in the PPF, as well as the Victorian planning objectives. The development will need to comply with the Planning Scheme, and any development proposal will be assessed on its merits.

The fourth principle outlined by the Mornington C46 Panel requires the Panel to balance conflicting policy objectives in favour of net community benefit and sustainable development. The Panel concludes that the removal of the covenant will facilitate the Bellfield Project which will deliver a net community benefit and sustainable development for the reasons outlined in Chapter 3.

The Panel therefore supports the removal of the covenant.

4.4 Conclusion

The Panel concludes:

- The covenant should be removed from the land, subject to Council satisfying itself that it has met its obligations under the Act to identify and notify all beneficiaries of the covenant.

5 Housing diversity

5.1 The issue

The issue is whether the Amendment provides appropriate support for housing diversity, including alternative tenure models such as deliberative housing.

5.2 Relevant policies and studies

(i) Planning Policy Framework

The following policies are relevant, in addition to those discussed in Chapter 2.

At state level, Clause 16.01-3S (Housing Diversity) seeks to provide for a range of housing types to meet diverse needs. Key strategies include:

- Ensure housing stock matches changing demand by widening housing choice.
- Facilitate diverse housing that offers choice and meets changing household needs through:
 - A mix of housing types.
 - Adaptable internal dwelling design.
 - Universal design.
- Encourage the development of well-designed medium-density housing that:
 - Respects the neighbourhood character.
 - Improves housing choice.
 - Makes better use of existing infrastructure.
 - Improves energy efficiency of housing.
- Support opportunities for a range of income groups to choose housing in well-serviced locations.

At the local level, objectives and strategies in Clause 21.04-1 (Housing) of the MSS include:

Objective 2 – Housing types

To provide a greater diversity of affordable housing opportunities in appropriate locations, including in Activity Centre Zones to address the needs of those seeking to reside in Banyule.

Strategies to achieve this objective include:

- Encourage greater diversity of housing in terms of layout, size, affordability and tenure.
- Increase the supply of public housing where there is an identified deficiency.
- Encourage a mix of public and private housing within well designed developments across the City.

...

Objective 3 – Housing affordability

To improve housing affordability.

Strategies to achieve this objective include:

- Support affordable housing, particularly in locations with good access to public transport and services.
- Support the provision of affordable housing in the private rental market.

(ii) The Design Guidelines**The Design Guidelines state at page 2:**

The Bellfield Design Guidelines have been prepared to establish aspirations and objectives for a catalyst redevelopment in Banyule. This project will positively lead an integrated development via exemplary housing diversity and delivery models whilst leading the positive urban renewal of Bellfield.

They include a discussion of the housing context on page 8:

Housing affordability and the need for more diverse forms of housing is becoming increasingly important in major Australian cities such as Melbourne. A variety of housing models are required to address housing affordability problems, with different models suitable for different residents.

... Housing delivery models can be considered on a spectrum (Figure 1.4), with market housing at one end, and social housing at the other. In the middle of the spectrum there are other development models, such as community-led development known as 'deliberative development'. Some developers are becoming increasingly engaged with these alternative housing models.

The Guidelines go on to explain the different housing typologies and delivery models under investigation, including deliberative housing. They explain various forms of deliberative housing including the Nightingale Model, Baugruppen (German for building groups) and cohousing. The Guidelines do not, however, explicitly encourage deliberative housing in any particular precinct.

5.3 Submissions**(i) Cohousing Banyule and Cohousing Australia**

Cohousing Banyule and Cohousing Australia (collectively referred to as 'Cohousing Banyule') supported the spirit of the Amendment, but requested changes to better reflect the aspirations of the Design Guidelines to encourage alternative housing delivery models including 'deliberative housing'. It explained deliberative housing as follows:

Deliberative development provides an alternative to conventional models to fund, design and deliver housing which is specifically designed for the future purchaser, not an investor market. This could include consideration of more innovative and affordable tenure models (e.g. setting up land as a community trust), the use of Voluntary Affordable Housing Agreements, supporting Housing Associations and not for profit housing delivery models.

