

Planning and Environment Act 1987

Panel Report

**Maroondah Planning Scheme Amendment C130maro
Ringwood Metropolitan Activity Centre**

5 October 2020

How will this report be used?

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

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

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

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

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

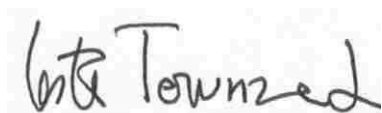
Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Maroondah Planning Scheme Amendment C130maromaro

Ringwood Metropolitan Activity Centre

5 October 2020



Lester Townsend, Chair



Annabel Paul, Member

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Glossary and abbreviations

Term	Definition
Act	<i>Planning and Environment Act 1987</i>
ACZ	Activity Centre Zone
C1Z	Commercial 1 Zone
C2Z	Commercial 2 Zone
CBD	Central Business District
Council	Maroondah City Council
DCP	Development Contributions Plan
DCPO	Development Contributions Plan Overlay
DDO	Design and Development Overlay
DOT	Department of Transport
EPA	Environment Protection Authority
ESD	Ecologically Sustainable Development
GRZ	General Residential Zone
IN1Z	Industrial 1 Zone
LPPF	Local Planning Policy Framework
MAC	Major Activity Centre
MeAC	Metropolitan Activity Centre
MSS	Municipal Strategic Statement
NRZ4	Neighbourhood Residential Zone Schedule 4
PPF	Planning Policy Framework
PPRZ	Public Park and Recreation Zone
QIC	Queensland Investment Corporation
UCA	Uniting Church of Australia
UFZ	Urban Floodway Zone
VCAT	Victorian Civil and Administrative Tribunal
VPA	Victorian Planning Authority

Overview

Amendment summary	
The Amendment	Maroondah Planning Scheme Amendment C130maro
Common name	Ringwood Metropolitan Activity Centre
Brief description	The Amendment implements objectives and strategies of the <i>Ringwood Metropolitan Activity Centre Masterplan</i> (Maroondah City Council 2018) though the application of local policy, zones and overlays to land within the Ringwood Metropolitan Activity Centre.
Subject land	The Amendment applies to all land within the Ringwood Metropolitan Activity Centre (Ringwood MeAC).
The Proponent	Maroondah City Council
Planning Authority	Maroondah City Council
Authorisation	6 December 2019.
Exhibition	Between 24 February and 17 April 2020.
Submissions	Number of Submissions: 42 (from 24 submitters). - 22 supported the Amendment without changes; - 16 supported the Amendment to varying degrees - four objected to the Amendment outright.

Panel process	
The Panel	Lester Townsend, Chair, Annabel Paul, Member
Directions Hearing	15 June 2020 via video conference
Panel Hearing	20, 21, 22, 23 and 24 July 2020, via video conference
Site inspections	Unaccompanied on 10 and 13 July 2020
Appearances	Refer Appendix B
Citation	Maroondah C130maro (2020) PPV
Date of this Report	5 October 2020

Executive summary

Amendment C130maro to the Maroondah Planning Scheme seeks to update the planning controls and policies that applies to the land within the Ringwood Metropolitan Activity Centre (MeAC).

Maroondah City Council (Council), together with the assistance of the Victorian Planning Authority (VPA) have undertaken a review of the *Ringwood Transit City Urban Design Masterplan* (2004 Masterplan) to respond to changes since this time, including significant infrastructure changes within the activity centre and a range of changes to the planning scheme.

The *Ringwood Metropolitan Activity Centre Masterplan 2018* (Masterplan) has been developed to guide the future land use, development potential and servicing for the MeAC for the period from 2018 to 2033.

The Amendment seeks to implement the Masterplan by implementing a range of new policies, zone and overlays. In particular it seeks to:

- make changes to the Local Planning Policy Framework (LPPF) to support the strategic basis of the Amendment
- apply the Activity Centre Zone, Schedule 1 (ACZ1) across the activity centre area
- amend Schedule 1 to the Development Contributions Plan Overlay (DCPO) and apply the DCPO1 across the activity centre area
- amend Clause 72.08 to include the Masterplan as a Background Document.
- amend Clause 72.04 to include the *Ringwood Metropolitan Activity Centre Development Contributions Plan, March 2019* (DCP) as an incorporated document and delete the *Ringwood District Centre Development Contributions Plan, July 1997*
- make other consequential zoning, overlay and policy changes to implement the Masterplan.

Key issues raised in submissions included:

- the extent of the Ringwood MeAC
- the application of the ACZ1 and in particular specific section 1 and 2 uses
- built form controls, including proposed heights and setbacks, and appropriate transitions to the surrounding lower scale residential areas
- overshadowing controls to public open space
- traffic and movement including safety, vehicle access, new indicative pedestrian, service and shared paths, and impacts to the EastLink interchange.

The Amendment raises a number of threshold issues to do with land use and built form as well as a number of detailed issues that apply to particular sites.

In terms of land use, the Amendment applies more restrictive land use controls than the current Commercial 1 Zoning (C1Z) that applies to much of the amendment area. This is not appropriate in a MeAC. State and local policy clearly supports a variety of uses at MeAC. For a centre to thrive and be vibrant it needs to be able to play host to a wide range of activities – requiring planning permits for matters which are currently as-of-right under the existing C1Z would seem to be a backward step in trying to promote Ringwood as a MeAC.

The Panel has reviewed the proposed land use controls in detail and made a series of recommendations in order to provide a more liberal approach to land uses in the centre.

