

WHITTLESEA PLANNING SCHEME

AMENDMENT C229

EXPLANATORY REPORT

Who is the planning authority?

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

The amendment has been made at the request of Rail Projects Victoria (RPV), an administrative office in the Department of Economic Development, Jobs, Transport and Resources (DEDJTR).

Land affected by the Amendment

The amendment applies to land in the City of Whittlesea which will be used and developed for the Donnybrook Car Park Upgrade (project), as shown in Figure 1.



Figure 1: Land affected by Amendment C229

Generally, the project comprises:

- Expansion of the existing Donnybrook station car park to provide approximately 250 car spaces, bus bays and associated transport interchange facilities.
- Widening and alteration to Springs Road, Donnybrook to facilitate a new car park entrance and bus access.
- Acquisition of part of the land at 805 Donnybrook Road, Donnybrook.

What the amendment does

The amendment changes the Whittlesea Planning Scheme to:

- Apply the Public Acquisition Overlay (PAO) to part of 805 Donnybrook Road, Donnybrook by amending the Schedule to Clause 45.01 (PAO) to allow the land to be acquired by the Secretary of the DEDJTR for the purpose of the project.
- Apply the Specific Controls Overlay (SCO) by inserting Clause 45.12 and an associated Schedule to allow the use and development of land for the purpose of the project in accordance with the specific control in the *Donnybrook Car Park Upgrade Incorporated Document, December 2018* (incorporated document).
- Amend the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to insert an incorporated document titled *Donnybrook Car Park Upgrade Incorporated Document, December 2018*.

Strategic assessment of the Amendment

Why is the Amendment required?

The \$1.7 billion Regional Rail Revival (RRR) program is a joint initiative of the Australian and Victorian governments and will upgrade stations, signalling and track across Victoria. RRR is a once in a generation investment that will deliver major upgrades to every regional passenger line in Victoria. As part of the RRR program, the Victorian Government will be delivering a series of improvements to the Shepparton Corridor including infrastructure upgrades and station improvements at Donnybrook and Wallan. RPV is responsible for the planning and implementation of the program on behalf of the State Government of Victoria.

The amendment allows for the acquisition, use and development of land for the purposes of the project in accordance with the *Donnybrook Car Park Upgrade Incorporated Document, December 2018*.

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

The amendment supports the objectives of planning in Victoria as set out in Section 4 of the *Planning and Environment Act 1987*. The following objectives are particularly relevant to the amendment:

- 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 conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historic interest, or otherwise special cultural values;
- To protect utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and
- To balance the present and future interests of all Victorians.

The amendment will benefit rail commuters and the Whittlesea community by increasing access to Donnybrook station, enhancing the car park amenities, improving access to the Melbourne Central Business District and regional Victoria and facilitating links to future local town centres.

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

Environmental

RPV has considered the potential environmental effects of the project through the planning and environmental management framework established under the *Lockerbie Precinct Structure Plan, May 2012* and *Lockerbie Native Vegetation Precinct Plan, May 2012*.

The findings of these investigations informed the preparation of the planning controls proposed by the amendment, including the *Donnybrook Car Park Upgrade Incorporated Document, December 2018*.

These measures will ensure there will be no significant environmental effects as a result of the project, and any potential environmental effects can be addressed through the amendment.

Social

The Donnybrook Car Park Upgrade will benefit the existing and future Donnybrook communities, by improving public transport access and commuting options.

A program of community and stakeholder engagement has been undertaken by RPV to investigate potential social effects of the project and to inform design and planning controls. This has included direct consultation with owners of the land to which the incorporated document applies as well as the owners of adjacent properties. Design and environmental considerations raised throughout the consultation period have been incorporated into the amendment.

Economic

The project will improve connectivity to local town centres and metropolitan Melbourne from Donnybrook and will provide better access to employment and services. The amendment will support the development of the future local town centres.

Does the Amendment address relevant bushfire risk?

The amendment is unlikely to pose risk of bushfire to the community, infrastructure or the environment.

Land in the project area is not affected by the Bushfire Management Overlay in the Whittlesea Planning Scheme. The project is located within a designated bushfire prone area, but the land is not to be used for residential purposes, and is therefore not subject to the minimum construction requirements.

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

Section 12(2)(a) of the *Planning and Environment Act 1987* requires that in preparing an amendment, a planning authority must have regard to the Minister's Directions. The following Ministerial Directions are relevant to this amendment:

Ministerial Direction on the Form and Content of Planning Schemes

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987*.

Ministerial Direction No.9 – Metropolitan Strategy

The purpose of this Direction is to ensure that planning scheme amendments have regard to Metropolitan Strategy which is *Plan Melbourne 2017-2050*.

Plan Melbourne 2017-2050 supports similar rail infrastructure projects.

Direction 1.2 to improve access to jobs across Melbourne and closer to where people live
Direction 3.2 to improve transport in Melbourne's outer suburbs
Direction 7.1 supports investment in regional Victoria to support housing and economic growth, and
Direction 7.2 seeks to improve transport connections for regional Victoria.

The project supports these directions and provides public transport options for existing and future residents.

Ministerial Direction No.11 – Strategic Assessment of Amendments

The purpose of this Direction is to ensure a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. The amendment has been prepared in accordance with Ministerial Direction No. 11, and various elements of the project have undergone strategic assessments through the following documents: the Lockerbie Precinct Structure Plan (May 2012),

Donnybrook-Woodstock Precinct Structure Plan and Donnybrook Station Local Town Centre Urban Design Framework (November 2017), Lockerbie Development Contributions Plan (May 2012, amended June 2017) and Station Access Plan: Donnybrook Station (Transport for Victoria, August 2018).