Cohousing Banyule submitted that community led housing projects, where consumers collectively assume the role of developer, internalise developer margins and eliminate marketing costs, resulting in significant cost savings and more affordable housing. Community led projects also achieve broader collective community benefits, and help build viable and resilient communities, consistent with many of Council's objectives in its housing policy. It submitted:

Cohousing has the ability to not only provide for greater housing diversity but also delivery [of] more affordable options in a manner that creates liveable and sustainable communities. The market failure of current housing delivery options are not only denying property ownership for an increasing section of the population, but also are not delivering the community and liveability outcomes being sought by the wider community. Cohousing provides opportunities to accommodate population growth and ageing in place in a sustainable manner that benefits the environmental, social and economic outcomes being sort by communities. The benefits of such developments

can include high quality and more sustainable development, increased housing affordability and the creation of community within and beyond the developments themselves.

In oral submissions, Cohousing Banyule submitted that the planning system tends to take a narrow view of housing diversity, generally characterising it as a mix of 1, 2 and 3 bedroom apartments, or a mix of apartments and detached housing. It submitted that housing diversity is much more than this, and should consider things like different tenure arrangements and delivery models.

Cohousing Banyule acknowledged that the Bellfield Project will deliver a social housing component, but submitted that part of the Amendment site should be set aside as a Demonstration Housing Precinct, to provide housing options for those not eligible for social housing but for whom ownership of market housing is still out of reach, or those that choose to be part of *'citizen led/deliberative housing models that focus on community and environmental benefits, and long term sustainability'*.

In its submission to the Amendment, Cohousing Banyule sought extensive changes to the MSS and the DPO8 to reflect different tenure models as part of housing diversity, to better recognise and promote deliberative housing as a form of housing choice, and to highlight some of the sustainability and other benefits that deliberative housing is able to deliver. It presented a revised version of the DPO8 at the Hearing (Document 6) which sought (among other things):

- **the addition of three further objectives in Clause 1.0:**
 - To increase the diversity of housing typologies and delivery models that promote affordable, environmental, and social outcomes.
 - To support well designed cohousing/deliberative housing and provide housing options for all residents' needs and lifestyles.
 - Continue to advocate for the provision of affordable housing and co-housing opportunities.
- **the addition of the following requirements in Clause 4.0 (Requirements for development plan):**

HOUSING

The Development Plan should show:

- Greater housing diversity in terms of layout, size, affordability and types of tenure.
- Promotion of more innovative forms of housing especially for ageing in place and Deliberative Housing Models.
- Encouragement of Affordable Housing (as defined in the Planning and Environment Act).
- Promotion of a strong sense of community internal and external to the site.
- Provide housing delivery typologies and tenure models that support affordable housing.
- Provide housing that meets the long term needs of residents including ageing in place and supporting sustainable social, environmental and economic outcomes.

REQUIRED PLANS AND REPORTS

...

A Housing Report that demonstrates how development on the site will achieve increasing the diversity of housing typologies and delivery models that promote affordable, environmental, and social outcomes.

(ii) Council's response

Council submitted that it intends to provide at least 30 social housing units within the Community Precinct, and had issued an expression of interest to all 37 registered Housing Associations in Victoria on 28 February 2020. This would amount to 10 to 15 per cent of the total dwellings delivered as part of the Bellfield Project. It submitted:

As such, it is not Council's intention to provide any other form of affordable housing, such as cohousing, within the precinct identified as part of this Amendment. Innovation and sustainable housing delivery are however, at the core of this proposed Amendment, with proposed DPO8 incorporating the following relevant built form requirements into any future development at the site:

- Cohesive architectural design throughout the site, with the use of high quality, durable and low maintenance materials.