The Panel supports the overall built form concept for the centre and this is generally supported by the evidence before the Panel. The Panel however has recommended changes in response to issues for specific sites, including:

- the Barro site where the Panel has recommended that it be treated as a site requiring a site specific response
- land to the south of Ringwood Station where the Panel has recommended an increase in height
- land around Heatherdale Station where the Panel has also recommended an increase in height for part of the precinct.

In terms of overshadowing of open space the Panel is not convinced that there is sufficient strategic justification to require that buildings not overshadow parkland at the winter solstice. This is an onerous provision and is something that is typically only applied to key open spaces where there is a high degree of use in winter.

Precinct 7 around Heatherdale Station provided some of the more complex planning issues arising in this Amendment. It is not clear to the Panel that the strategic work has fully resolved the issues for this location. Notwithstanding this, it is appropriate to proceed with the Amendment but to break this precinct into two sub precincts to allow for a more appropriate control of heights and land uses.

In terms of the Development Contributions Plan Overlay (DCPO), there were a number of questions raised about its applicability but there were no substantial submissions opposing its application. The Panel notes that the activity centre is already subject to a development contributions regime.

The Panel concludes:

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

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Maroondah Planning Scheme Amendment C130maro be adopted as exhibited subject to the following:

- 1. Adopt the Amendment as exhibited, with the following changes:**
 - a) Amend the Activity Centre Zone Schedule 1 as presented in Council's Part B submission with the further changes recommended in this report and shown in Appendix D.**
- 2. Change the Table of uses to:**
 - a) make 'Accommodation' a Section 2 use in Precinct 7b**
 - b) make 'Office':**
 - **a Section 1 use in Precincts 1, 2, and 7 with no condition**

- a Section 1 use in Precincts 4 and 6 subject to a condition that the site must have access to a road in a Road Zone
 - a Section 2 use in Precinct 5 subject to a condition that the site must adjoin, or have access to, a road in a Road Zone
 - c) make 'Medical centre' a Section 1 use in all Precincts and restrict the floor area condition to Precinct 5
 - d) make 'Retail premises' other than 'Food and drink premises' and 'Shop' a Section 1 use in Precinct 4, subject to a condition that the site must adjoin, or have access to, a road in a Road Zone
 - e) treat 'Market' and 'Plant nursery' the same as other retail uses
 - f) make 'Shop' a Section 1 use in Precincts 6 and 7 in addition to Precincts 1, 2 and 4
 - g) make 'Education centre' a Section 1 use in Precincts 1, 2 and 7
 - h) make 'Food and drink premises' (other than 'Convenience restaurant' and 'Takeaway food premises')
 - a Section 1 use without condition in Precincts 1, 2, 6 and 7
 - a Section 1 use in Precinct 4 with the condition the site must adjoin, or have access to, a road in a Road Zone
 - i) make 'Convenience restaurant' a Section 1 use with the condition that in Precinct 3, 4, 5 and 6 the site must adjoin, or have access to, a road in a Road Zone
 - j) make 'Take away food premises' a Section 1 use with the condition that in Precinct 3, 4 and 6 the site must adjoin, or have access to, a road in a Road Zone
 - k) make 'Convenience shop' a Section 1 use in all Precincts
 - l) make 'Leisure and recreation' (other than 'Informal outdoor recreation', 'Major sports and recreation facility' and 'Motor racing track') a Section 1 use in Precincts 1 and 2
 - m) make 'Hospital' a Section 2 in Precinct 7.
3. Change the Table of uses to:
 - a) Use current land use terms
 - b) Ensure consistency with Ministerial Directions, and Planning Practice Notes.
 4. Amend the schedule to Clause 66.06 of the planning scheme as follows:
 - a) in the first column (Clause), add the following words:
Clause 7 of Schedule 1 to 37.08 (ACZ1)
 - b) in the second column (Kind of application), add the following words:
All applications to subdivide land, or construct a building or construct or carry out works associated with accommodation, a primary school, a secondary school, childcare centre, hospital, library or place of worship located adjacent to the EastLink or Ringwood Bypass reserves in precincts 2, 3 and 7 of the Ringwood Metropolitan Activity Centre Framework Plan.
 - c) in the third column (Person or body to be notified), add the following words:
Responsible road authority under the *Road Management Act 2004*
 5. Change proposed access arrangements as follows:

- a) Delete the future service access from 2 Nelson Street in Precinct 2.
 - b) Delete the future service access from the rear of the Bardia Street properties in Precinct 4.
6. Amend the precinct maps as follows:
- a) Delete the indicative east-west 'proposed new shared path' between New Street and Sherbrook Avenue from the precinct map at Clauses 5.2-1 and 5.3-1.
 - b) Delete the proposed link across the Ryman Healthcare land in Precinct 4 at Clause 5.4-1.
7. Amend Clause 4.4 of the Activity Centre Zone Schedule 1 to include the following:
- a) An application to exceed the preferred heights should demonstrate how the relevant precinct objectives and development objectives of this schedule are achieved.
8. Amend Clause 4.4 of the Activity Centre Zone Schedule 1 to include the following:
- a) The preferred building heights may be exceeded sites identified as 'sites requiring specific response'.
9. Amend Clause 4.4 of the Activity Centre Zone Schedule 1 under the heading Overshadowing, to read:
- a) Buildings and works should minimise overshadowing of existing and future open space, beyond shadow cast by new street walls/podiums between 11am and 2pm on 22 September.
 - b) Buildings and works adjoining north-south oriented streets should not cast additional shadows over the opposite footpaths between 11 am and 2 pm on 22 September.
 - c) Buildings and works adjoining east-west oriented streets should not cast additional shadows to the south side footpath between 11 am and 2 pm on 22 September.
10. Amend Clause 8.0 of the Activity Centre Zone Schedule 1 under the heading Decision Guidelines, to read:
- a) The extent to which varied building heights and/or setbacks cast additional shadow to the south side footpath of east-west oriented streets or the opposite footpath to north-south oriented streets between 11am and 2pm on 22 September.
 - b) The extent to which buildings and works overshadow existing and/or future open space, beyond shadows cast by new street walls/podiums between 11am and 2pm on 22 September.
11. Review the graphic notation of interface types to improve legibility.
12. Amend the Precinct Map at Clause 5.2-1 to include the Barro land at 32-48 Maroondah Highway, Ringwood as a 'Site requiring specific response'.
13. Amend Clause 5.2-4 of the Activity Centre Zone Schedule 1, to include an additional dot point in the Precinct guidelines that reads:
- a) Barro Site: Encourage the development of building elements in a manner that responds positively to the precinct objectives and guidelines. Future

