

**Greater Dandenong Planning Scheme Amendment C224gdan
Noble Park Major Activity Centre Structure Plan**

Panel Report

Planning and Environment Act 1987

29 November 2022

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 PE 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 PE 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 PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Greater Dandenong Planning Scheme Amendment C224gdan

Noble Park Major Activity Centre Structure Plan

29 November 2022



Alison McFarlane, Chair

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Glossary and abbreviations

the Amendment	Greater Dandenong Planning Scheme Amendment C224gdan
C1Z	Commercial 1 Zone
Council	Greater Dandenong City Council
DDO5	Design and Development Overlay Schedule 5
DELWP	Department of Environment, Land, Water and Planning
GRZ3	General Residential Zone Schedule 3
KRB	Key Redevelopment Blocks
MAC	Major Activity Centre
PE Act	<i>Planning and Environment Act 1987</i>
Planning Scheme	Greater Dandenong Planning Scheme
PPF	Planning Policy Framework
PPN	Planning Practice Note
RGZ2	Residential Growth Zone 2 (Residential Inner Area)
the Trust	Noble Park Public Hall Trust

Overview

Amendment summary

The Amendment	Greater Dandenong Planning Scheme Amendment C224gdan
Common name	Noble Park Major Activity Centre Structure Plan
Brief description	Revise local policy, zones and overlay implement the <i>Noble Park Major Activity Centre Structure Plan, 2021</i>
Subject land	Noble Park Major Activity Centre
Planning Authority	Greater Dandenong City Council
Authorisation	7 September 2021
Exhibition	24 February to 6 May 2022
Submissions	Number of Submissions: 11 Opposed or requested changes: 8 <ul style="list-style-type: none"> - Aaron Ken - South East Water - Noble Park Public Hall Trust - Keith Bennett - Grahame Rowland - David and Sylvia Corbett - Barbara Quintal - Gaye Guest - Melbourne Water - Shine Bright Cosmetics - Department of Transport

Panel process

The Panel	Alison McFarlane (Chair)
Directions Hearing	Video conference, 15 September 2022
Panel Hearing	Video conference, 26 October 2022
Site inspections	Unaccompanied, 22 November 2022
Parties to the Hearing	Greater Dandenong City Council represented by Kirsten Richardson of Maddocks Lawyers Noble Park Public Hall Trust represented by Gaye Guest
Citation	Greater Dandenong PSA C224gdan [2022] PPV
Date of this report	28 November 2022

Executive summary

Noble Park is one of the 121 major activity centres (MAC) identified in Plan Melbourne. It has experienced significant changes over the last decade, the most notable of which has been the elevation of the railway line and the subsequent removal of the level crossing at Heatherton Road. This has resulted in the development of a new railway station, bus interchange and station civic space, and the construction of the Djerring Trail (a new shared walking and cycling path running from Caulfield to Dandenong).

On the back of this change, Greater Dandenong City Council has prepared the *Noble Park Major Activity Centre Structure Plan, 2021* to replace the previous structure plan prepared in 2009. Greater Dandenong Planning Scheme Amendment C224gdan (the Amendment) seeks to implement the new structure plan by:

- amending local policy to increase the boundary of the MAC
- zoning additional commercial land within the MAC
- amending Design and Development Overlay Schedule 5 to set new design controls for the MAC, including setting new preferred building heights.

Eleven submissions were received following exhibition of the Amendment. Of these, three submissions were received from government agencies supporting the Amendment (South East Water, Melbourne Water and Department of Transport). The remaining submissions opposed or requested changes to the Amendment. The key issues raised in submissions included:

- whether the commercial area should be expanded
- the impact of building heights on the village character of Noble Park
- the need to protect heritage places
- the impact of future development on solar access of existing buildings
- the impact of future development on wind conditions
- the impact of increased traffic on safety.

The Panel concludes the Amendment is well founded and strategically justified. It will support Noble Park realising its strategic role as a MAC.

On the issues raised in submissions, the Panel concludes:

- The revised boundary of the Noble Park Major Activity Centre is appropriate as is rezoning residential land to extend the commercial spine of the centre.
- Council should continue to monitor demographic changes and development activity to confirm if sufficient land is set aside for commercial purposes.
- Proposed building heights are appropriate, including those on and surrounding heritage places.
- There is an appropriate planning framework for managing overshadowing, wind conditions and traffic.

Amendment drafting issues were peripheral to the issues raised in submissions. To improve drafting of the Amendment in response to the 'height' and 'wind condition' issues raised in submissions, the Panel concludes:

- Guidance in Clause 22.09 for building height for land in Residential Growth Zone Schedule 2 should be amended for consistency with heights set out in Design and Development Overlay Schedule 5.

- The objectives of Design and Development Overlay Schedule 5 should be amended to delete the reference to “uncomfortable wind conditions”.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Greater Dandenong Planning Scheme Amendment C224gdan be adopted as exhibited subject to the following:

1. **Amend Clause 22.09 to align building height guidance for land in Residential Growth Zone Schedule 2 with building heights set out in Design and Development Overlay Schedule 5.**
2. **Amend Design and Development Schedule 5 to delete “*uncomfortable wind conditions*” from the fifth objective.**

1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of Greater Dandenong Planning Scheme Amendment C224gdan (the Amendment) is to replace the existing policy and controls applying to the Noble Park Major Activity Centre (MAC) to provide clearer guidance on the preferred built form and urban design outcomes for the centre. The Amendment is informed by the *Noble Park Major Activity Centre Structure Plan, 2021* (Noble Park Structure Plan). Figure 1 shows the proposed activity centre boundary, which is larger than the current boundary.

Figure 1 Noble Park Major Activity Centre boundary



Specifically, the Amendment proposes to:

GREATER DANDENONG PLANNING SCHEME - LOCAL PROVISION AMENDMENT C224gdn

LEGEND

- C1Z - Commercial 1 Zone
- Local Government Area

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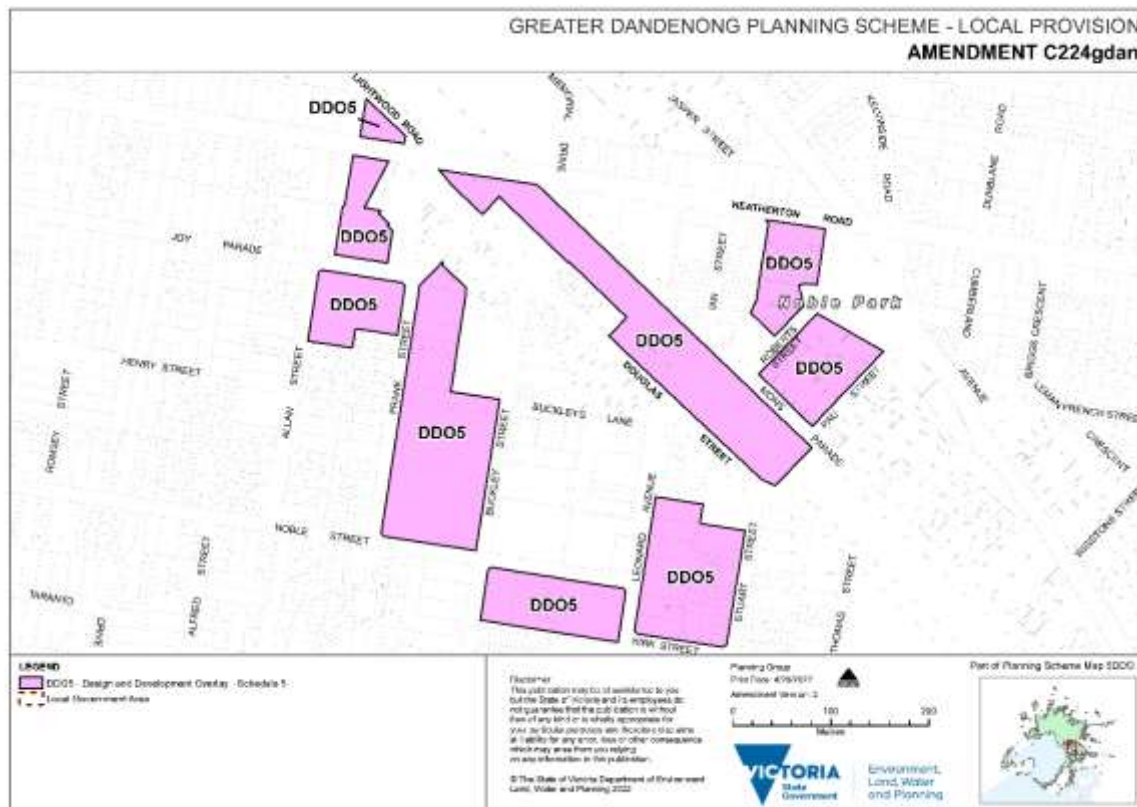
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Planning Group:
Plan Date: 10/02/2012
Amendment Version: 2