And in support of any Development Plan there is a requirement to prepare and submit:

- An Ecologically Sustainable Development Plan that demonstrates how development on the site will achieve best practice standards and incorporate innovative initiatives.

Council submitted that Cohousing Banyule's changes to the MSS should be addressed under a separate process, as the changes related to general housing need across the municipality, not just the site. It submitted:

Such an alteration to the wording of Council's Municipal Strategic Statement and Local Planning Policy Framework requires further strategic justification in the form of a review of Council's Housing Strategy to identify specific housing need across the municipality. Given the City of Banyule's Housing Strategy was adopted in March 2009, this is a piece of work Council hopes to review in the near future.

Cohousing Banyule acknowledged this at the Hearing.

Council did not accept Cohousing Banyule's proposed changes to the DPO8, but did propose the following change to the second objective in the DPO8:

- To deliver a high-quality integrated development that caters for a range of lot densities and housing choices including deliberative housing that respond to and manage site features and constraints.

Cohousing Banyule supported this change, but maintained that the Amendment could (and should) do more to facilitate affordable housing and cohousing options on the site.

5.4 Discussion

The Panel agrees with Cohousing Banyule that housing diversity should be understood as referring to something broader than just a mix of dwelling sizes and types. Housing diversity does include different levels of affordability, different tenure arrangements, and different delivery models. This is envisaged in both the state and local policies extracted in Chapter 5.2 above, which specifically refer to widening housing choice, delivering housing suitable for a range of income groups, diverse tenure, and a mix of social and market housing.

The Panel acknowledges the potential for deliberative housing models to deliver a range of environmental and social benefits. However, the Panel is not persuaded that this necessarily warrants a specific reference to deliberative housing in the DPO8. Other forms of housing can also deliver these benefits. Any proposed development on the subject land will be assessed on its merits, including the degree to which it aligns with the policy outcomes sought under the PPF. The Panel is not convinced that there is justification for singling out

deliberative housing in the objective as outlined above, but notes that this is an agreed position between Council and Cohousing Banyule.

It is up to Council, as the current landowner, to decide whether or not it wishes to set aside part of the site as a Demonstration Housing Precinct, and (if so) how any demonstration housing projects would be delivered and by whom. This is not, however, something that needs to be reflected in the Amendment documents.

In terms of the changes sought by Cohousing Banyule to the DPO8, the Panel does not support the three further objectives sought in Clause 1.0. These are policy-based objectives, and the proper home for policy objectives is in the local policy framework rather than a DPO schedule. In any event, the Ministerial Direction on the Form and Content of Planning Schemes only allows a maximum of five objectives in a DPO.

The Panel was not persuaded that the inclusion of the additional requirements relating to housing and the Housing Report are justified. Many of these requirements are already contained in the PPF, and do not need to be repeated in the DPO8. Affordable housing and environmentally sustainable development are well covered in Clauses 15.02, 16.01, 21.04 and 22.05 of the Planning Policy Framework. Alternative tenure and delivery models are covered in the Design Guidelines, which are referenced in the DPO8. Amendment C120bany (assuming it is approved) will provide further support for deliberative housing and other affordable housing models. No material was presented to the Panel justifying the specific references to ageing in place.

5.5 Conclusions

The Panel concludes:

- Housing diversity is broader than just a mix of housing sizes and typologies. It includes a mix in affordability, tenure and possibly also delivery models. This is already recognised in the state and local policy framework.
- Development proposals on the site will be assessed on their merits, including the degree to which they deliver the policy outcomes sought at state and local levels relating to housing affordability, housing diversity and environmental and social benefits.
- Changes to the DPO8 sought by Cohousing Banyule are not necessary because most are already well covered in state and local planning policy, the Design Guidelines and Amendment C120bany (assuming it is approved). Others would fall foul of the Ministerial Direction on the Form and Content of Planning Schemes.
- It is not appropriate or justified to single out deliberative housing in the DPO8, but notes that this is an agreed position between Council and Cohousing Banyule.