redevelopment of this amalgamated urban block will require a site specific response ensuring architectural diversity, safe and efficient access, separation between tower elements, visual interest and a transition of building height to the east.

14. Amend the map at Clause 5.4-1 to delete the Type 2 (Local Street Type A) along the southern boundary of the land at 154-166 Maroondah Highway.
15. Amend the Precinct map at Clause 5.6-1 to replace interface Type 5 with the new residential interface along the southern boundary of the precinct.
16. Amend Clause 5.6-2 Precinct objectives, the second dot point to state, 'To embody the public transport core of the city and place and support substantial change to take advantage of this key gateway'.
17. Amend Clause 5.6-3 Precinct requirements, Building heights, to add a preferred height in Precinct 6b of 28.5 metres (8 storeys) for sites with an area above 5,000 square metres.
18. Amend Clause 5.6-3 Precinct requirements, Interface setbacks to insert a new table for Interface setbacks (residential) as set out below:

Residential Interface ¹	Boundary set back up to a building height of 11.5 metres	Additional set back above 11.5 metres
8	5 metre setback plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus one metre for every metre of height over 6.9 metres from the southern boundary	3.5 metres

19. Amend Clause 8.0 Decision guidelines to include:
 - a) The extent to which buildings are not competing with Feature Forms.
 - b) The extent to which varied heights/setbacks do not result in adverse amenity impact on residential areas.
 - c) The extent to which varied heights/setbacks provides clear stepping down in built form to the established residential neighbourhood outside the Activity Centre boundary without resulting in overtly stepped profile.
 - d) Consideration for on-site amenity for future occupants.
20. Include a Sub Precinct Map at Clause 5.7-4 including the sites at 8-12 Maroondah Highway and 11A-19 Heatherdale Road within Precinct 7b and the remainder of the precinct within Precinct 7a.
21. At Clause 5.7-2, update the first precinct objectives as follows:
 - a) To encourage transit oriented development opportunities around Heatherdale Station as a key entry into Ringwood MeAC.
22. At Clause 5.7-3 include Building Heights as set out below:

Precinct	Preferred height	Outcomes to be achieved
7b	21.5 metres (6 storeys) 28.5 metres (8 storeys) lot	Development that takes advantage of the high levels of exposure from the Maroondah Highway and Eastlink

¹ See Chapter 6.6

Precinct	Preferred height	Outcomes to be achieved
	size above 2,500 square metres 35.5 metres (10 storeys) lot size above 5,000 square metres	frontages and gateway of Heatherdale Station. Development that marks the Maroondah Highway and Eastlink Junction and takes advantage of the fall of the land and separation from the residential area.

- 23. Update the figures in the Development Contributions Plan and the proposed Development Contributions Plan Overlay as tabled in Document 52.**

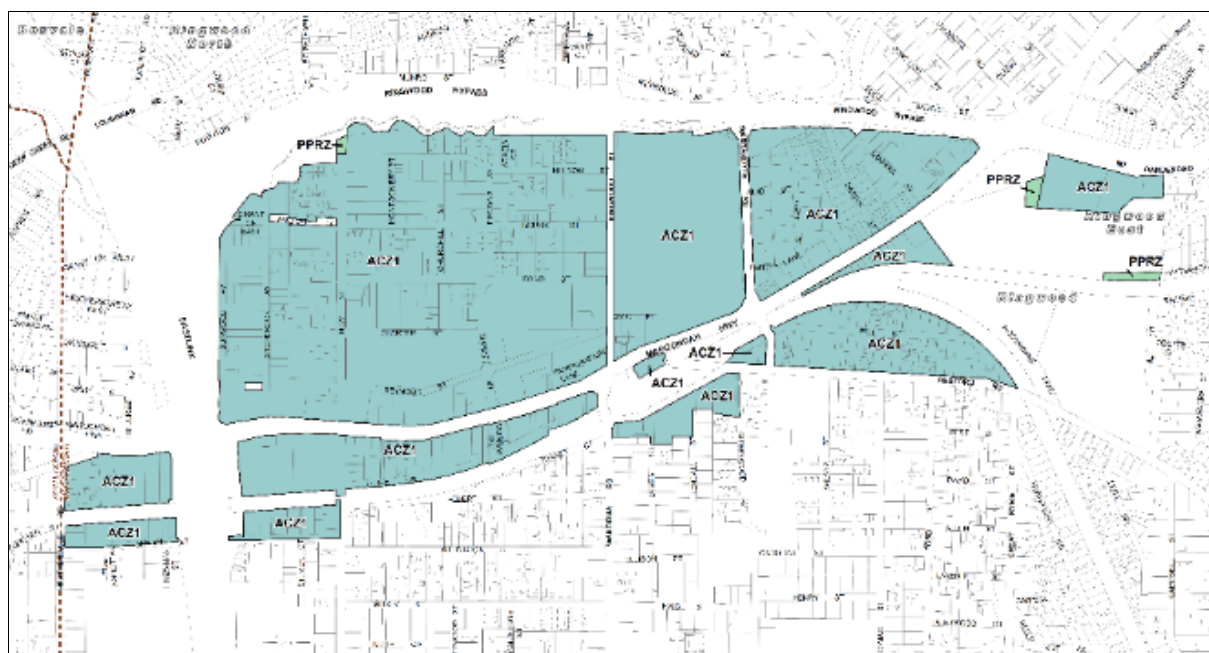
1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of the Amendment is to implement the objectives and strategies of the *Ringwood Metropolitan Activity Centre Masterplan 2018* (Masterplan) through the application of local policy, zone and overlays. The Amendment applies the Activity Centre Zone as shown in Figure 1.