Scale:
0 50 100
Metres

Victoria State Government
Environment, Land, Water and Planning

Part of Planning Scheme Map 5

Figure 3 Land to be included in Design and Development Overlay Schedule 5

1.2 Background

Council provided a detailed background to the Amendment and chronology of events in its Part A submission. The Panel has summarised this in Appendix C.

1.3 Summary of issues raised in submissions

In response to exhibition of the Amendment, Greater Dandenong City Council (Council) received eleven submissions. Three supporting submissions were from government agencies (South East Water, Melbourne Water and the Department of Transport). Of the remaining eight submissions, six were from individual landowners and occupiers, one submission was from a public trust and one was on behalf of a business.

Key issues raised in submissions were:

- whether the commercial area should be expanded
- the impact of building heights on the village character of Noble Park
- the need to protect heritage places
- the impact of future development on solar access of existing buildings
- the impact of future development on wind conditions
- the impact of increased traffic on safety.

1.4 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 site visits, and submissions and other material presented to it during the Hearing. The Panel has been selective in referring to the more relevant or determinative material in this Report. 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:

- Strategic issues
- Design and development controls.

1.5 Limitations

(i) Issues raised in submissions

Property rates are not relevant planning matters for consideration of the Panel and have not been addressed further in this Report.

Likewise, the provision and hygiene of public toilets is not a relevant planning matter and is not addressed this Report.

Submissions from Submitter 8 appear to relate to draft Planning Scheme Amendment C233gdan and planning permit Planning Permit PLN21/0713 relating to 51A Douglas Street, Noble Park. The merits of this proposal are separate to the current Amendment and have not been considered by the Panel.

(ii) Drafting issues

Council observed the role of the Panel is to consider submissions made in relation to the Amendment and make recommendations as it sees fit. Council accepted there are wide ranging submissions made in relation to the Amendment and that accordingly, the Panel has a wide remit to consider the substantive content of the Amendment. Council also accepted that where it has introduced new policy content and that content is disputed by a submitter, it is incumbent on Council to demonstrate the strategic basis for that content. However, Council observed that in this instance where submissions have not raised issue with the drafting or form of the Amendment, the role of the Panel is more confined.

The Panel accepts its role is confined to the issues raised in submissions, which for this Amendment are the design and development issues discussed in Chapter 3. For this reason, the Panel has not assessed or reached conclusions on Council's approach to translating the Noble Park Structure Plan into the Planning Scheme. The exception to this is where there is an explicit link between the issues raised in the submissions and the drafting of the Amendment.

2 Strategic issues

2.1 Planning context

This chapter identifies planning context relevant to the Amendment. Appendix A provides further details regarding relevant provisions and policies.

Table 1 Planning context

	Relevant references
Victorian planning objectives	- section 4 of the PE Act
Planning Policy Framework	<ul style="list-style-type: none"> - Clause 11 (Settlement) - Clause 15 (Built environment and heritage) - Clause 16 (Housing) - Clause 17 (Economic development) - Clause 18 (Transport)
Local Planning Policy Framework	<ul style="list-style-type: none"> - Clause 21.03 (Vision) - Clause 21.04 (Land use) - Clause 21.05 (Built form) - Clause 21.07 (Infrastructure and transport) - Clause 22.04 (Urban design and neighbourhood character) - Clause 22.08 (Noble Park Activity Centre) - Clause 22.09 (Residential development and neighbourhood character policy)
Other planning strategies and policies	- Plan Melbourne Directions 2.1, 2.2, 4.3, 5.1 and 5.2
Planning scheme provisions	<ul style="list-style-type: none"> - Clause 32.07 Residential Growth Zone - Clause 34.01 Commercial 1 Zone - Clause 36.02 Public Park and Recreation Zone - Clause 43.01 Heritage Overlay - Clause 43.02 Design and Development Overlay
Ministerial Directions	<ul style="list-style-type: none"> - Ministerial Direction on the form and content of Planning Schemes - Ministerial Direction 9 (Metropolitan Planning Strategy) - Ministerial Direction 11 (Strategic Assessment of Amendments)
Planning practice notes	<ul style="list-style-type: none"> - <i>Planning Practice Note 46: Strategic Assessment Guidelines</i>, August 2018 - <i>Planning Practice Note 58: Structure planning for activity centres</i>, September 2018 - <i>Planning Practice Note 60: Height and setback controls for activity centres</i>, September 2018 - <i>Planning Practice Note 90: Planning for housing</i>, December 2019 - <i>Planning Practice Note 91: Using the residential zones</i>, December 2019

Other

- *A Practitioners Guide to Victorian Planning Schemes Version 1.5*,
April 2022

2.2 Strategic justification

(i) Evidence and submissions

Council noted none of the submissions question the strategic justification for the Amendment. Rather, the submissions sought clarification or requested changes for individual sites or precincts.

Council submitted there is a clear strategic foundation for the Amendment in the Planning Policy Framework (PPF), Local Planning Policy Framework and Plan Melbourne.

The Amendment is supported by a significant body of work, particularly the Noble Park Structure Plan and associated technical assessments, including:

- *Noble Park Activity Centre Structure Plan Review Discussion Paper*, 2017
- *Noble Park Activity Centre Structure Plan Review*, 2017
- *Noble Park Activity Centre Building Heights and Setbacks Study*, 2019
- *Residential Demand Study*, 2018.

These further provide strategic justification for the Amendment.

(ii) Panel discussion

There is a strong strategic foundation for the Amendment across the planning policies that apply to Metropolitan Melbourne and Noble Park. Of note:

- Noble Park is one of 121 metropolitan MACs and one of the three MACs in Greater Dandenong where land use and development is expected to intensify to support housing, employment and recreation
- planning policy and associated practice material anticipate the introduction of local controls to guide appropriate development outcomes, that account for the anticipated growth of a MAC.

Overall, the Amendment will deliver a net community benefit and sustainable development as required by Clause 71.02-3.

(iii) Conclusions

For the reasons set out in this report, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the PPF
- is generally consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 Design and development controls

3.1 Planning context

The following planning provisions currently apply to the Noble Park MAC:

- Clause 21.04 (Land use) which supports intensification of residential and urban development in Noble Park
- Clause 22.08 (Noble Park Activity Centre Local Policy) which encourages the growth and development of Noble Park MAC and provides general policies for housing, business, community spaces, public transport, pedestrian amenity and access public safety
- Clause 22.09 (Residential development and neighbourhood character policy) which provides broad objectives for residential development, general design principles and specific design principles for substantial, incremental and limited changes areas (included in the RGZ, General Residential Zone and Neighbourhood Residential Zone respectively). Substantial change areas in Noble Park are zoned RGZ2. These areas *“will achieve a transition in built form with high density residential developments up to four storeys”*
- zones, principally C1Z and RGZ2 which provide objectives and permit requirements for use, subdivision and buildings and works
- DDO5 which provides design objectives, permit requirements for buildings and works and detailed design requirements derived from the *Noble Park Structure Plan, 2009*.

