

ZONE AND OVERLAY OPTIONS FOR THE AMCOR SITE – STAGE 1

Existing Zones: Residential 1 – the vacant eastern part of the site
Industrial 3 – the western part of the site currently occupied by the Amcor plant

Existing Overlays: Environmental Significance Overlay (ESO1 – Yarra River Environs) – That part of the site within approx 100m of the Yarra River
Design & Development Overlay (DDO1 – Yarra River Corridor – Inclusive of the Merri & Darebin Creeks)- Similar to area of ESO1
Land Subject to Inundation Overlay (LSIO) – That part of the site within 20-50 metres of Yarra River which is liable to flooding
Heritage Overlay (HO70) – Applies to most of the western part of the site but specifically refers to the APM Boiler House in the southwest of the site.

For the purposes of this analysis it is assumed that the existing overlays which apply to the site would be retained except where specifically referred to.

Details	Advantages	Disadvantages	Other Comments
OPTION 1: Residential 1 Zone (R1Z) + Environmental Audit Overlay (EAO) + Development Plan Overlay (DPO)			
<p>Council requests the Minister for Planning to amend the Yarra Planning Scheme under section 20(4) of the Act to:</p> <ul style="list-style-type: none"> • Rezone the western part of site from Industrial 3 Zone to a Residential 1 Zone (R1Z); • Apply an Environmental Audit Overlay (EAO) to that part of the site being rezoned from Industrial 3 to Residential 1 Zone; and • Apply a Development Plan Overlay (DPO) <u>over the whole site</u>. 	<ul style="list-style-type: none"> • Quick process to achieve early direction – on what is an agreed outcome by Council after its consultation with the community (and also with DPCD). • Proactively sets agreed direction for site to be predominantly residential. • DPO would integrate the planning and development of the whole site (Industrial 3 Zone and Residential 1 Zone). • DPO would outline key requirements for future development. • DPO would require a development plan to be prepared to Council's 	<ul style="list-style-type: none"> • Third parties would not have the opportunity to make submissions in relation to the amendment. • The R1Z is probably not the most appropriate zone along Heidelberg Road where there would be amenity impacts of the arterial road on future abutting residential development. • The R1Z may not be suitable for some of the commercial uses supported by the Design and Development Principles. • Whilst the range of commercial uses which either do not require a permit or can be allowed with a permit is fairly limited, there is no opportunity to specify a maximum floor area for specific commercial uses. 	<ul style="list-style-type: none"> • Council requests Minister to rezone the site as described. • More likely that a further rezoning of at least part of the site would be required to facilitate the commercial components of any future development of the site in accordance with the Design and Development Principles.

Details	Advantages	Disadvantages	Other Comments
	<p>satisfaction prior to any application for use or development of the site.</p> <ul style="list-style-type: none"> EAO would ensure that any contaminated land issues are addressed prior to any 'sensitive' (eg residential) use of the site. 	<ul style="list-style-type: none"> DPO – Whilst Council could provide opportunity for the consideration of the views of third parties in relation to its consideration of any development plan, there would be no third party rights of objection or appeal and there would be no notice requirements or review rights at the more detailed application stage which may not be acceptable to the community. 	
OPTION 2: - Mixed Use Zone (MUZ) + Environmental Audit Overlay (EAO) + Development Plan Overlay (DPO)			
<p>Council requests the Minister for Planning to amend the Yarra Planning Scheme under section 20(4) of the Act to:</p> <ul style="list-style-type: none"> Rezone the western part of site from Industrial 3 Zone to a Mixed Use Zone (MUZ); Apply an Environmental Audit Overlay (EAO) to that part of the site being rezoned from Industrial 3 to Mixed Use Zone; and Apply a Development Plan Overlay (DPO) <u>over the whole site</u>. 	<ul style="list-style-type: none"> Quick process to achieve early direction. MUZ is considered to be a residential zone but allows for a range of uses including commercial, retail and industry. The schedule to the MUZ allows a maximum floor area for shop, office and trade supplies to be specified. DPO would integrate the planning and development of the whole site . DPO would outline key requirements for future development. DPO would require a development plan to be prepared to Council's satisfaction prior to any 	<ul style="list-style-type: none"> Third parties would not have the opportunity to make submissions in relation to the amendment. DPO – Whilst Council could provide opportunity for the consideration of the views of third parties in relation to its consideration of any development plan, there would be no third party rights of objection or appeal and there would be no notice requirements or review rights at the more detailed application stage which may not be acceptable to the community. 	<ul style="list-style-type: none"> The flexibility of the zone may mean that a further rezoning is not required to facilitate the commercial component of any future development in accordance with the Design and Development Principles.