Figure 1: Extent of Activity Centre Zone, Schedule 1



The Amendment also updates the relevant objectives and strategies of the following documents:

- *Maroondah 2040: Our future together* (Maroondah City Council 2014)
- *Maroondah Housing Strategy* (Maroondah City Council 2016)
- *Maroondah Council Plan 2017-2021* (Maroondah City Council 2019).

Specifically, the Amendment proposes to make the following changes:

- Policy changes:
 - Amend Clauses 21.01, 21.02, 21.03, 21.06, 21.07, 21.08 and 21.10 of the Municipal Strategic Statement (MSS) to support the strategic basis of the Amendment in accordance with the *Maroondah City Council Plan 2017-2021*, *Maroondah 2040: Our future together* and *Maroondah Housing Strategy*.
 - Amend Clause 22.02 (Residential Neighbourhood Character) to update the policy application.
 - Amend Clause 22.05 (Retail and Commercial Development) to update reference to the Masterplan.
 - Delete Clause 22.06 (Ringwood Activity Centre).

- Zone changes:
 - Rezone land within the Ringwood MeAC to the Activity Centre Zone Schedule 1 (ACZ1) from the:
 - Commercial 1 Zone (C1Z)
 - Commercial 2 Zone (C2Z)
 - Industrial 1 Zone (IN1Z)
 - General Residential Zone Schedule 1 (GRZ1)
 - Road Zone Category 1 (RDZ1)
 - Residential Growth Zone Schedule 1 (RGZ1).
 - Rezone land to the Public Park and Recreation Zone (PPRZ) at:
 - 1B Patterson Street, Ringwood East from the GRZ1.
 - part of 174 Maroondah Highway, Ringwood from the Neighbourhood Residential Zone Schedule 4 (NRZ4).
 - part of 2-10 Mt Dandenong Road, Ringwood East from the RDZ1 to the ACZ1.
 - 60 Nelson Street, Ringwood from the Urban Floodway Zone (UFZ).
 - Delete Clause 32.07 (Residential Growth Zone), Schedule 1 as it is no longer required.
- Overlay changes:
 - Amend Schedule 1 to Clause 45.06 (Development Contributions Plan Overlay) to update reference to the *Ringwood Metropolitan Activity Centre Development Contributions Plan* and to apply to the Ringwood MeAC area.
 - Delete Schedule 3 to Clause 43.02 (Design and Development Overlay) as it is no longer required.
- Incorporated and background documents:
 - Amend the Schedule to Clause 72.04 to include the *Ringwood Metropolitan Activity Centre Development Contributions Plan*, March 2019 (the DCP) as an Incorporated Document and delete the Ringwood District Centre Development Contributions Plan (July 1997).
 - Amend the Schedule to Clause 72.08 to include the *Ringwood Metropolitan Activity Centre Masterplan*, Maroondah City Council, 2018 as a Background Document.