The Amendment:

- updates the maps in Clause 21.04 and Clause 22.09 to reflect the expanded boundary of the Noble Park MAC
- updates Clause 22.08 (Noble Park Activity Centre Local Policy) to provide a single objective *“to encourage development that enhances the fine grain, pedestrian scale ‘village’ characteristics of the activity centre”* and include the Noble Park MAC Urban Design Framework Plan Map (Figure 4)
- replaces existing DDO5 with a new DDO5 to apply preferred maximum building heights, street wall height, setbacks (to the street and to neighbouring boundaries), overshadowing and amenity requirements derived from the Noble Park Structure Plan.

Figure 4 Noble Park Major Activity Centre Urban Design Framework Plan map



3.2 Extent of rezoning

(i) The issues

The issues are whether:

- additional land should be included in the activity centre boundary and zoned for commercial use
- it is appropriate to rezone existing residential land for commercial use
- rezoning land at 4 Mons Parade from RGZ2 to C1Z will lead to its compulsory acquisition.

(ii) Context

The Noble Park Structure Plan relies on commercial floor space projections calculated in *Floorspace projections for Noble Park Activities Area, 2012* (refer Appendix B2). This estimated the Noble Park MAC would need between 9,800 square metres (low growth) and 14,000 square metres) of retail/commercial/community floor area by 2026.

The *Noble Park Activity Centre Structure Plan Review Discussion Paper, 2017* found these forecasts were optimistic in the context of the size of the centre and its general development expectations.

The Amendment proposes to rezone approximately 8,380 square metres of land from RGZ2 to C1Z. The Structure Plan states this land, together with Key Redevelopment Blocks (KRBs), is expected to cater for commercial floorspace demand over the life of the Structure Plan to 2040.

The proposed C1Z areas are intended to “*extend the commercial spine of the centre and attract and encourage further investment and development*”.

(iii) Submissions

Submitter 1 supported the rezoning land from RGZ2 to C1Z, however suggested the MAC boundary be expanded to the east. The submitter proposed two areas for rezoning to allow for commercial uses (Figure 5):

- area 1 of 16,400 square metres currently within the General Residential Zone Schedule 3 (GRZ3)
- area 2 of 8,100 square metres also currently zoned GRZ3.

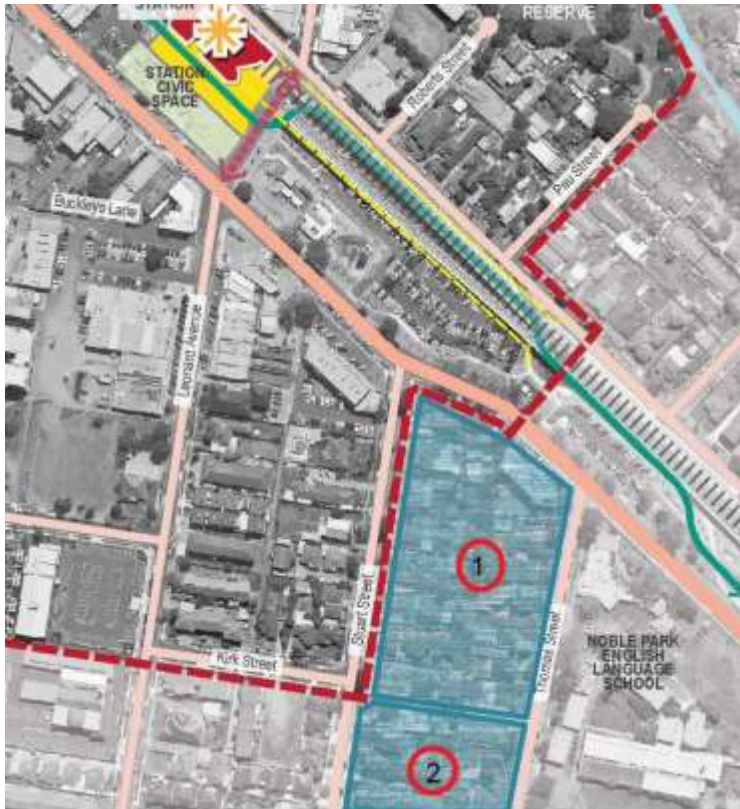
Submitter 6 opposed the rezoning of 4 Mons Parade from RGZ2 to C1Z, fearing the rezoning would force them to relocate through compulsory acquisition.

Submitter 8 submitted it would be “*totally inappropriate to rezone residential land [to] commercial*” and that “*we don’t need more shops, we need to have vibrant existing shops offering an attractive variety of options*”.

In response to these issues, Council submitted:

- The boundary of the Noble Park MAC was defined through a detailed planning exercise that considered the existing zoning of the centre and opportunities to develop several large, underutilised sites.
- The expanded boundary includes the Noble Park Aquatic Centre, Mills Reserve and residential land to the north, west and south.
- The previous boundary is 13 years old and required review to provide planning certainty for surrounding residential, commercial and open space uses in the centre.

Figure 5 Suggested MAC boundary expansion areas



Council did not support expansion of the MAC boundary as proposed by Submitter 1 because the commercial floorspace the two nominated areas “*far exceeds the demand expected for commercial floorspace for Noble Park over the next 20 years*”.

Council confirmed it had no plans to compulsorily acquire 4 Mons Parade.

(iv) Panel discussion

The Panel is broadly satisfied the boundary of the Noble Park MAC has been informed by planning consistent with the *Activity Centre Boundary Criteria in Planning Practice Note 58: Structure planning for activity centres*, September 2018 (PPN58).

The Panel notes the floor area requirements for the MAC were informed by analysis undertaken in 2012. While the 2017 assessment suggested the 2012 estimates were “*optimistic in the context of the size of the centre and its general development expectations*”, no new floor space estimates were produced. Without new estimates, it is unclear how the Structure Plan has concluded rezoning an additional 8,380 square metres of land from RG22 to C1Z, together with Key Redevelopment Blocks, is “*expected to cater for commercial floorspace demand over the life of the Structure Plan to 2040*”. This is particularly so given the rezoned area is less than the quantum originally estimated to cater for a low growth scenario to only 2026.

That said, there is no justification to expand the boundary as proposed by Submitter 1. Instead, Council should actively monitor supply and demand of commercial land to ensure the needs of the MAC are met. The Panel notes the Noble Park Structure Plan commits to a review of the plan in 2026 to examine demographic changes and development activity over the previous period. This is strongly supported.

The outward growth of any activity centre impacts on land earmarked for a different use. This is the case for residential land in Mons Parade which is the preferred location to extend the commercial spine of the centre. Studies have confirmed the need for additional commercial land to support the MAC to fulfil its strategic purpose as a focus for housing and employment uses. Mons Parade is a logical location for this to occur, and mirrors the length of the spine on the south side of the train line along Douglas Street.

The Panel accepts Council's advice that it has no intention to compulsorily acquire land at 4 Mons Parade. Generally speaking, land must be reserved for public purposes before it can be compulsorily acquired, by applying a Public Acquisition Overlay. That is not proposed as part of the Amendment.

(v) Conclusions

The Panel concludes:

- The revised boundary of the Noble Park MAC is appropriate.
- There is no justification to expand the boundary to accommodate additional land for commercial use beyond the land to be rezoned by the Amendment.
- Council should continue to monitor demographic changes and development activity to confirm if sufficient land is set aside for commercial purposes.
- Rezoning existing residential land to extend the commercial spine of the Noble Park MAC is appropriate and will support attraction of investment and development consistent with the strategic role of the centre.
- There is no proposal to compulsorily acquire land as part of the Amendment.