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	<p>application for use or development of the site.</p> <ul style="list-style-type: none"> EAO would ensure that any contaminated land issues are addressed prior to any 'sensitive' (eg residential) use of the site. 		
OPTION 3: - Comprehensive Development Zone (CDZ) + Environmental Audit Overlay (EAO)			
<p>Council requests the Minister for Planning to amend the Yarra Planning Scheme under section 20(4) of the Act to:</p> <ul style="list-style-type: none"> Rezone the whole site from Residential 1 and Industrial 3 to a Comprehensive Development Zone (CDZ); Apply an Environmental Audit Overlay (EAO) <u>to the whole site</u>. 	<ul style="list-style-type: none"> Quick process to achieve early direction. CDZ would reduce overlays by 1 possibly more if the EAO and existing DDO1 provisions can also be included in the schedule to the zone. Would integrate the planning and development for the whole site. Schedule to the zone could incorporate or refer to the Design and Development Principles for the AMCOR site. Greater opportunity to identify community infrastructure requirements, including location through means including section 173 agreements. 	<ul style="list-style-type: none"> Third parties would not have the opportunity to make submissions in relation to the amendment. Whilst Council could provide opportunity for the consideration of the views of third parties in relation to its consideration of any comprehensive development plan, there would be no third party rights of objection or appeal and there would be no notice requirements of review rights at the more detailed application stage (buildings and works) which may not be acceptable to the community. Insufficient information is available to incorporate a comprehensive development plan for the site into the Planning Scheme as part of the amendment. The schedule to the zone would need to be sufficiently detailed to ensure compliance with the Design and Development Principles but also sufficiently flexible to provide for the range of development 	

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		<p>options which might comply with those principles.</p> <ul style="list-style-type: none"> • It would be difficult to be prescriptive about the specific land uses for which a permit would not be required. 	
OPTION 4: - Priority Development Zone (CDZ) + Environmental Audit Overlay (EAO)			
<p>Council requests the Minister for Planning to amend the Yarra Planning Scheme under section 20(4) of the Act to:</p> <ul style="list-style-type: none"> • Rezone the whole site from Residential 1 and Industrial 3 to a Priority Development Zone (PDZ); • Apply an Environmental Audit Overlay (EAO) <u>to the whole site</u>. 	<ul style="list-style-type: none"> • Quick process to achieve early direction. • PDZ would reduce overlays by 1 possibly more if the EAO and existing DDO1 provisions can also be included in the schedule to the zone. • Would integrate the planning and development for the whole site. • Schedule to the zone could incorporate or refer to the Design and Development Principles for the AMCOR site. • Greater opportunity to identify community infrastructure requirements, including location through means including section 173 agreements. • Requirements for a development plan and display of a development plan could be included in the Schedule to the Zone (eg. Whitehorse PS Schedule 1 to PDZ) • Opportunity to specify that 	<ul style="list-style-type: none"> • Third parties would not have the opportunity to make submissions in relation to the amendment. • Insufficient information is available to incorporate a development plan for the site into the Planning Scheme as part of the amendment request. • The schedule to the zone would need to be sufficiently detailed to ensure compliance with the Design and Development Principles but also sufficiently flexible to provide for the range of development options which might comply with those principles. • It would be difficult to be prescriptive about the specific land uses for which a permit would not be required. 	<ul style="list-style-type: none"> • The zone facilitates the approval and management of complex projects where agreement has been reached with the responsible authority and the development industry about the desired form of development. • Normally applies where already have a development plan which becomes an incorporated plan associated with the Schedule to the zone. • Requests to the Minister for the application of a Priority Development Zone are normally referred to a Priority Development Panel.