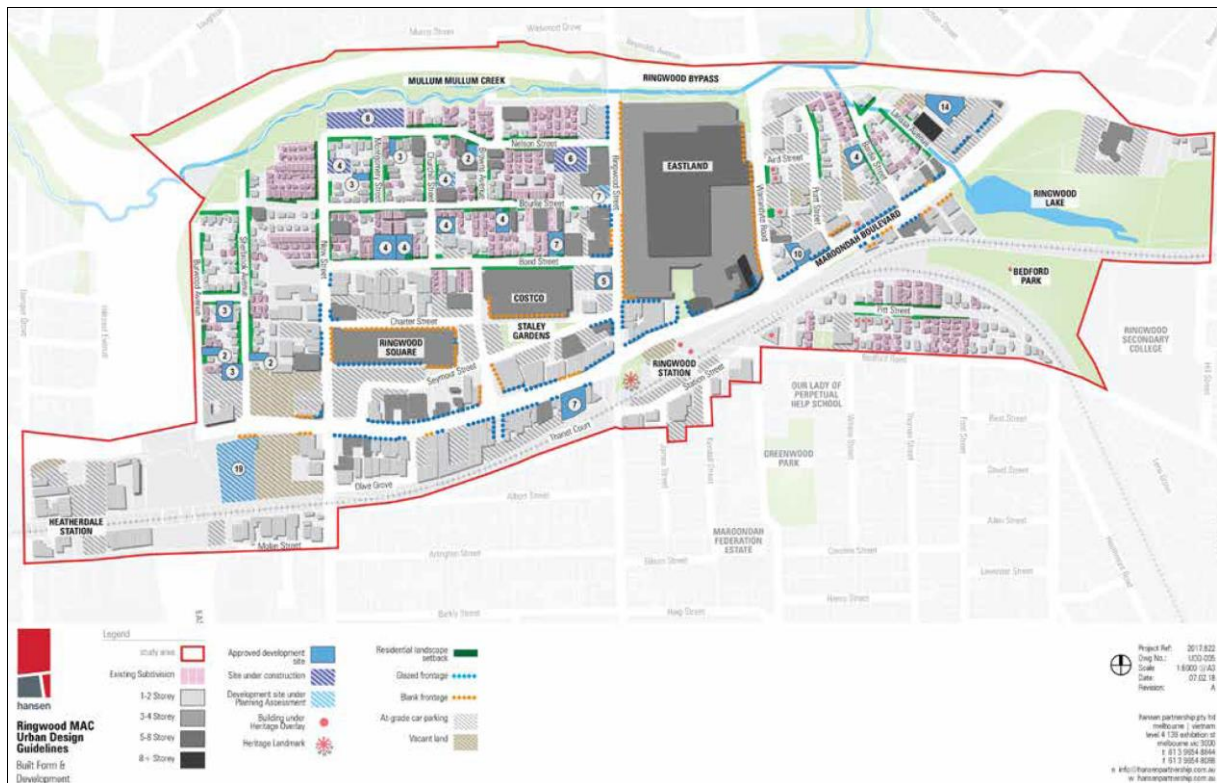
(ii) The subject land

The Amendment applies to land within the Ringwood Metropolitan Activity Centre (MeAC) as shown in Figure 2.

This generally includes:

- to the north, the bypass from EastLink to Mount Dandenong Road
- to the east, Ringwood Lake Park and Bedford Park to Pitt Street
- to the south Bedford Road to Station Street then following the properties to the rear of Station Street through to Wantirna Road. The boundary then follows the train line to New Street, then along Molan Street to Heatherdale Road (Municipal boundary)
- to the west, the boundary follows Heatherdale Road to Maroondah Highway then the eastern side of EastLink through to the Bypass.

Figure 2: Overview of the Ringwood MeAC



1.2 Background

Maroondah Council, together with the assistance of the Victorian Planning Authority (VPA) developed the *Ringwood Metropolitan Activity Centre Masterplan 2018* (Masterplan). This was to build on and replace the earlier *Ringwood Transit City Urban Design Masterplan* (2004 Masterplan) that formed the basis of the existing planning scheme controls relating to the activity centre.

1.3 Procedural issues

Authorisation

By letter dated 6 December 2019 the Minister gave authorisation to the Amendment subject to several conditions including:

- the ACZ1 and the DCPO1 being consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* and providing statutory certainty
- the DCP be included as an Incorporated Document in Clause 72.04 and be included in exhibition
- the *Ringwood District Centre Development Contributions Plan* (July 1997) be deleted from Clause 72.04.
- Council consider including the Masterplan as a Background Document in the schedule to Clause 72.08, and if including it in the schedule, then exhibit it with the Amendment.

Issues raised in closing

Council's submissions in reply dated 24 July 2020 (Document 49) sought to respond to submissions with a revised form of the controls, but in the mind of some parties raised new issues. Those parties said they should have an opportunity to respond to those new issues to afford them procedural fairness.

The Panel advised that it would give parties the opportunity to make further submissions if it were minded to consider changes to the controls relating to:

- the proposed requirement that the preferred building heights may be exceeded if it can be demonstrated that a significant community benefit can be achieved
- the requirement for a master plan on 'sites requiring specific response'.

The Panel advised that it does not support those changes, and so did not seek further submissions.

Council also responded to issues raised in submissions made on behalf of Lakewood Management Pty Ltd (Lakewood). Specifically, Council raised concerns relating to the alleged detrimental impact of shade to the long term health and viability of vegetation in Bedford Park.

In oral submissions Council confirmed to the Panel that its submissions were informed by comments of Council's Biodiversity Officer. Lakewood sought to be provided with the internal advice of Council's Biodiversity Officer and requested an opportunity to respond to that material.

The Panel agreed that Lakewood ought be provided the material and ought be given the opportunity to respond. The Panel was advised that Lakewood had not been provided with the further material despite requests, and so has not been in a position to provide a further submission to the Panel.

The Panel advised parties in writing that it would proceed on the material before it.

1.4 Summary of issues raised in submissions

Key issues raised in submissions include:

- Strategic justification:
 - the strategic justification of the controls
 - the location of the activity centre boundary
- Land use issues:
 - concern over more prescriptive controls for education and office uses
 - that office and medical centre should be a section 1, permit not required uses in certain precincts
 - that dwelling should be section 1 use rather than permit required in certain precincts
 - that the land use controls are unnecessarily restrictive within Precinct 7
- Transport and access issues:
 - EastLink raised a number of issues about the potential impact of its operation from development
 - not all proposals to identify future access to sites were supported
 - not all proposed pedestrian links were supported

- Built form issues:
 - whether the proposed preferred heights are appropriate
 - whether the preferred heights should apply to sites where a site specific response is proposed
 - the overshadowing controls
 - height and setback requirements of specific sites.

1.5 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, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material, and has had to be selective in referring to the more relevant or determinative material in the 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:

- Does the Masterplan and Amendment have strategic justification?
- Land uses issues
- Access and circulation issues
- Threshold built form issues
- Precinct built form issues
- Development contributions

1.6 Limitations

The Panel has not addressed any required changes to the background document. While it is generally thought useful for background documents to reflect the approved version of control, this is not necessary. Clause 72.08 states:

A background document does not form part of this planning scheme.