3.3 Heritage

(i) The issue

The issue is whether:

- building heights permitted by the Amendment will negatively impact the Noble Park Public Hall and the Paddy O'Donoghue Centre.

(ii) Background and context

The Noble Park Public Hall Trust (the Trust) owns the Noble Park Public Hall and the Paddy O'Donoghue Centre at 32-34 Buckley Street, Noble Park.

The land is currently zoned C1Z and included in DDO5. The Noble Park Public Hall (public hall) is also included in Heritage Overlay 3. The Amendment changes the provisions of DDO5.

The land is in 'Precinct 2: Core' of the Structure Plan. The preferred maximum building height for the public hall site is two storeys (9 metres). The preferred maximum building height for the Paddy O'Donoghue Centre site is five storeys (18 metres).

Figure 6 Noble Park Public Hall image**Figure 7** Noble Park Public Hall and Paddy O'Donoghue Centre location**(iii) Submissions**

The Trust submitted:

As trustees of the hall and surrounds, we take great pride in its structure and its history. It is the only building of historic significance in Noble Park. The building would be swamped by 5 and 6 story buildings.

...

The residents of Noble Park own 18-34 Buckley Street Noble Park and the trustees who act on their behalf would never agree to any part of that property being over developed.

The Trust requested the public hall and Paddy O'Donoghue Centre sites be removed from the Amendment.

The Trust also noted the Structure Plan fails to recognise several heritage places of importance.

Council submitted the Noble Park Structure Plan addresses heritage matters. The plan's urban design principles require new development to respond to site features and constraints including heritage. The Structure Plan further states any redevelopment of the Paddy O'Donoghue Centre must not result in any adverse impact on the heritage fabric of the public hall.

The Structure Plan has informed revisions to DDO5. This requires preparation of an urban content report that, amongst other things, requires an application to:

Explain how the proposed buildings and works relate to and respond to their urban context including:

- ...
- Heritage character of adjacent and nearby heritage places.

In response to questions from the Panel, Council confirmed preparation of a Heritage Review for Noble Park was a commitment in its Annual Plan, but a review is yet to commence.

(iv) Panel discussion

There is no outright incompatibility between the objectives of the Amendment and protection of existing heritage buildings. The Noble Park Structure Plan recognises the importance of heritage places and tempers development expectations relative to these values.

The preferred two storey height for the public hall site reflects that it is an important heritage asset within the MAC. Any redevelopment of this land, although unlikely according to the current

trustees, will take account of the objectives of both DDO5 and the Heritage Overlay (HO). The objectives of the HO include *“to ensure that development does not adversely affect the significance of heritage places”*.

The five storey height for the Paddy O’Donaghue Centre site reflects its location within the core of the MAC where more intensive development is anticipated. The Structure Plan clearly states any future redevelopment of the centre must not result in an adverse impact on the heritage fabric of public hall. This intent is supported by the application requirements in DDO5 and statewide heritage policies at Clause 15.03-15.

The combined area of the public hall and Paddy O’Donaghue Centre site is significant. If the Paddy O’Donaghue Centre was ever redeveloped, the Panel is satisfied there would be ample opportunity to manage built form sensitively towards the public hall. This would ultimately be considered through a separate planning permit application process.

The Panel observed few heritage places across the MAC. It supports Council’s intention to prepare a Heritage Review for Noble Park as a priority, so that the remaining assets can be protected by the Planning Scheme.

(v) Conclusion

The Panel concludes:

- Building heights proposed for and surrounding heritage places are appropriate.

3.4 Building heights

(i) The issue

The issue is whether:

- the proposed building heights should be reduced.

(ii) Background and context

The Amendment updates ‘Map 1 – Future Change Areas’ to identify additional land to be rezoned to RGZ2.

Clause 22.09 provides RGZ2 land *“will achieve a transition in built form with high density residential developments up to four storeys”*. It is policy to *“Encourage well designed, site responsive three and four storey medium to high density residential developments that make a positive contribution to the streetscape and are visually interesting”*.

The current DDO5 does not provide any specific height and setback guidance for the MAC. The Amendment proposes to revise the overlay to provide built form requirements, including preferred maximum building heights, for each of the precincts within the centre.

Preferred building heights nominated in the Noble Park Structure Plan (and DDO5) range from:

- 3 storeys in low change areas on the residential edges of the MAC
- 4 storeys on commercial sites that provide a transition between residential areas and the core commercial area
- 5 storeys in the commercial core

- 6 storeys on Key Redevelopment Blocks (KRB), which are large landholdings with multiple street frontages, however the preferred height reverts to 5 storeys where a site area of less than 2,000 square metres cannot be achieved.

Preferred building heights, setbacks the location of KRB are shown on Figure 8.

Figure 8 Preferred building heights, setbacks and location of Key Redevelopment Blocks



Greater Dandenong Housing Strategy 2014-2024 states Greater Dandenong's population is expected to rise by 22 percent, from 147,000 to 179,000 in the decade to 2024. Approximately 9,950 new households will need to be accommodated across the municipality by 2024.

The *Noble Park Residential Demand Study*, 2018, states the demand for new dwellings between 2016 and 2036 is estimated at 755 additional dwellings. This represents an increase in dwelling stock in the Noble Park MAC of 460 per cent. 87 per cent of the additional demand for dwellings will be in the form of apartments while 13 per cent of demand is estimated to be in the form of semi-detached townhouses or similar.

The Noble Park Structure Plan concludes:

Should all eligible sites be redeveloped to four storey apartments (as an example of an average height of development across the centre), at least 1,100 new dwellings can be accommodated within the existing Activity Centre boundary. This will meet the forecast demand for the next 20 years.

(iii) Submissions

Several submitters objected to the building heights allowed by DDO5. They variously stated:

- the Noble Park Public Hall building *"would be swamped by 5 and 6 storey buildings"*
- *"allow[ing] monstrous buildings in what has always been a little village is very wrong"*
- height across the centre need to be scaled *"back from six to four storeys with the remainder having nothing above three storeys"*
- *"reduce building heights to 4 storeys on Douglas Street with all other surrounding streets limited to 2 storeys maximum"*
- *"a more sensitive approach to any future developments [would be] where heights should be restricted to 4 storeys only in certain areas only [and] not the whole 'activity centre' precinct"*.

In response, Council noted the Noble Park MAC is generally low rise in nature (at one to two storeys). However, the construction of the Noble Park Train Station (at 6 storeys/20 metres) has made this the focal point for the centre. The elevated rail bridge is one element upon which the preferred maximum building heights for the centre have been derived.

Council explained the preferred maximum building heights are also a product of considering site size, solar access requirements, residential abuttal, gateway opportunities, retention and framing of key view lines and heritage considerations.

Council submitted DDO5 allows for greater height and development intensity in the commercial core of the centre and on designated KRBs, thus achieving a clear sense of transition to residential areas on the periphery of the Noble Park MAC. In addition, controls support appropriate outcomes by:

- inclusion of design objectives requiring development to achieve:
 - a fine grain rhythm at street level, a prominent street wall edge, and upper level setbacks
 - high quality urban design responses and building separation and setbacks to achieve high levels of external and internal amenity
- requiring sites to be at least 2,000 square metres in area to achieve a height of six storeys, which will allow adequate setbacks from property boundaries and landscaping
- (generally) nominating upper level setbacks of 3 metres above street walls

- ensuring building envelopes enable solar access to streets and key areas of the public realm.

Council emphasised that submitters did not agree about the appropriate heights for the Noble Park MAC, but no submission sought heights greater than those proposed by the Amendment. It said the proposed heights and setbacks were subject to extensive community consultation during the development of the Noble Park Structure Plan. The proposed heights for the seven KRBs were reduced from eight storeys to six storeys as a result of community feedback. Despite the reduction in height from the draft to the final structure plan, Council submitted it was satisfied heights in DDO5 will comfortably accommodate the expected residential dwelling and commercial demand over the next 20 years.

