

Attachment 5: Amendment C204 Submission Summary Table, Updated April 2018

Submitter	Officer Response
Agency Submissions	
1. Country Fire Authority	
<p>The Amendment does not appear to have implications relating to bushfire and/or service delivery for the CFA.</p>	<p>Noted. <u>Officer Recommendation</u> No change recommended. This matter is resolved.</p>
2. Aus Net Services	
<p>AusNet Transmission Group has no objection to the Amendment.</p>	<p>Noted. <u>Officer Recommendation</u> No change recommended. This matter is resolved.</p>
3. DEWLP (Heritage)	
<p>Identified, that there are several places/sites protected under the Heritage Act within the vicinity of the Plenty Valley Town Centre Structure Plan:</p> <p>Victorian Heritage Register Places:</p> <ul style="list-style-type: none"> • H2333 Yan Yean Water Supply System (Hermes #13088) • H1398 South Morang Primary School (Hermes #4855) <p>Victorian Heritage Inventory Sites:</p> <ul style="list-style-type: none"> • H7922-0281 Yan Yean Pipetrack (Hermes #12915) • H7922-0033 South Morang Railway Station South Morang (Hermes #10272) 	<p>Noted. The South Morang Primary School (H1398) and former South Morang Railway Station (H7922-0033) are located outside the boundary of the Plenty Valley Town Centre Structure Plan and the Amendment C204 area. The Heritage values of the Yan Yean Water Supply System (H2333) and Yan Yean Pipetrack (H7922-0281) are identified in the Structure Plan and their values protected as part of an open space link. The former South Morang Railway Station is subject to a current Planning Scheme Amendment (C209) to apply a Heritage Overlay to the site. No change recommended.</p> <p><u>Officer Recommendation</u> No change recommended. This matter is resolved.</p>
4. Transport for Victoria (TfV)	
<p>At this stage there has been no Victorian Government commitment to extending the Route 86 tram route, and any potential future extension would be subject to a business case assessment and successful funding bid. All references to the tram extension should include the wording 'potential' to avoid any confusion as to its current status. The image on page 14 should also be updated to remove the picture of a tram.</p>	<p>Agree. Given, that the feasibility study into the Tram 86 extension has not been released and the project has not been committed to, or funded, by the State Government, the requested change is considered acceptable to accurately reflect the projects current status.</p> <p>In respect to the image on page 14 it is proposed that the image be amended to show a train which reflects existing public transport connections in the Town Centre.</p> <p><u>Officer Recommendation</u> Support the change to the amendment in the manner requested. This matter is resolved.</p>
<p>Transport for Victoria (TfV) and Public Transport Victoria (PTV), in conjunction with Council, are currently investigating</p>	<p>Refer to discussion in main body of the report. <u>Officer Recommendation:</u></p>

potential future commuter car parking in the Structure Plan area. At this stage it has not been finalised and is subject to ongoing investigations. Accordingly, no commitment has been made to provide extra parking and the Structure Plan should reflect this. Furthermore, PTV cannot commit to the provision of 800 car parking spaces and this requirement should be deleted from Schedule 2 to the Parking Overlay. TfV indicate that it is expected that completion of the Mernda Rail Extension project (which will deliver three new stations, 1,950 additional car parking spaces, bicycle storage and bus services) will reduce the demand for car parking at South Morang. They will continue to monitor the demand for parking at South Morang following with the Mernda Rail project becoming operational and investigate the potential for additional commuter car parking in the future.

Replace the policy direction in the Parking Overlay with the following strategy in Clause 21.13: “Support the provision of adequate car parking and infrastructure encouraging sustainable transport, for commuters at the South Morang Train Station.”

Landholder Submissions

5. 530 McDonald's Road Pty Ltd, McMillan Wealthiland Pty Ltd, McMillan Property Group Pty Ltd, McMillan Oleander Pty Ltd and Gary McMillan South Morang Pty Ltd.

Ensure the development opportunities now available under the Commercial 1 zoning (C1Z) and Development Plan Overlay - Schedule 26, current approved Development Plan are maintained to achieve optimising development in the Major Activity Centre.

The land use table in Schedule 2 of the Activity Centre Zone (ACZ) has been drafted to reflect the purpose of the precincts as identified in the Structure Plan. The land use table has been drafted generally in accordance with the Commercial zones which currently apply to the Town Centre with changes made where necessary. For example land uses such as Hospital, Dwellings and Exhibition Centres have been promoted whilst other land uses such as Bottle Shops, Gambling Premises, Industry and Warehouses have been more heavily restricted. Upon consideration of this submission a number of anomalies were identified and changes are recommended such as permitting Industry and Warehouses in the Employment Precinct (Precinct 5) generally consistent with the existing zone controls. It is recommended that the land use table be reviewed to optimise appropriate development in the Town Centre generally consistent with existing land use, zones and Structure Plan objectives.