A background document may:

- Have informed the preparation of, or an amendment to, this planning scheme.
- Provide information to explain the context within which a provision has been framed.
- Assist the understanding of this planning scheme.

2 Does the Masterplan and Amendment have strategic justification?

2.1 Strategic justification

(i) Relevant policy and plans

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.

Ringwood is a MeAC under Plan Melbourne. These are places of state significance that will be the focus for investment and growth, with a purpose:

To provide a diverse range of jobs, activities and housing for regional catchments that are well served by public transport. These centres will play a major service delivery role, including government, health, justice and education services, as well as retail and commercial opportunities.

Planning Practice Notes

The following Planning Practice Notes guide the planning of activity centres:

- *Planning Practice Note 56: Activity Centre Zone*, June 2015
- *Planning Practice Note 58: Structure Planning for Activity Centre's*, September 2018
- *Planning Practice Note 59: The Role of Mandatory Provisions in Planning Schemes*, September 2018
- *Planning Practice Note 60: Height and Setback Controls for Activity Centres*, September 2018.

State Policy

MeACs are a key component of state policy.

This section presents the relevant Planning Policy Framework (PPF) objectives (beginning with 'To') and selected strategies (the dot points).

11.01-1S Settlement

To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

- Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.
- Ensure retail, office-based employment, community facilities and services are concentrated in central locations.

11.01-1R Settlement - Metropolitan Melbourne

- Focus investment and growth in places of state significance, including:
 - Metropolitan Melbourne Central City.
 - National Employment and Innovation Clusters.
 - Metropolitan Activity Centres.
 - State-Significant Industrial Precincts.
 - Transport Gateways.
 - Health and Education Precincts.

- Major Urban-Renewal Precincts.
- Develop a network of activity centres linked by transport; consisting of Metropolitan Activity Centres supported by a network of vibrant major and neighbourhood activity centres of varying size, role and function.

11.03-1S Activity centres

To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

- Build up activity centres as a focus for high-quality development, activity and living by developing a network of activity centres that:
 - Comprises a range of centres that differ in size and function.
 - Is a focus for business, shopping, working, leisure and community facilities. Provides different types of housing, including forms of higher density housing.
 - Is connected by transport.
 - Maximises choices in services, employment and social interaction.
- Support the role and function of each centre in the context of its classification, the policies for housing intensification, and development of the public transport network.
- Undertake strategic planning for the use and development of land in and around activity centres.
- Give clear direction on preferred locations for investment.
- Encourage a diversity of housing types at higher densities in and around activity centres.
- 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.
- Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.
- Encourage economic activity and business synergies.
- Improve the social, economic and environmental performance and amenity of activity centres.

11.03-1R Activity centres - Metropolitan Melbourne

- Support the development and growth of Metropolitan Activity Centres by ensuring they:
 - Are able to accommodate significant growth for a broad range of land uses.
 - Are supported with appropriate infrastructure.
 - Are hubs for public transport services.
 - Offer good connectivity for a regional catchment.
 - Provide high levels of amenity.
- Locate significant new education, justice, community, administrative and health facilities that attract users from large geographic areas in or on the edge of Metropolitan Activity Centres or Major Activity Centres with good public transport.
- Locate new small scale education, health and community facilities that meet local needs in or around Neighbourhood Activity Centres.
- Ensure Neighbourhood Activity Centres are located within convenient walking distance in the design of new subdivisions.

13.06-1S Air quality management

To assist the protection and improvement of air quality.

- Ensure that land use planning and transport infrastructure provision contribute to improved air quality by:
 - Integrating transport and land use planning to improve transport accessibility and connections.
 - Locating key developments that generate high volumes of trips in the Central City, Metropolitan Activity Centres and Major Activity Centres.

16 HOUSING

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

16.01-2R Housing opportunity areas - Metropolitan Melbourne

- Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.
- Manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are:
 - In and around the Central City.
 - Urban-renewal precincts and sites.
 - Areas for residential growth.
 - Areas for greyfield renewal, particularly through opportunities for land consolidation.
 - Areas designated as National Employment and Innovation Clusters.
 - Metropolitan activity centres and major activity centres.
 - Neighbourhood activity centres - especially those with good public transport connections. Areas near existing and proposed railway stations that can support transit-oriented development.
- Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport. Direct new housing to areas with appropriate infrastructure.

16.01-3S Housing diversity

To provide for a range of housing types to meet diverse needs.

- Ensure planning for growth areas provides for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.

16.01-4S Housing affordability

To deliver more affordable housing closer to jobs, transport and services.

- Increase the supply of well-located affordable housing by:
 - Facilitating a mix of private, affordable and social housing in suburbs, activity centres and urban renewal precincts.

16.01-7S Residential aged care facilities

To facilitate the development of well-designed and appropriately located residential aged care facilities.

- Ensure local housing strategies, precinct structure plans and activity centre structure plans provide for residential aged care facilities.
- Ensure that residential aged care facilities are located in residential areas, activity centres and urban renewal precincts, close to services and public transport.

17.02-1S Business

To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

- Locate commercial facilities in existing or planned activity centres.
- Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.
- Locate cinema based entertainment facilities within or on the periphery of existing or planned activity centres.
- Apply a five year time limit for commencement to any planning permit for a shopping centre or shopping centre expansion of more than 1000 square metres leasable floor area.

17.02-2S Out-of-centre development

To manage out-of-centre development.

- Give preference to locations in or on the border of an activity centre for expansion of single use retail, commercial and recreational facilities.
- Discourage large sports and entertainment facilities of metropolitan, state or national significance in out-of-centre locations unless they are on the Principal Public Transport Network and in locations that are highly accessible to their catchment of users.