Council disagreed with the assertion that rezoning existing RGZ2 land to C1Z would allow “monstrous” development, noting the preferred height of sites is currently 13.5 metres and the Amendment would increase the heights to between 14.5 and 21.5 metres.

Council confirmed that recent approvals granted in the Noble Park MAC permitted buildings up to five storeys in height.

In response to the Panel’s questions regarding the difference in preferred heights in Clause 22.09 and DDO5 for RGZ2 land, Council advised Clause 22.09 “*provides guidance as to height expectations and it is reasonable for the DDO5 to contain further height guidance specifically for sites in the Noble Park MAC*”. Council concluded there was no need to modify Clause 22.09.

(iv) Panel discussion

The drivers for setting a preferred building height for the Noble Park MAC are a combination of strategic policy considerations, including Plan Melbourne and the *Greater Dandenong Housing Strategy 2014-2024*, 2014, as well as localised site based considerations, including site size, solar access requirements and heritage. The Panel is satisfied the building heights in DDO5 balance these considerations appropriately.

Plan Melbourne nominates Noble Park as one of Melbourne’s 121 MACs. Each MAC has different development potential and is subject to local strategic planning. Council’s vision for Noble Park as expressed in the Municipal Strategic Statement is to promote and expand it as a mixed use node. This vision will be supported by the Amendment.

The *Noble Park Residential Demand Study*, 2018 confirms the demand for housing in the MAC until 2036. Meeting this demand necessitates a greater density and scale of development than the current low scale building form across the centre. This certainly represents a change to the existing character of the centre, but a change that is appropriate.

The Panel finds the building height proposition put forward has a clear logic and follows the guidance in *Planning Practice Note 60: Height and setback controls for activity centres*, September 2018. While the heights applying to KRBs are only modestly greater than those applying to adjoining ‘moderate change’ areas, they are purposeful in identifying high opportunity areas for redevelopment. Importantly, preferred heights are discretionary, allowing applications for greater heights to be judged on their merits.

The Panel agrees with Council that DDO5 will carry more weight than policy for RGZ2 land at Clause 22.09. However, it disagrees with that the policy does not need to be amended. Drafting entry rule 4.2.3 of *A Practitioner’s Guide to Victorian Planning Schemes Version 1.5*, April 2022 is:

A provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions.

The Panel sees no benefit in retaining local policy content that is inconsistent with an overlay. To do so is confusing and costly for users of a planning scheme and is poor drafting practice. There are multiple options for resolving the inconsistency, including amending Clause 22.09 or applying a separate schedule to RGZ land in Noble Park (in the same way RCZ1 applies to land around the Dandenong MAC).

The Panel recognises that translating Council's local planning policy framework into the PPF format presents an opportunity review all local policy content of the Planning Scheme. However, on Council's advice, timing of this future amendment is unclear, and this not a reason to avoid good drafting of the current Amendment. The Panel encourages Council to seriously consider whether Clause 22.09 continues to offer any benefit for guiding decision making in the Noble Park MAC, on matters such as building design and setback, which will be comprehensively addressed in DDO5.

(v) Conclusions and recommendation

The Panel concludes:

- Proposed building heights in Design and Development Overlay Schedule 5 are appropriate.
- Guidance in Clause 22.09 for building height for land in Residential Growth Zone Schedule 2 should be amended for consistency with heights set out in Design and Development Overlay Schedule 5.

The Panel recommends:

- 1. Amend Clause 22.09 to align building height guidance for land in Residential Growth Zone Schedule 2 with building heights set out in Design and Development Overlay Schedule 5.**

3.5 Solar access

(i) The issue

The issue is whether future development will impact on solar access of existing buildings.

(ii) Background and context

Maintaining solar access to identified pedestrian oriented streets and the public realm is a core design principle in the Noble Park Structure Plan.

The proposed DDO5 contains the following design objectives:

To ensure a transition down in scale to reduce amenity impacts to the surrounding residential areas, including visual bulk, overlooking, and overshadowing.

...

To ensure development provides a permeable and pedestrian friendly centre, supported by a network of new mid-block pedestrian connections, widened laneways, and the protection of footpaths and the public realm from loss of amenity through overshadowing or uncomfortable wind conditions.

(iii) Submissions

The Trust submitted *“existing buildings will have natural light blocked out by high-rise apartments”*.

Submitter 5 raised concerns about the impact of a potential future development on Ian Street on solar access to dwellings on Heatherton Road.

Council submitted it carefully considered issues of bulk (scale) and overshadowing when developing the preferred heights and setbacks for the Noble Park MAC. Solar access to footpaths, public spaces and residential abuttal (among other things) informed the recommended built form parameters.

In response to Submitter 5, Council advised the laneway widening required to the rear of properties fronting Ian Street combined with street wall heights specified in DDO5, would mitigate against overshadowing of properties fronting Heatherton Road. In any event, overshadowing issues could be managed at the permit application stage.

(iv) Panel discussion

DDO5 includes appropriate provisions for managing solar access to both pedestrian priority streets and preserving the amenity of existing dwellings. It will be supplemented by existing amenity provisions within Clause 55 (Two or more dwellings on a lot and residential buildings) and Clause 58 (Apartment developments).

With this framework in place, the Panel agrees with Council that it is appropriate to manage overshadowing issues through the permit application process.

(v) Conclusion

The Panel concludes:

- The Amendment provides an appropriate framework for management of overshadowing.

3.6 Wind conditions

(i) The issue

The issue is whether the height of future development will create wind tunnels through laneways and roads.

(ii) Background and context

The urban design principles of the Noble Park Structure Plan encourage development that delivers a high quality public realm which maintains comfortable wind conditions.

The proposed DDO5 contains the following design objectives:

To ensure development provides a permeable and pedestrian friendly centre, supported by a network of new mid-block pedestrian connections, widened laneways, and the protection of footpaths and the public realm from loss of amenity through overshadowing or uncomfortable wind conditions.

(iii) Submissions

Submitter 5 stated the proposal for taller buildings will create wind tunnels through laneways and roads.

In response, Council noted a condition of authorisation required the removal of wind requirements for DDO5 and any associated documents. Council submitted *“specific measures to address wind impacts are adequately dealt with in other parts of the [Planning] Scheme and no change is required to the Amendment”*.

(iv) Panel discussion

The Panel accepts Council’s advice that other parts of the Planning Scheme, including the wind impact objectives of Clause 58 (Apartment Development), manage wind impacts of new development. As is the case for overshadowing issues, it is appropriate to consider wind conditions associated with new development at the permit application stage.

Given there is no role for DDO5 to manage wind conditions, the objectives of the overlay should be amended. This approach would appear to be consistent with conditions of authorisation imposed on preparation of the Amendment.

(v) Conclusion and recommendation

The Panel concludes:

- There is an appropriate framework in the Victoria Planning Provisions for management of wind conditions generated by new development.
- The objectives of DDO5 should be amended to delete the reference to *“uncomfortable wind conditions”*.

The Panel recommends:

- 2. Amend Design and Development Schedule 5 to delete *“uncomfortable wind conditions”* from the fifth objective.**

3.7 Traffic

(i) The issue

The issue is whether future development will increase traffic and reduce carparking availability and safety.

(ii) Background and context

The objective of State policy for activity centres (Clause 11.03-1S) is *“to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community”*. Strategies to achieve the objective relevant to traffic and congestion include:

Reduce the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres.

Improve access by walking, cycling and public transport to services and facilities.

The objective of State policy for roads (Clause 18.02-4S) is *“to facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure”*.

This is achieved by planning and developing the road network to:

- Ensure people are safe on and around roads.
- Improve people’s perceptions of safety on and around roads.
- Improve road connections for all road users.
- Facilitate the use of public transport, cycling and walking.