Officer Recommendation

Review land use tables with regard to consistency with existing zone controls and the Structure Plan.

This matter is now resolved.

<p>To retain the land area located in proposed Precincts 4(b) and 5 in Category 1 (note submission incorrectly states Category 2) signage provisions for the purposes of clause 52.05 05 to align with proposed uses (<i>refer to Attachment 2 to for location of precincts</i>).</p>	<p>Agree. The submission requests that land in Precincts 4(b) and 5 to be in Category 1 which is the default category for Commercial zones. The other categories apply to more sensitive areas with high amenity. Upon review it is considered that Category 1 is appropriate for the Town Centre given that this is the default provision for the Town Centre and that all precincts will contain a mixture of uses including commercial. The application of other Categories may trigger permit applications for signage which is appropriate for a Town Centre context. It is recommended that Schedule 2 to the ACZ be amended to delete any variation to Advertising Sign requirements.</p> <p><u>Officer Recommendation</u> Amend Schedule 2 to the Activity Centre Zone to retain land in the Town Centre in signage Category 1.</p> <p>This matter is now resolved.</p>
<p>To amend the boundary between proposed Precincts 4(b) and 5 to respect property boundaries and development potential.</p>	<p>Agree. The boundary between Precincts 4(b) and 5 is currently along the eastern side of the electricity easement and Heaths Court Drain. It is agreed that a better outcome would be to align the precinct boundary with the property boundaries where possible to provide for consistency of planning controls. The boundary realignment will have minimal effect on land use outcomes given the constrained nature of the subject land (electricity easement and drainage). It is recommended that the boundary between Precinct 4(b) and 5 be realigned along the property boundaries on the western side of the electricity easement and Heaths Court Drain.</p> <p><u>Officer Recommendation</u> Realign the boundary between Precinct 4 and Precinct 5 to align with existing property boundaries.</p> <p>This matter is now resolved.</p>
<p>To rationalise and simplify the level of detail proposed to apply to development in Precincts 4(b) and 5 including height, setbacks and building typologies which are not supported by any strategic justification.</p>	<p>The built form controls in Schedule 2 to the ACZ and the Structure Plan have been developed through a comprehensive process as part of preparing the Structure Plan. The Structure Plan has been prepared in accordance with the process outlined in PPN58: Structure Planning for Activity Centres and Built Form Controls developed and implemented in accordance with PPN60: Height and Setback Controls for Activity Centres.</p> <p>A submission raised concern with the level of detail proposed to apply in respect to built form controls (i.e. setbacks, key marker buildings and</p>

	<p>gateway sites).</p> <p>The built form controls have been derived from a built form, character and future land use needs analysis undertaken as part of the Background Report and a detailed built form analysis presented in the draft Structure Plan. The background review considered existing built form and planning controls (such as existing Development Plans). The exhibited Structure Plan and ACZ schedule simplify these controls in accordance with the ACZ template provided for in Ministerial Direction No. 1 Form and Content of Planning Schemes. The controls are important for ensuring high quality built form outcomes in the Town Centre including the activation of streets and creation of a high quality public realm. It is considered that the proposed controls are well supported by strategic justification.</p> <p>Nevertheless, it is considered appropriate to review the manner in which the built form controls have been drafted in the amendment documentation to ensure they are legible, clearly able to be interpreted and applied and achieve the outcome intended by the Structure Plan. In particular, there is an opportunity to simplify the application of concepts such as key corner buildings, key marker buildings, gateways, landscaping buffer and setbacks.</p> <p>The updated controls have been circulated to the submitter who has deemed the amended controls to resolve the matter.</p> <p><u>Officer Recommendation</u> Review and update the drafting of built form controls to ensure they are legible, clearly able to be interpreted and applied and achieve the outcome intended by the Structure Plan. This matter is now resolved.</p>
<p>To delete the Plenty Valley Structure Plan 2017 as an Incorporated Document and to delete prescribing its objectives, requirements and guidelines as a development control or consideration.</p>	<p>Amendment C204, exhibited the Structure Plan as an Incorporated Document. Incorporated documents are planning documents which are required for the proper functioning of the planning scheme and decision-making. They carry the same legal weight as other parts of the scheme.</p> <p>A submission requests the Structure Plan be deleted as an Incorporated Document as:</p> <p>“it has not been drawn as a piece of subordinate legislation or for use as a regulatory purpose and contains uncertain concepts sought to be applied as mandatory considerations assessing development applications.”</p> <p>The submission proposes that the Structure Plan</p>