17.03-2S Industrial development siting

To facilitate the sustainable operation of industry.

- Encourage industrial uses that meet appropriate standards of safety and amenity to locate within activity centres.

18.02-1S Sustainable personal transport

To promote the use of sustainable personal transport.

- Provide direct and connected pedestrian and bicycle infrastructure to and between key destinations including activity centres, public transport interchanges, employment areas, urban renewal precincts and major attractions.

18.02-2S Public Transport

To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.

- Connect activity centres, job rich areas and outer suburban areas through high-quality public transport.

18.02-2R Principal Public Transport Network

- Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.

19.02-2S Education facilities

To assist the integration of education and early childhood facilities with local and regional communities.

- Locate tertiary education facilities within or adjacent to activity centres.

19.02-3S Cultural facilities

To develop a strong cultural environment and increase access to arts, recreation and other cultural facilities.

- Encourage a wider range of arts, cultural and entertainment facilities including cinemas, restaurants, nightclubs and live theatres in the Central City and at Metropolitan Activity Centres.

19.02-4S Social and cultural infrastructure

To provide fairer distribution of and access to, social and cultural infrastructure.

- Encourage the location of social and cultural infrastructure in activity centres.

19.02-5S Emergency services

To ensure suitable locations for police, fire, ambulance and other emergency services.

- Ensure police, fire, ambulance and other emergency services are provided for in or near activity centres. Locate emergency services together in newly developing areas.

(ii) Evidence and submissions

Council submitted that the strategic justification for the Amendment was firmly grounded in the PPF. In particular, that the Amendment supported the following:

- State-wide strategic policy such as Plan Melbourne
- State-wide strategic policy addressing residential and commercial land use and development, built form and urban design objectives, activity centre planning, and traffic and parking found in clauses 11, 15, 16, 17 and 18 of the Planning Policy Framework (PPF)
- Municipal planning policy in Council's Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) at clause 21.02 (Vision and Strategic Framework), clause 21.03 (Transport and Accessibility), clause 21.06 (Built Form and Urban Design), clause 21.07 (Housing and Residential Land Use), clause 21.08 (Retail and Commercial Land Use), clause 22.05 (Retail and Commercial Development) and clause 22.06 (Ringwood Activity Centre)
- The Background Report, which summarises other background and technical reports such as the VPA Key Issues Paper, Draft Concept Plan prepared by the VPA (see figure 10 in the Background Report), Ringwood MeAC Capacity Analysis prepared by SGS Economics and Planning dated 2018 and the Transport and Movement Priorities Report prepared by O'Brien Traffic dated 2018
- *Council Plan 2017-2021* (Council Plan)
- *Maroondah 2040: Our Future Together* (Maroondah 2040)
- *Housing Strategy 2016* (Housing Strategy).

Council submitted that the Urban Design Guidelines were informed by a comprehensive analysis of the development drivers within the Ringwood MeAC, its physical and policy context and 3D computer massing modelling of selected sites. The Masterplan was in turn informed by the Urban Design Guidelines.

Council also submitted that the ACZ1 was an appropriate and preferred tool to guide and facilitate the use and development of land within the activity centre and to implement the Masterplan.

Some submissions considered that the Amendment would help deliver greater housing diversity and better support growth, investment and sustain retail businesses within the area. Most submitters also supported the application of the ACZ1 to the activity centre.

Many submitters considered that the table of uses was too restrictive in the context of providing for a wide mix of uses within a MeAC, and were more restrictive than the C1Z that currently applies to parts of the activity centre. These submitters, including Markmont and

Lakewood Management, stated that there was no strategic support for the limitations on land uses, and in particular that Office (other than Medical Centre) and a number of retail uses such as Convenience restaurant, Food and drink premises and Retail premises should be section 1, as-of-right uses in the ACZ1.

Several submitters questioned the strategic support for proposed new preferred height controls applying to particular sites. Submitters considered that they did not take into account the opportunities afforded by particular sites, namely large sites within one ownership, or sites around Ringwood and Heatherdale Stations. This included Barro, Markmont, CostaFox and REDC, Uniting Church of Australia (UCA) and the Freemans.

Submitters including Bigbai, Stone Investments, Villani Investments, Ms Skraba and Ryman Healthcare (Australia) considered that proposed new shared paths and pedestrian links lacked strategic justification and would unreasonably inhibit future development or cause unreasonable amenity impacts.

(iii) Discussion

There was general support for the strategic basis of the Amendment, both from supporting submissions as well as those submitters that had concerns with particular aspects of the proposed controls however accepted that there was sound strategic justification for the Masterplan and the implementation via the ACZ1.

Specific issues relating to the lack of strategic support for controlling land uses in various precincts; the location and method of delivering pedestrian and shared paths; and nomination of preferred building heights are discussed in detail in the chapters below.

The Panel agrees with Council that the Amendment has a strong and sound strategic basis and has been through a thorough process including extensive community and other stakeholder consultation. Ringwood MeAC is well supported by a range of planning policies from State level through to the local level. It is recognised as being able to accommodate significant growth for a broad range of land uses, supported by appropriate infrastructure and as a hub for public transport services.

The Panel agrees that the ACZ1 is an appropriate tool to implement the Masterplan, seeking to encourage a mixture of uses and the intensive development of the activity centre as a focus for business, shopping, working, housing, leisure, transport and community facilities. The schedule to the ACZ provides for a tailored development framework to guide future use and development, and provides for centre wide provisions and precinct provisions that accords well with the Masterplan.

The Council responded to submissions with a revised ACZ schedule presented with its Part B submission (Document 25). The Panel supports the changes proposed in this version of the control subject to further changes identified in this report.