The Noble Park Structure Plan states:

Within the boundary of the Activity Centre, there are approximately 904 on-street public car parking spaces and 839 off-street public car parking spaces. On weekdays, all day car parking in the core of the centre is full by 11am. There is ample car parking available on the weekend.

There is underutilised off-street all day parking on the fringe of the centre which provides an opportunity to relocate commuter parking from the core and encourage commuters to walk through the centre. The Noble Park Parking Precinct Plan, currently being developed, supports this approach.

Short term customer and visitor parking during the weekday and weekend operates well with parking available despite good utilisation and turnover. This suggests that the current parking restrictions are adequate. This may need to be reassessed as circumstances change.

Overall, Noble Park’s traffic and parking are extremely efficient, and this is expected to continue into the future, even with a large increase in population in the centre over the next 20 years.

(iii) Submissions

The Trust submitted the *“Noble Park shopping precinct is already short of parking and to build 100s of apartments with few parking spaces will create more problems”*.

Individual submitters noted:

- there is conflict and congestion between pedestrians, vehicles and buses
- limited parking availability will be exacerbated by increased development
- there is generally an undersupply of onsite parking in new development to meet the needs of households with two vehicles.

Council submitted that from a traffic perspective, the MAC functions well and this is expected to continue for the life of the Noble Park Structure Plan. It noted any future development will have to either meet the required parking requirements on site or provide a strong justification for why this is not required. This will be determined at planning permit stage.

(iv) Panel discussion

State planning policy directs increased housing, commercial and community activity into activity centres. Consequently, activity centres will be a major focus for change in metropolitan Melbourne and activity in the Noble Park MAC can be expected to intensify.

The Panel observes the core objectives of the Noble Park Structure Plan are to improve walkability, facilitate pedestrian connections, and encourage a mode shift to sustainable and public transport. This will be important in moderating the impact of increased traffic that will result from intensification of land use.

The Panel agrees with Council that the permit stage is the appropriate time to consider the localised traffic impacts of new development. The Panel is satisfied the Noble Park Structure Plan and the Amendment provide an appropriate response to the management of traffic that is consistent with policy objectives for transport.

(v) Conclusion

The Panel concludes:

- The Amendment is consistent with policy objectives for transport and provides an appropriate framework for management of traffic.

Appendix A Land affected by Amendment

What the Amendment does	Land
Rezone land from RGZ2 to C1Z	<ul style="list-style-type: none"> - 1100-1106 Heatherton Road (part) - 1-5 Douglas Street (part) - 1 and 3-5 Frank Street - 4, 5, 6, 7 and 8 Mons Parade
Apply DDO5 to the land	<ul style="list-style-type: none"> - land in the Mixed Use Zone at 1111-1115 Heatherton Road - remainder of land at 1100-1106 Heatherton Road (to the west), properties at 1142 and 1152 Heatherton Road - remainder of land at 1-5 Douglas Street (to the south), 3A, 35A-39A and part of 57A Douglas Street (to Pau Street) - 2-12 Joy Parade - 1, 2A, 3-5, 7, 9, 11-13 and 15-35 Frank Street - 36 Buckley Street - 2-4 (fronting Noble Street), 6, 8, 10 and 12 Noble Street - 7, 9, 11, 13, 15, 17 and 19 Leonard Avenue - 1, 3 and 5 Kirk Street - 2, 4, 6, 8, 10 and 12 Stuart Street - 1, 2, 3, 4 and 5 Roberts Street - 4, 5, 6, 7, 8 Mons Parade - 2, 4, 6 and 8 Pau Street
Delete DDO5 from the land	<ul style="list-style-type: none"> - 53 Noble Street

Appendix B Planning context

B:1 Planning Policy Framework

Council submitted that the Amendment is supported by the objectives of planning in Victoria, the PPF, Municipal Strategic Statement and other relevant strategies, Ministerial Directions and practice notes. The Panel has summarised these below.

i) Victorian planning objectives

The Amendment facilitates housing and economic growth by enabling development of mixed use activity. This assists in implementing State policy objectives set out in section 4 of the PE Act, particularly:

- a) to provide for the fair, orderly, economic and sustainable use, and development of land
- c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
- d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value
- g) to balance the present and future interests of all Victorians.

ii) Planning Policy Framework

Clause 11 (Settlement)

Clause 11 provides:

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.

The Amendment supports Clause 11 by providing a framework for the orderly planning and high quality development of the Noble Park MAC in a manner consistent with the directions of Plan Melbourne 2017-2050.

Clause 15 (Built environment and heritage)

Clause 15 provides:

Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.

Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.

The Amendment supports Clause 15 by providing appropriate built form guidance to ensure future development is site responsive and appropriate in the context of heritage places.

Clause 16 (Housing)

Clause 16 provides:

Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.

Planning should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.

The Amendment supports this Clause by guiding the appropriate scale of development in the Noble Park MAC.

Clause 17 (Economic development)

Clause 17 provides:

Planning is to provide for a strong and innovative economy, where all sectors are critical to economic prosperity.

Planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.

The Amendment supports Clause 17 by facilitating opportunities for a mix of office, retail and residential uses throughout the Noble Park MAC.

Clause 18 (Transport)

Clause 18 provides:

Planning should ensure a safe, integrated and sustainable transport system that:

- Provides access to social and economic opportunities to support individual and community wellbeing.
- Facilitates economic prosperity.
- Actively contributes to environmental sustainability.
- Facilitates network-wide efficient, coordinated and reliable movements of people and goods. Supports health and wellbeing.

The Amendment supports Clause 18 by facilitating development in a centre that is well serviced by public transport, including the Noble Park Train Station.

iii) Local Planning Policy Framework

Municipal Strategic Statement

Noble Park is one of three of Greater Dandenong's MACs, alongside Springvale and Parkmore at Keysborough (Figure 9).

The objective of Clause 21.04-1 (Housing and Community) is *"to protect the amenity of existing neighbourhoods and significant residential precincts within activity centres from the impact of new commercial development"*. The Amendment supports this objective by introducing a local policy and DDO5 to manage the impact of new development on adjoining more sensitive land uses.

Table 2 Objectives of local planning policies

Clause	Purpose
22.04 (Urban design in activity and neighbourhood centres)	<p>Reflect and reinforce the distinctive qualities of Greater Dandenong and the local identity of each centre.</p> <p>Improve the appearance and amenity of each centre through high quality contemporary urban design and active street frontage, which promotes a sense of place, community identity and a safe environment.</p> <p>Considers the impact on the retail hierarchy and the planned role and function of other activity and neighbourhood centres.</p> <p>Provide quality pedestrian access and movement.</p> <p>Incorporates landscaping to soften built form.</p>
22.08 (Noble Park Activity Centre)	<p>To position Noble Park as a centre that encourages investment, redevelopment and business confidence.</p> <p>To embrace cultural identity and diversity as the Noble Park Activity Centre grows and develops.</p> <p>To create positive perceptions of the Noble Park Activity Centre from a social, public safety, cultural and economic viewpoint.</p> <p>To encourage quality urban design responses which uniquely identify the Noble Park Activity Centre.</p> <p>To improve housing opportunities that respond to the local social and cultural needs of the community and which provide for well designed, higher density housing options to support the commercial component of the centre.</p> <p>To improve the quality of and access to public spaces and to facilitate the creation of safe, pedestrian oriented streets.</p> <p>To improve public transport linkages, supporting infrastructure and user facilities.</p> <p>To improve public transport usage by encouraging commercial and residential development along existing public transport routes within the Noble Park Activity Centre.</p> <p>To encourage development which demonstrates quality neighbourhood design principles and which enhances the village characteristics of the Noble Park Activity Centre.</p> <p>To improve the provision of sustainable, water and energy efficient public open space, recreation and leisure facilities and opportunities.</p>
22.09 (Residential development and neighbourhood character policy)	<p>To guide the location and design of different types of residential development within Greater Dandenong, having regard to State and local planning policies, while respecting the valued characteristics and identified future character of residential neighbourhoods.</p> <p>To ensure that new residential development is consistent with the identified future character and preferred built form envisaged for the three Future Change Areas.</p> <p>To provide certainty about which areas are identified for, or protected from, increased residential development consistent with the purpose of the applicable zone.</p>

To facilitate high quality, well designed residential development and on site landscaping.