6 Other issues

6.1 Traffic and transport

(i) The issues

The issues are:

- impacts on transport corridors
- traffic congestion
- parking issues
- pedestrian safety.

(ii) Submissions

The Department of Transport supported the Amendment, on the basis that the new access points (being proposed in Banksia Street and Perkins Avenue) should have minimal impacts on the existing transport networks in the area, including Oriel Road bus routes. It did however note that access points in Banksia Street need to consider the Strategic Cycling Corridor proposed for Banksia Street.

Ms Taylor was concerned that the increased density proposed on the site would further exacerbate existing congestion and car parking issues in the area, and that the proposed development could create pedestrian safety issues.

In responding to these concerns, Council submitted that future residents are expected to utilise public transport options given the site's location within the Principal Public Transport Network and its accessibility by public transport. Shared paths and bicycle parking will be provided throughout the site to encourage non-car based transport for residents and visitors.

Council noted that the Bellfield Planning Framework report prepared by Ethos Urban was supported by a Traffic Impact Assessment prepared by One Mile Grid. The Traffic Impact Assessment included traffic volume and speed surveys which demonstrated that a development in the form envisaged in the Design Guidelines is expected to generate low traffic volumes that can be easily accommodated on the surrounding road network, with a negligible increase in congestion. The Traffic Impact Assessment also demonstrated that the development can reasonably accommodate the additional car parking required on-site, in individual garages for the townhouses, car parking within the apartment buildings and on-street car parking on internal roads. The development should not, therefore, increase the demand for parking in the surrounding streets.

In relation to pedestrian safety, Council submitted that the Traffic Impact Assessment includes diagrams that show the network of pedestrian and shared-user paths proposed, including three proposed north-south shared paths. It submitted that these provide for an appropriate separation of vehicle and pedestrian traffic.

Cohousing Banyule's preferred version of the DPO8 (Document 6) included the following changes (underlined) in Clause 4.0:

CIRCULATION AND ACCESS

The development plan should show:

- ...
- Opportunities for shared car parking (at a reduced rate) for deliberative housing outcomes such as cohousing where clearly supported by a Green Travel Plan.
- The location of resident car parking spaces within basement levels or suitably concealed within or behind buildings, or behind architectural features with flexibility given for the siting of carshare spaces.

(iii) Discussion

The Panel is satisfied on the basis of the Traffic Impact Assessment and the submissions of Council and the Department of Transport that the proposed development will not have any adverse traffic, transport or carparking impacts. No material was presented to the Panel to persuade it that the Traffic Impact Assessment was inaccurate.

The DPO8 requires that the development plan include an Integrated Transport and Traffic Management Plan which identifies roads, pedestrian, cyclist and vehicle access, on-site parking areas and other likely impacts of the proposed development on arterial and local roads. The Panel is satisfied that any impacts on traffic, transport and parking will be addressed through this plan.

The Panel is satisfied that the DPO8 responds appropriately to pedestrian safety. The Development Plan is required to show the location of pedestrian paths, indicating circulation within and through the precincts and linkages from each of the precincts to nearby public open spaces, paths and roads. The Concept Plan in the DPO8 indicates an extensive Primary Pedestrian Interface which is required to have permeable open space at least 2 metres wide. The Precinct Street (North-south) Interface must be set back at least 9 metres from the eastern site boundary (Oriel Road), to allow for a 3 metre wide pedestrian path, swale and open space. The active frontage requirements in the DPO8 include the placement of entries, windows and balconies to facilitate passive surveillance of pedestrian paths.

The changes sought by Cohousing Banyule to the DPO8 are largely self-explanatory, but Cohousing Banyule did not provide any justification supporting the need for these changes. Under the exhibited DPO8, the carparking requirements for the development plan are discretionary, and already allow for the flexibility sought by Cohousing Banyule.