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	<p>exemption from notice and decision requirements and review rights does not apply for specific buildings or works but precedent for other municipalities suggests that generic override of exemption would not be acceptable.</p>		
OPTION 5: - Schedule to Clause 52.03 + Environmental Audit Overlay (EAO)			
<p>Council requests the Minister for Planning to amend the Yarra Planning Scheme under section 20(4) of the Act to:</p> <ul style="list-style-type: none"> Amend the schedule to Clause 52.03 to the Yarra Planning Scheme to include specific reference to this site and an incorporated plan which would comprise the specific requirements in relation to development of the site Apply an Environmental Audit Overlay (EAO) <u>to the whole site</u>. 	<ul style="list-style-type: none"> Quick process to achieve early direction. Could enable the land to be used for a purpose which is currently contrary to the provisions of the Planning Scheme. Can be subject to a sunset provision. 	<ul style="list-style-type: none"> Clause principally designed to introduce specific controls to achieve a particular land use and development outcome where the current Scheme provisions prohibit that use or development. Incorporated document would need to effectively include all matters relating to use and development, third party rights, decision guidelines etc. 	<ul style="list-style-type: none"> No examples of use of this clause in other Planning Schemes to achieve a similar purpose.
OPTION 6: - Residential 1 Zone + New Overlay + Environmental Audit Overlay (EAO)			
<p>Council requests the Minister for Planning to amend the Yarra Planning Scheme under section 20(4) of the Act to:</p> <ul style="list-style-type: none"> Rezone the western part of site from Industrial 3 Zone to a Residential 1 Zone (R1Z); 	<ul style="list-style-type: none"> Quick process to achieve early direction – on what is an agreed outcome by Council after its consultation with the community (and also with DPCD). Proactively sets agreed 	<ul style="list-style-type: none"> Third parties would not have the opportunity to make submissions in relation to the amendment. The R1Z is probably not the most appropriate zone along Heidelberg Road where there would be amenity impacts of the arterial road on future 	<ul style="list-style-type: none"> Council requests Minister to rezone the site as described. More likely that a further rezoning of at least part of the site would be required to facilitate the commercial components of any future

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<ul style="list-style-type: none"> • Apply an Environmental Audit Overlay (EAO) to that part of the site being rezoned from Industrial 3 to Residential 1 Zone; and • Apply a new Overlay (similar to the DPO) to the site which will enable formal third party participation at least at the development plan stage. 	<p>direction for site to be predominantly residential.</p> <ul style="list-style-type: none"> • New Overlay would: <ul style="list-style-type: none"> ○ integrate the planning and development of the whole site (Industrial 3 Zone and Residential 1 Zone); ○ outline key requirements for future development; ○ require a development plan to be prepared to Council’s satisfaction prior to any application for use or development of the site; and ○ include third party rights in relation to approval of the development plan. • EAO would ensure that any contaminated land issues are addressed prior to any ‘sensitive’ (eg residential) use of the site. 	<p>abutting residential development.</p> <ul style="list-style-type: none"> • The R1Z may not be suitable for some of the commercial uses supported by the Design and Development Principles. • Whilst the range of commercial uses which either do not require a permit or can be allowed with a permit is fairly limited, there is no opportunity to specify a maximum floor area for specific commercial uses. 	<p>development of the site in accordance with the Design and Development Principles.</p>