To promote a range of housing types to accommodate the future needs of the municipality's changing population.

To ensure that residential development uses innovative, responsive and functional siting and design solutions that:

- Achieve high quality internal amenity and private open space outcomes for future residents
- Make a positive contribution to the streetscape through quality design, contextual responsiveness and visual interest
- Promote public realm safety by maximising passive surveillance
- Demonstrate responsiveness to the site, adjoining interfaces, streetscape and landscape context
- Respect the amenity of adjoining residents and the reasonable development potential of adjoining properties
- Achieve environmentally sustainable design outcomes
- Use quality, durable building materials that are integrated into the overall building form and façade
- Minimise the visual dominance of vehicle accessways and storage facilities, such as garages, car ports and basement entrances.

B: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 3.

Table 3: Relevant parts of Plan Melbourne

Outcome	Directions	Policies
1 Melbourne is a productive city that attracts investment, supports innovation and creates jobs	1.1 Create a city structure that strengthens Melbourne's competitiveness for jobs and investment.	1.1.7 Plan for adequate commercial land across Melbourne
	1.2 Improve access to jobs across Melbourne and closer to where people live.	2.2.1 Support the development of a network of activity centres linked by transport

Outcome	Directions	Policies
2 Melbourne provides housing choice in locations close to jobs and services	2.1 Manage the supply of new housing in the right locations to meet population growth and create a sustainable city	2.1.2 Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport 2.1.4 Provide certainty about the scale of growth in the suburbs.
	2.2 Deliver more housing closer to jobs and public transport	2.2.3 Support new housing in activity centres and other places that offer good access to jobs, services and public transport
	2.5 Provide greater choice and diversity of housing	2.5.1 Facilitate housing that offers choice and meets changing household needs.
4 Melbourne is a distinctive and liveable city with quality design and amenity	4.3 Achieve and promote design excellence	4.3.1 Promote urban design excellence in every aspect of the built environment
	4.4 Respect Melbourne's heritage as we build for the future.	4.4.1 Recognise the value of heritage when managing growth and change.
5 Melbourne is a city of inclusive, vibrant and healthy neighbourhoods	5.1 Create a city of 20-minute neighbourhoods	5.1.1 Create mixed use neighbourhoods at varying densities 5.1.2 Support a network of vibrant neighbourhood activity centres
	5.2 Create neighbourhoods that support safe communities and healthy lifestyles	5.1.2 Improve neighbourhoods to enable walking and cycling as a part of daily life
6 Melbourne is a sustainable and resilient city	6.2 Reduce the likelihood and consequences of natural hazard events and adapt to climate change.	6.2.2 Require climate change risks to be considered in infrastructure planning.
	6.4 Make Melbourne cooler and greener.	6.4.1 Support a cooler Melbourne by greening urban areas, buildings, transport corridors and open spaces to create an urban forest.

ii) Noble Park Activity Centre Structure Plan

The Noble Park Structure Plan was prepared internally by Council. It was informed by extensive community consultation and the following studies:

- *Noble Park Activity Centre: Structure Plan Review Discussion Paper, 2017*
- *Noble Park Activity Centre Residential Demand Study, 2018*

- *Noble Park Activity Centre Building Heights and Setbacks Study, 2019*
- *Floorspace projections for Noble Park Activities Area, 2012*

The Noble Park Structure Plan outlines a 20 year vision for the renewal and revitalisation of the centre and sets out how the vision will be achieved. The vision for Noble Park is that in 2040 Noble Park will be:

A thriving, high quality centre that meets the day-to-day needs of its residents, workers and visitors.

A centre that protects its 'village character' and compact size with high quality development in the right places.

A pedestrian oriented centre that is safe and easy to navigate.

A centre with well designed 'green' streetscapes and pedestrian connections linking key community nodes.

The plan splits the Noble Park MAC into three precincts and includes objectives and actions outlining how the overall vision will be achieved in relation to the following four key themes:

- land use and economic activity
- built form and urban design
- access and movement
- public realm.

The Structure Plan will replace the existing 2009 Structure Plan as a Background Document to the Scheme through the Amendment process.

iii) **Noble Park Activity Centre: Structure Plan Review Discussion Paper**

The *Noble Park Activity Centre: Structure Plan Review Discussion Paper, 2017* was prepared by Hansen Partnership with inputs from Hansen Partnership (Planning and Design), Martyn Group (Traffic and Parking), and Essential Economics (Urban Economic Development).

The Discussion Paper provided a summary of the current strategic issues which relate to the Noble Park MAC and identified clear directions and recommendations to assist Council in revising the 2009 Structure Plan.

The Discussion Paper is a background document that has informed the Amendment. It has not been endorsed or adopted by Council.

iv) **Noble Park Activity Centre Residential Demand Study**

The *Noble Park Activity Centre Residential Demand Study, 2019* was prepared by SGS Economics and Planning. The study comprises three areas of investigation:

- housing demand: an analysis of how housing demand, by dwelling type, will evolve between 2016 and 2036
- housing capacity: a measure of housing capacity within the Noble Park MAC based on land supply and planning controls
- alignment and implementation: an analysis of how demand and capacity will align over time.

The analysis within the report found:

... there is sufficient housing capacity to accommodate future housing demand for semi-detached and attached dwellings within the Noble Park Activity Centre, given that a medium-to-high demand density scenario is enabled... The capacity in the Noble Park Activity Centre

makes the Centre well placed to meet demand over the next twenty years. The focus of the policy should be to facilitate the provision of more diverse and higher density housing.

The study is a background document that has informed the Amendment. It has not been endorsed or adopted by Council.

v) Noble Park Activity Centre Building Heights and Setbacks Study

The *Noble Park Activity Centre Building Heights and Setbacks Study*, 2019 as prepared by Hansen Partnership to provide clear built form guidance for the Noble Park MAC.

The study accounted for the completed level crossing removal project (Caulfield to Dandenong), which delivered the new Noble Park station, new public spaces, a new shared trail and a new Link Road connecting Douglas Street and Ian Street.

The study was informed by:

- *Plan Melbourne*, 2017
- Clause 22.08 (Noble Park Activity Centre Local Policy)
- existing zones and overlays applying to the Noble Park MAC
- *Urban Design Guidelines for Victoria*, 2017
- *Greater Dandenong Housing Analysis*, 2015
- *City of Greater Dandenong Place Making Framework Final Draft*, 2015
- *Greater Dandenong Housing Strategy 2014-2024*, 2014
- *Floorspace projections for Noble Park Activity Area*, 2011
- *Noble Park Activity Centre Sustainable Transport Strategy*, 2011
- *Noble Park, Ian Street Masterplan*, 2011
- *City of Greater Dandenong Gateway Strategy*, 2011.

The following key steps were undertaken to arrive at the preferred built form outcomes for the Noble Park MAC:

- undertaking a contextual analysis to inform precinct boundaries, built form implications and prospecting elements influencing built form principles
- development of design principles to guide heights and setbacks
- test building height and setback scenarios at a street block level through three dimensional modelling (noting not every site and street within the study area was tested in detail)
- development of preferred building heights and setbacks and additional design requirements for development.

The Study is a background document that has informed the Amendment. It has not been endorsed or adopted by Council.

vi) Floorspace projections for Noble Park Activities Areas

Floorspace projections for Noble Park Activities Area, 2012 was prepared by SGS Economics and Planning. The projections indicated the need for an additional 9,800 square metres (low growth) to 14,000 square metres (high growth) of retail/commercial/community floor area by 2026.