	<p>be a Reference Document. A Reference Document provides background information to assist in understanding the context in which the planning provision (i.e. Schedule 2 to the ACZ) has been framed. It does not carry the same weight as other parts of the planning scheme.</p> <p>Through further discussion with the submitter it has been agreed to amend the status of the Structure Plan document to a Reference Document. This was on the basis that the maps in the Schedule 2 to the Activity Centre Zone being updated to incorporate additional elements from the Structure Plan such as trees, local road network, parks and focal points.</p> <p><u>Officer Recommendation:</u></p> <p>Amend the status of the Plenty Valley Town Centre Structure Plan from an Incorporated Document to a Reference Document.</p> <p>Update maps in Schedule 2 Activity Centre Zone to incorporate additional elements from the Structure Plan.</p> <p>Add an additional section into the Structure Plan to provide clarity as to how the document is to be interpreted for the purpose of decision making.</p> <p>This matter is now resolved.</p>
<p>To delete the proposed Development Contributions Plan Overlay.</p>	<p>The application of the Development Contributions Plan Overlay (DCPO) is critical to ensure that future developments make a contribution to the infrastructure items identified in the Structure Plan. These items are necessary to support the development of the Town Centre. Therefore, this submission is not supported.</p> <p>Through further discussion with the submitter it has been suggested that the following note be added in section 4.3 (Infrastructure) of the Structure Plan to clarify the status of the infrastructure lists in the Structure Plan:</p> <p><i>'the list and location of projects are indicative and subject to a further process of assessment as to need, scope, timing, responsibility and cost apportionment (if applicable) when future town planning approvals are sought'</i></p> <p>The addition of this note satisfactorily addresses the issue and resolves the matter.</p> <p><u>Officer Recommendation:</u></p> <p>Do not support the deletion of the Development Contributions Plan Overlay.</p> <p>Support the addition of a note in section 4.3 (Infrastructure) of the Structure Plan to clarify</p>

	<p>the status of the infrastructure items identified.</p> <p>This matter is now resolved.</p>
<p>6. Environmental Resources Management Australia Pty Ltd on behalf of Canopi Homes 360 Pty Ltd (owners of 360 McDonalds Road, South Morang)</p>	
<p>To amend Strategy 1.4 in Clause 21.13.3- Plenty Valley Town Centre as follows: 'Support Encourage the provision of social and affordable housing in the Town Centre as part of new residential developments.'</p>	<p>Agree. The purpose of the strategy is to facilitate opportunities for social and affordable housing in the Town Centre particularly on sites where there is an increased density of development permitted or on government land in the right location. Therefore, it is considered that the proposed change to the drafting of the strategy is acceptable.</p> <p><u>Officer Recommendation:</u></p> <p>Support the change to the amendment in the manner requested.</p> <p>This matter is now resolved.</p>
<p>To amend the last paragraph of Clause 4.4 of Clause 37.08-2 (Schedule 2 to the Activity Centre Zone) under the heading "Building Height" as follows: "Where a building is less than the preferred minimum building height the structure of the building must be designed so as to be able to accommodate additional building structure and height."</p>	<p>Agree. The proposed amended wording provides additional clarity to the intent of the clause and therefore is considered acceptable. Further, it is recommended that the word 'must' be replaced with 'should' in order to provide greater discretion as to when it is appropriate and feasible to implement this guideline.</p> <p><u>Officer Recommendation:</u></p> <p>Support the change to the amendment generally in accordance with the manner requested.</p> <p>This matter is now resolved.</p>
<p>Amend the Precinct Map at Clause 5.4-1 to relocate the 'gateway location' on the subject land closer to McDonalds Road (<i>subject land identified as precinct 4a in Attachment 2</i>).</p>	<p>The Structure Plan identifies numerous locations as 'gateway' sites which seek to provide for special built form outcomes to highlight the significance of these locations. The exhibited location of the 'gateway' is along the Yan Yean Pipetrack and is constrained by the electricity easement and rail corridor. The proposed amended 'gateway' location is at McDonalds Road and provides an entry point to a more prominent location including the Central Shopping Precinct, the Yan Yean pipetrack and the residential development on the subject land. It is important that built form in this location provides for this 'gateway'. Therefore, the amended location is considered more appropriate.</p> <p><u>Officer Recommendation</u></p> <p>Support the change to the amendment in the manner requested.</p> <p>This matter is now resolved.</p>
<p>Amend dot point 5 in Clause 5.4-4 of Clause 37.08-2 (Schedule 2 to the</p>	<p>The amendment to this guideline is supported for Precinct 4 'Live and Work' precinct given the</p>