(iv) Conclusions

The Panel concludes:

- The proposed development will not have adverse impacts on transport routes, congestion, carparking or pedestrian safety.
- Changes sought by Cohousing Banyule are not justified.

6.2 Increased density

(i) The issue

The issue is whether the proposed densities on the subject land are appropriate.

(ii) Submissions

Ms Taylor submitted that the proposed density of the development should be decreased. She submitted that there are already too many high density developments in the area,

creating problems with traffic congestion, parking and pedestrian safety on the surrounding streets. These are discussed in detail in the previous section.

Council responded that the Design Guidelines and the Bellfield Planning Framework report have demonstrated that the land is currently underutilised and that its location can support increased density given it is close to multiple employment nodes, existing services and public transport. It submitted that the proposed rezoning of the land along Oriel Road to RGZ “*will align with the remainder of the precinct that was rezoned as part of Amendment C96 ... and will enable the implementation of the Design Guidelines’ aspirations*”.

(iii) Discussion

The subject land is identified in the Residential Areas Framework in Clause 21.06 as within a Diversity Area (the Amendment clarifies the Residential Areas Framework Map to make it clear that the Diversity Area extends to include the parcels along Oriel Road). The Housing Strategy and Clause 21.06 indicate that a variety of different housing types will be encouraged in Diversity Areas, including medium and higher density housing. Clause 21.04 states that the RGZ will be applied to residential areas offering good access to services and transport. The Panel observed on its site visit that there is a range of medium density housing already developed in the area, particularly on the other side of Banksia Street.

The Panel considers that rezoning the subject land to RGZ is consistent with the policy framework, and the densities anticipated in the Design Guidelines and the DPO8 are appropriate given the site’s locational characteristics.

(iv) Conclusions

The Panel concludes:

- The densities envisaged on the subject land under the Design Guidelines and the DPO8 are appropriate.
- The RGZ is the appropriate zone to achieve the envisaged densities.

6.3 Other changes sought by Cohousing Banyule

(i) Submissions

Cohousing Banyule sought the addition of the following requirements in Clause 4.0 of the DPO8 (underlined):

GENERAL

The development plan must demonstrate the following:

- Passive sustainable design and Green Star Communities.

OTHER BUILT FORM REQUIREMENTS

The development plan should show:

- Design that gives priority to informal social and community interaction.
- Private open spaces at ground level raised up to provide both privacy and outlook.

LANDSCAPE AND OPEN SPACE

...

Flexibility needs to be consider[ed] to reduce individual private lot requirements where Cohousing developments achieve high levels of well designed communal open space and landscaping across the entire site.

REQUIRED DOCUMENTS, PLANS AND REPORTS

- A Site Context Analysis and Design Response that includes, but is not limited to:
 - Showing how passive design has informed the analysis and response to achieve high environmental outcomes.

(ii) Discussion

The Panel supports the principles underlying the changes sought by Cohousing Banyule. However, it considers that the requirements sought by Cohousing Banyule in relation to passive sustainable design and Green Star Communities are already adequately dealt with in Clause 15.02, Clause 21.06-1 Objective 3 and Clause 22.05 of the PPF, and do not need to be repeated in the DPO8.

Cohousing Banyule did not explain in their submissions why the changes in relation to informal social and community interactions and raised private open space are required. It is not clear what problem these changes seek to address. The changes appear to be specific to deliberative housing models, and the Panel is not persuaded that they are necessarily applicable and appropriate for other forms of housing that may be delivered.

The Panel supports flexibility in relation to landscape requirements for cohousing developments (or any other development) with well designed communal open space, but does not consider that this needs to be explicitly stated in the DPO8. The exhibited DPO8 already allows flexibility through its discretionary landscaping requirements for the development plan.

(iii) Conclusions

The Panel concludes:

- Environmentally sustainable design principles are adequately addressed in the Planning Policy Framework and do not need to be addressed in DPO8.
- The exhibited DPO8 provides sufficient flexibility in relation to landscaping requirements without the need for further changes.
- It is not clear why the changes sought in relation to social and community interactions and private open space are required.