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

The amendment supports or implements the Planning Policy Framework as follows:

- The amendment supports the role and function of local town centres by improving access to public transport (Clause 11.03-1R Activity Centres).
- The amendment has had regard to the protection and conservation of places of identified heritage values and Aboriginal cultural heritage significance in accordance with state heritage planning policy (Clause 15.03 Heritage) and the requirements of the *Aboriginal Heritage Act 2006*.
- The amendment supports State transport planning policy by providing additional car parks to accommodate forecast demand and by optimising the use of existing rail infrastructure and providing links between the future local town centres and other modes of travel (Clause 18 Transport).
- The amendment contributes to the timely delivery of infrastructure to meet the need of the community (Clause 19.03-2S Infrastructure Design and Provision).

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

The following local policies of the Whittlesea Planning Scheme are of relevant to the project:

- Clause 21.08 Built Environment and Heritage. The amendment meets the objectives and requirements of these policies as it provides access to a multi-modal transportation network.
- Clause 21.09 Housing. The amendment is not in conflict with policy as it preserves the potential for future transit oriented residential development in the vicinity of Donnybrook station.
- Clause 21.11 Transport. The amendment meets the requirements of this policy as it will improve access to sustainable modes of travels and public transport services
- Clause 22.04 Heritage and Conservation Policy. The amendment is consistent with the Municipal Strategic Statement's Visions to protect and enhance places of heritage significance.

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

The amendment uses the provisions of Clause 45.12 Specific Controls Overlay and Clause 72.04 Documents Incorporated in this Planning Scheme to provide specific controls for the project in accordance with the new Victoria Planning Provisions introduced via Amendment VC148.

The specific controls are detailed in the *Donnybrook Car Park Upgrade Incorporated Document, December 2018* which facilitates the use and development of land for the proposed Donnybrook station car park and associated facilities in accordance with conditions.

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

- City of Whittlesea
- Department of Environment, Land, Water and Planning
- Transport for Victoria
- VicTrack

- V/Line
- VicRoads
- Victorian Planning Authority

An engagement program was undertaken with key stakeholders and agencies from May to November 2018.

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

The *Transport Integration Act 2010* requires interface bodies to have regard to the transport system objectives, the decision-making principles and any applicable statement of policy principles when exercising powers and performing functions that are likely to have a significant impact on the transport system.

The amendment is necessary to facilitate the project which will provide a significant benefit to the transport system.

The transport system objectives are set out in Part 2, Division 2 of *the Transport Integration Act 2010* and include social and economic inclusion, economic prosperity, environmental sustainability, integration of transport and land use, efficiency, coordination and reliability, and safety, health and wellbeing.

The decision-making principles are set out in Part 2, Division 3 of the *Transport Integration Act 2010* and include the principles of integrated decision making, triple bottom line assessment, equity, transport system user perspective, precautionary principle, stakeholder engagement and community participation and transparency.

The amendment was prepared having regard to the transport system objectives and decision-making principles under the Transport Integration Act 2010. Regard has been given to the policy principles as follows:

- **Social and economic inclusion:** the project will provide better access to Donnybrook train station for commuters who require vehicle access to the train station and bus services. The project will thereby expand access to social and economic opportunities.
- **Economic prosperity:** the project will generate employment during construction, increase access to employment and economic opportunities by providing additional car parking spaces at Donnybrook station.
- **Environmental sustainability:** The project promotes the use of sustainable travel modes of public transport by improving pedestrian and bicycle access.
- **Integration of transport and land use:** the project will support multi-modal transport opportunities for existing and future local communities through the development of the car park, bus shelters and bicycle facilities. The project will be delivered in a timely manner to provide for the current and future requirements of the transport system and the growing local communities.
- **Efficiency, coordination and reliability:** the project forms part of a program which intends to upgrade regional train lines in Victoria. It will facilitate integrated transport movement using different modes of transport.
- **Safety, health and wellbeing:** the project will align with the principles of safety performance of transport infrastructure, transport and promotion of safe user behaviour.
- **Principle of integrated decision making:** the project is the result of a coordinated process between RPV, Whittlesea City Council, landowners and other relevant agencies. The project is consistent with State policy including the Regional Network Development Plan and Plan Melbourne 2017-2050 and local policy.

- Principle of triple bottom line assessment: the economic, environmental and social costs and benefits of the project have been considered. The investigations undertaken for the project satisfy the principles of triple bottom line assessment.
- Principle of equity: the project will improve the operation of the transport system in these parts of metropolitan Melbourne and regional Victoria and will cater for the needs of existing and future communities.
- Principle of the transport system user perspective: the project will improve accessibility, comfort and safety at Donnybrook station.
- Precautionary principle: the precautionary principle was implemented during the development of the project through technical investigations to avoid serious or irreversible damage to the environment.
- Principle of stakeholder engagement and community participation: the proposed amendment is supported by a community and stakeholder engagement program which included consultation with Whittlesea City Council, local community, landowners and other key stakeholders.
- Principle of transparency: the amendment is supported by a community and stakeholder engagement program which included consultation with Whittlesea City Council, local community, landowners and other key stakeholders.

Resource and administrative costs

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

The new provisions are not expected to have a significant impact on the resource and administrative cost of the Whittlesea City Council as 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:

Whittlesea City Council
 25 Ferris Boulevard
 SOUTH MORANG 3750

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.