<p>Activity Centre Zone) to read: “A 6m wide landscaping strip is to be provided for development in front-setback areas along McDonalds Road to create an attractive streetscape.”</p>	<p>precinct encourages buildings to actively address street frontages for mixed use development. The guideline as exhibited conflicts with this objective in this precinct.</p> <p><u>Officer Recommendation</u></p> <p>Support the change to the amendment generally in accordance with the manner requested.</p> <p>This matter is now resolved.</p>
<p>In Clause 4.4 of Clause 37.08-2 (Schedule 2 to the Activity Centre Zone) add an ability for a Master Plan to be approved by the responsible authority to provide additional guidance in respect to the development of some sub-precincts. That the 360 McDonalds Road Development be approved as a Master Plan in accordance with this clause.</p>	<p>A key objective of the Structure Plan project and Amendment C204 is to consolidate the existing range of planning controls and documents (such as Development Plans) applying to parts of the Town Centre into an overarching statutory framework to provide for a consistent vision and co-ordinated approach to development in the Town Centre.</p> <p>The Amendment proposes that the DPO and associated Development Plans will be replaced by the schedule to ACZ and the Structure Plan as an incorporated document.</p> <p>Two submissions were made in respect to this issue. Scentre Group requested that the DPO and the existing South Morang Development Plan be retained for their land. Environmental Resources Management Australia Pty Ltd submitted that some of the detailed content of the 360 McDonalds Road Development Plan should be retained.</p> <p>The options of retaining a DPO schedule or incorporating a provision for a master plan in Schedule 2 to the ACZ were both further investigated and discussed with the two submitters.</p> <p>Through further discussions, it has been agreed to retain a DPO over the subject development precincts. This has been on the basis of the Schedule to DPO being amended and the Development Plans being updated to ensure that they are consistent with the Schedule 2 of the Activity Centre Zone and overall objectives of the Structure Plan.</p> <p>Further, it is recommended that the control also apply to vacant development land in the immediate vicinity to provide for a consistent and co-ordinated planning approach and outcome across the town centre.</p> <p><u>Officer Recommendation</u></p> <p>Support the retention of a revised Development Plan Overlay schedule in sub-precincts 1a, 2b, 3b, 3c and 4a.</p>

	This matter is now resolved.
The Plenty Valley Town Centre Structure Plan including Figure 29: Live and Work Illustrative Precinct Plan should be amended to reflect the 360 McDonalds Road Development Plan 2017.	The 360 McDonalds Road Development Plan 2017 was prepared 'generally in accordance' with the draft Structure Plan however it further refined the 'high level' plan with a number of elements including a revised street network and identified River Red Gum Trees to be retained or removed. It is considered appropriate for the final Structure Plan to reflect the approved Development Plan. <u>Officer Recommendation</u> Support the change to the amendment in the manner requested. This matter is now resolved.
7. Friends of South Morang (FOSM)	
The Structure Plan shows both a preferred (Ferres Blvd) and alternate (Civic Drive) Tram Route alignment north of McDonalds Road. The FOSM do not support the alternate Tram 86 Extension route being shown.	It is recommended that the Structure Plan be updated to show the preferred route from the community for the Tram 86 Extension being along Bush Blvd, McDonalds Road and Ferres Blvd. It is noted that the ultimate tram alignment will be subject to future feasibility studies and business case by State Government. <u>Officer Recommendation</u> Support the change to the amendment in the manner requested. This matter is now resolved.
The submission raised concerns from the residents of Brabham Drive, Peyton Drive, Stillman Drive and Bradley Drive that the extension and connection of local streets to Civic Drive will create additional traffic onto these suburban streets.	Refer discussion in main body of the report. <u>Officer Recommendation:</u> Update the Structure Plan to identify that the proposed connections of Peyton Drive and Stillman Drive with the extension of Civic Drive should be restricted to a pedestrian and cycle connection only. Refer the matter to independent Planning Panel should the matter not be fully resolved prior to the Planning Panel.
8. Glossop Town Planning on behalf of 330 McDonalds Road, South Morang	
Submitted on behalf of client, which is the owner of the land at 330 McDonalds Road, South Morang. Supports the proposed amendment in its current form.	Noted. <u>Officer Recommendation</u> No change recommended. This matter is resolved.
9. Scentre Group (Westfield Shopping Centre)	
A Development Plan Overlay should be retained for Scentre Group land holding given that DPO8 currently includes other land, the existing DPO8 area would need to be amended.	A key objective of the Structure Plan project and Amendment C204 is to consolidate the existing range of planning controls and documents (such as Development Plans) applying to parts of the Town Centre into an overarching statutory framework to provide for a consistent vision and co-ordinated approach to development in the