6.4 Changes outlined in the conditions of authorisation

As outlined in Chapter 1.5, the conditions of authorisation included:

- amend Clause 21.06 to include references to strategic redevelopment sites in various locations
- include the following additional strategy in Clause 21.06-1 under Objective 4 Housing Change:
 - Protect the existing and surrounding character of land adjoining [the] key strategic redevelopment area known as Bellfield Precinct Redevelopment Site,

by ensuring the land is developed as envisaged in the Bellfield Master Plan Design Guidelines (2019).

- add the Design Guidelines as a background document in Clause 21.06
- modify the Residential Areas Framework Map to clarify whether the parcels along Oriel Road are included in the Diversity Area.

All of these changes were included in the exhibited Amendment.

(i) Submissions

Council supported all of these changes, except for the inclusion of the Design Guidelines as a background document in Clause 21.06. In response to questions from the Panel, it explained that it considered that the Design Guidelines are a site specific document, and it is not appropriate to include it as a background document in the local policy framework. Council considered that the appropriate place to reference the Design Guidelines is in the DPO8.

(ii) Discussion

Planning Practice Note 4: Writing a Municipal Strategic Statement (PPN04) provides guidance on how a MSS should be written. It states:

Reference documents

The documents that were used to strategically construct the objectives and strategies in the MSS should be referred to in the MSS preferably at the end of each theme or local area implementation. A reference document merely points the reader to background or supporting information that will assist in understanding the basis for the MSS. It has no statutory status and is not a substitute for appropriate policy content in the scheme itself. Specific planning requirements should be extracted from a reference document and included in the scheme in an appropriate way.

The Panel agrees with Council that it is not appropriate to include the Design Guidelines as a reference document in Clause 21.06. Clause 21.06 does not address (and is not designed to address) development on specific sites. Rather, it contains general objectives and strategies relating to built form and character across the municipality. Nothing in PPN04 requires the Design Guidelines to be referenced in the MSS. The Panel agrees with Council that the appropriate place for the Planning Scheme to reference the Design Guidelines is the DPO8. The exhibited DPO8 already does so appropriately.

For similar reasons, the Panel does not support the inclusion of the additional strategy in Clause 21.06-1. This strategy singles out the Bellfield project in a series of strategies that address housing change across the municipality generally. None of the other strategies refer to specific redevelopments or specific sites, and it is not the role of the MSS to do so. The Panel considers that it is not appropriate to single out the Bellfield Project site in this way in Clause 21.06.

The other changes referred to in the conditions of authorisation are supported, as they are consistent with the Housing Strategy and improve the clarity and readability of the MSS.

(iii) Conclusions and recommendation

The Panel concludes:

- It does not support the following changes to the MSS outlined in the conditions of authorisation:
 - including the Design Guidelines as a reference document

- including the additional strategy relating to the development of the site in accordance with the Design Guidelines
- It supports the following changes outlined in the conditions of authorisation:
 - the addition of references to strategic development sites
 - the clarifications to the Residential Areas Framework map.

The Panel recommends:

2. **Amend Clause 21.06-1 to:**
 - a) **delete the final strategy under Objective 4 Housing Change relating to the Bellfield Precinct Redevelopment Site**
 - b) **delete the reference to the Bellfield Master Plan Design Guidelines (2019) after the Residential Areas Framework Map.**

Appendix A Document list

No.	Date	Description	Provided by
1	27/2/2020	Council Part A submission	Council
2	3/3/2020	Revised DPO8 (Council version)	“
3	4/3/2020	Council Part B submission	“
4	“	S Walker PowerPoint presentation outlining background about the Bellfield Project	“
5	5/3/2020	Cohousing Banyule and Cohousing Australia submission	Ms Dominik
6	“	Revised DPO8 (Cohousing Banyule/Cohousing Australia preferred version)	“