The 2017 Discussion Paper found that these forecasts were optimistic in the context of the site of the centre and its general development expectations.

This study is a background documents that informed the Amendment. It has not been endorsed or adopted by Council.

B: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 purposes of zones relevant to the Amendment are provided in Table 4.

Table 4 Zone purpose

Zone	Purpose
C1Z	<p>To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.</p> <p>To provide for residential uses at densities complementary to the role and scale of the commercial centre.</p>
RGZ	<p>To provide housing at increased densities in buildings up to and including four storey buildings.</p> <p>To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.</p> <p>To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.</p> <p>To ensure residential development achieves design objectives specified in a schedule to this zone.</p> <p>To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.</p>
RGZ2	<p>[Design Objectives]</p> <p>To ensure the scale and built form of residential development responds to the existing site circumstances through articulated building elevations and well-proportioned massing and ground level setbacks which make a positive contribution to the public realm.</p> <p>To provide appropriate front, side and rear setbacks to allow for substantial high quality landscaping including canopy trees.</p> <p>To maximise the opportunities to create high quality landscaping, through minimal paving and hard surfaces within front setbacks.</p> <p>To ensure vehicle accessways and storage facilities do not visually dominate the streetscape.</p> <p>To ensure that residential development achieves high quality useable private open space outcomes for future residents.</p>

ii) Overlays

The purposes of zones relevant to the Amendment are provided in **Error! Reference source not found..**

Overlay purpose

Zone	Purpose
DDO	To identify areas which are affected by specific requirements relating to the design and built form of new development.
HO	<p>To conserve and enhance heritage places of natural or cultural significance.</p> <p>To conserve and enhance those elements which contribute to the significance of heritage places.</p> <p>To ensure that development does not adversely affect the significance of heritage places.</p> <p>To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.</p>

B:4 Ministerial Directions and Practice Notes**Ministerial Directions and Planning Practice Notes**

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.

Other Ministerial Directions relevant to the Amendment are:

- *Ministerial Direction The form and content of Planning Schemes*
- *Ministerial Direction 9 (Metropolitan Planning Strategy).*

Other relevant Planning Practice Notes are:

- *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018
- *Planning Practice Note 58: Structure planning for activity centres*, September 2018
- *Planning Practice Note 60: Height and setback controls for activity centres*, September 2018
- *Planning Practice Note 90: Planning for housing*, December 2019
- *Planning Practice Note 91: Using the residential zones*, December 2019.

Practitioner's Guide

A Practitioner's Guide to Victorian Planning Schemes Version 1.5, April 2022 sets out key guidance to assist practitioners when preparing planning scheme provisions. The guidance seeks to ensure:

- the intended outcome is within scope of the objectives and power of the PE Act and has a sound basis in strategic planning policy
- a provision is necessary and proportional to the intended outcome and applies the Victoria Planning Provisions in a proper manner
- a provision is clear, unambiguous and effective in achieving the intended outcome.

Appendix C Background and chronology

Date	Event
2009	Noble Park Activity Centre Structure Plan 2009 adopted by Council
September 2009	Amendment C98 gazetted to: <ul style="list-style-type: none"> - implement the 2009 Structure Plan - introduce a local planning policy at Clause 22.08 - introduce a new Schedule 5 to the Design and Development Overlay - rezone land within the Noble Park MAC boundary.
June 2012	<i>Floorspace Projections for Noble Park Activities Area</i> prepared by SGS Economics and Planning.
April 2017	Hansen Partnership engaged by Council to conduct the Noble Park Activity Centre Structure Plan Review and Building Heights and Setback Study.
October 2017	<i>Noble Park Activity Centre: Structure Plan Review Discussion Paper</i> prepared by Hansen Partnership in association with Martyn Group and Essential Economics.
January 2018	Noble Park Road level crossing removed (Heatherton Road), and associated development of the new Noble Park railway station and bus interchange.
March 2018	<i>Noble Park Activity Centre Residential Demand Study</i> completed by SGS Economics and Planning.
January 2019	<i>Noble Park Activity Centre Buildings Heights and Setbacks Study</i> completed by Hansen Partnership.
June 2019–March 2020	Council officers prepared the <i>Draft Noble Park Activity Centre Structure Plan</i> .
27 April– 19 June 2019	Public consultation on <i>Draft Noble Park Activity Centre Structure Plan</i> . 26 submissions received.
24 May 2021	Following finalisation of the Structure Plan and changes made as a result of submissions received, Council resolved to adopt the Structure Plan and to commence the statutory process for Amendment C224gdn by seeking authorisation from the Minister for Planning to prepare and exhibit the Amendment.
16 July 2021	Draft amendment documents sent to Department of Environment, Land, Water and Planning (DELWP). Drafting based on DDO6 applying to Springvale MAC.
16 August 2021	DELWP provided feedback on draft amendment documents. Specific comments received on: <ul style="list-style-type: none"> - definitions - heights in General Residential Zone - difficulty in using tables - quantification of design requirements - location of interface requirements in the schedule.
17 September 2021	Second draft of DDO5 provided to DELWP.

29 September 2021	Feedback received from DELWP on second draft of DDO5. Outstanding concern that GRZ1 contradicts State policy.
20 October 2021	Council requested Minister for Planning grant authorisation to prepare the Amendment.
29 October 2021	DELWP advises application for authorisation requires further review.
26 November 2021	DELWP requested a significant redrafting of DDO5.
20 December 2021	Amendment VC174 gazetted. Introduces wind impact standards for development at five (5) storeys and above.
21 February 2022	Council submitted DDO5 Version 4. Outstanding issues to be resolved were: <ul style="list-style-type: none"> - retention of wind requirements for developments at 4 storeys - retention of ESD/Climate change Decision Guideline - DELWP seeking to remove the proposed DDO5 from PPRZ land.
22 February 2022	Council and DELWP reach agreement on DDO5 Version 5.
27 April 2022	Authorisation to prepare the Amendment granted subject to conditions.
May 2022	Amendment documents were modified to satisfy conditions of authorisation.
23 May to 24 June 2022	The Amendment was exhibited. Eleven submissions received.
8 August 2022	Council resolved to: <ul style="list-style-type: none"> - receive all submissions - adopt the officer's position on the submissions - request the Minister for Planning appoint a Panel to consider the submissions - advise submitters of Council's decisions.

Appendix D Document list

No.	Date	Description	Provided by
1	16/9/22	Panel Directions and Hearing Timetable	Planning Panels Victoria (PPV)
2	3/10/22	Noble Park Activity Centre Building Heights and Setbacks Study, 2019	Council
3	3/10/22	Noble Park Activity Centre History, 2015	Council
4	3/10/22	Noble Park Activity Centre Profile, 2016	Council
5	3/10/22	Noble Park Activity Centre Structure Plan Review Discussion Paper, 2017	Council
6	3/10/22	Noble Park Activity Centre Residential Demand Study, 2018	Council
7	3/10/22	Noble Park Activity Centre Pedestrian and Traffic Count, 2019	Council
8	3/10/22	Noble Park Activity Centre Floor Space Projections, 2012	Council
9	3/10/22	Noble Park Activity Centre Structure Plan Review, 2017	Council
10	3/10/22	Location of Submitters map	Council
11	17/10/22	Part A Submission with attachments - Attachment A Chronology of events - Attachment B Council meeting minutes 24 May 2021	Council
12	24/10/22	Part B Submission	Council
13	28/10/22	Planning approvals in the Noble Park Major Activity Centre	Council
14	28/10/22	Submission to Panel	Noble Park Public Hall Trust
15	28/10/22	Noble Park Local Flood Guide	Noble Park Public Hall Trust