	<p>Town Centre.</p> <p>The Amendment proposes that the DPO and associated Development Plans will be replaced by the schedule to ACZ and the Structure Plan as an incorporated document.</p> <p>Two submissions were made in respect to this issue. Scentre Group requested that the DPO and the existing South Morang Development Plan be retained for their land. Environmental Resources Management Australia Pty Ltd submitted that some of the detailed content of the 360 McDonalds Road Development Plan should be retained.</p> <p>The options of retaining a DPO schedule or incorporating a provision for a master plan in Schedule 2 to the ACZ were both further investigated and discussed with the two submitters.</p> <p>Through further discussions, it has been agreed to retain a DPO over the subject development precincts. This has been on the basis of the Schedule to DPO being amended and the Development Plans being updated to ensure that they are consistent with the Schedule 2 of the Activity Centre Zone and overall objectives of the Structure Plan.</p> <p>Further, it is recommended that the control also apply to vacant development land in the immediate vicinity to provide for a consistent and co-ordinated planning approach and outcome across the town centre.</p> <p>The finer details of the changes to the amendment controls and Structure Plan are still the subject of ongoing discussion and may be a matter for the planning panel.</p> <p><u>Officer Recommendation:</u></p> <p>Support the retention of a revised Development Plan Overlay schedule in sub-precincts 1a, 2b, 3b, 3c and 4a.</p> <p>Refer the matter to independent Planning Panel should the matter not be fully resolved prior to the Planning Panel.</p>
<p>Schedule 8 to the Development Plan Overlay area would need to be amended so that it relates to the Scentre Group holding only.</p>	<p>Refer response to above. It has been agreed that a revised DPO schedule would also apply to other precincts in the Structure Plan area to ensure a consistent planning framework across the town centre.</p> <p><u>Officer Recommendation:</u></p> <p>Do not support. The DPO schedule would also apply to other key development precincts in</p>

	<p>the town centre.</p> <p>This matter is now resolved.</p>
<p>Council approve an amended Development Plan for the Scentre Group land that deletes provisions which does not relate to 'Scentre Group' land.</p>	<p>The approval of a revised Development Plan will need to be processed in accordance with Council's standard process for assessing and approving Development Plan's upon submission of an amended Development Plan.</p> <p><u>Officer Recommendation</u></p> <p>No change recommended.</p>
<p>The Structure Plan would need to be amended to be consistent with the approved Development Plan and the DPO8 provision would need to be referenced. Consequential changes would need to be made to the Activity Centre Zone Schedule.</p>	<p>The Structure Plan is to be reviewed to provide greater consistency with the existing Development Plan and guidance in respect to the preparation of an updated Development Plan. Whilst, there is 'in principle' agreement, the finer details of the changes to the amendment controls and Structure Plan are still the subject of ongoing discussion and may be a matter for the planning panel.</p> <p><u>Officer Recommendation:</u></p> <p>Review the South Morang Development Plan to consider any further changes consistent with the objectives of the Structure Plan, to provide greater consistency between the existing Development Plan and proposed Structure Plan.</p> <p>Refer the matter to independent Planning Panel should the matter not be fully resolved prior to the Planning Panel.</p>
<p>10. HWL Ebsworth Lawyers on behalf of Brendan Danaher in relation to 530 McDonalds Road, 40B Murdoch Road, 855W Plenty Road and 843 Plenty Road, South Morang.</p>	
<p>The land should be considered appropriate for mixed use purposes, including accommodation uses, on the basis that:</p> <ul style="list-style-type: none"> • The land is well serviced by four existing bus stops and two planned bus stops • The land is within walking distance of railway stations • Findon Road is being constructed, which will connect Danaher Drive through to Plenty Road • The land to the south, if developed for residential and mixed use purposes, would form a good synergy with Masons Point residential development • The land could readily be included in the 'Live and Work' precinct • Land that is zoned for mixed use purposes generally has a capacity to 	<p>Refer to discussion in main body of the report.</p> <p>Officer Recommendation:</p> <ul style="list-style-type: none"> • Accept and consider the late submission. • Do not support the proposed change to the Amendment. • Refer the submission to the independent planning panel.

provide for higher job density than land is zoned for light industry.	
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