The Panel considers that the Amendment provides an updated and coordinated vision for development of the Ringwood MeAC that is appropriate and generally consistent with the PPF and relevant Ministerial Directions and Practice Notes.

(iv) Conclusions and recommendations

The Panel concludes:

The Amendment is supported by, and implements, the relevant sections of the PPF, and is generally consistent with the relevant Ministerial Directions and Practice Notes.

The Amendment is generally well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

The Panel recommends:

1. **Adopt the Amendment as exhibited, with the following changes:**
 - a) **Amend the Activity Centre Zone Schedule 1 as presented in Council's Part B submission with the further changes recommended in this report and shown in Appendix D.**

2.2 Is the extent of the Activity Centre Boundary appropriate?

(i) The issues

Some submissions questioned the location of the activity centre boundary.

(ii) Evidence and submissions

REDC and CostaFox in partnership with the Ringwood RSL (submitter 11) submitted that, to be consistent with proper and orderly planning principles associated with structure planning for higher order activity centres, the boundary of the ACZ should be extended further south, and that this residential area should be identified for change.

Figure 3: Section of Activity Centre boundary subject to submissions



Ms Heggen, provided expert evidence in urban design and town planning on behalf of REDC and CostaFox in which she noted that some activity centre boundaries were more widely drawn to include residential areas within close walking distance and within the 'sphere of influence' of the centre. She considered the residential area to the south of the RSL site to be strategically well placed for a degree of intensification that perhaps goes beyond that permissible in the GRZ. However, Ms Heggen acknowledged that to pursue a boundary change would require additional strategic work beyond that which informs this Amendment.

The Uniting Church in Australia (UCA) (submitter 43) own land in Station Street and Greenwood Avenue. It submitted that the land to the south of their site extending between Greenwood Avenue and Kendall Street was a transition area that could in time change to medium to higher density residential opportunities. It submitted that this area should be identified in the relevant planning documents as an area of transition / potential change. It also sought a change to include all of their land holding within the activity centre, including the site at 1 Kendall Street.

Council advised that the VPA and Council defined the Activity Centre Boundary to slightly extend it beyond the existing ACZ boundary to include the large areas of public open space of Ringwood Lake and Bedford Park to the east; the commercial zoned areas to the south of the Ringwood train station including the RSL and UCA sites; and additional areas of commercial, industrial and residential land around the Heatherdale Station.

Council maintained that there was no need to extend the boundary further south and relied on the urban design evidence of Ms Waty. Ms Waty supported the revised boundary and concluded:

... the updated Ringwood MeAC boundary provides an adequate land area to accommodate estimated growth in terms of residential and commercial floor space.

Council did not consider that there was a need to further extend the boundary to include residential areas to the south of Ringwood Station on the basis that the boundary was in accordance with *Planning Practice Note 58 – Structure Planning for Activity Centres*, anticipated demand could be accommodated within the exhibited boundary; and that parts of the residential areas to the south are within the Jubilee Park Heritage and Neighbourhood Character areas and therefore not a suitable candidate for substantial change.

(iii) Discussion

The Panel is satisfied that the Activity Centre boundary is appropriate and is consistent with *Planning Practice Note 58, Structure Planning for Activity Centres*. Through the development of the 2018 Masterplan, the Activity Centre boundary was reviewed and extended to include additional areas around the relocated Heatherdale Station and also areas to the south and east of the activity centre.

The 'Commercial and Residential Capacity Analysis Report', prepared by SGS (March 2018) demonstrates that sufficient land has been included within the Activity Centre boundary to accommodate forecast growth over at least the next 20 years. This report examined a high commercial growth scenario with lower residential growth, and a low commercial growth scenario with higher residential growth, and found that in both scenarios there would be remaining floorspace capacity at 2036.

In relation to submissions that sought a further extension of the boundary to the south, while the Panel agree that this residential area would be within a walkability catchment of 400 to 800 metres from the core of the centre, it accepts Council's submissions that there are heritage and character constraints in extending the boundary. The Masterplan considered this area and noted:

The Jubilee Park precinct to the south of the Centre is significant as it is representative of early Ringwood. This area is to be protected for its heritage and neighbourhood character significance and is therefore not appropriate for the future growth envisaged by the Masterplan².

The Panel also notes that Amendment C116 to the Maroondah Planning Scheme has been approved by Council and is awaiting gazettal. This amendment seeks to apply heritage and neighbourhood character overlays to this Jubilee Park residential precinct, including (amongst other matters) to various properties within Kendall and James Street. Any further extension of the Activity Centre boundary that may be considered in the future would need to balance the need for additional growth opportunities in areas with good access to transport and the core of the activity centre, with these heritage and character considerations.

The Panel agrees with Ms Heggen that further strategic justification would be required to extend the Activity Centre boundary from that as exhibited and that this work has not been undertaken.

(iv) Conclusions

The Panel concludes:

The Activity Centre boundary as exhibited is appropriate.

² Ringwood Metropolitan Activity Centre Masterplan, page 12

3 Land uses issues

3.1 Are the proposed control too restrictive?

(i) The issues

The issues raised by the submissions included:

- the land use controls are unnecessarily restrictive in the context of a MeAC and in many cases are more restrictive than the current zoning
- 'office', including medical centre should be a section 1, permit not required use in certain precincts, particularly on land fronting the Maroondah Highway
- 'dwelling' should be section 1 use rather than permit required use in Precinct 2
- uses such as 'convenience shop', 'convenience restaurant', 'food and drink premises', 'education centre', 'shop' and 'trade supplies' should be section 1 uses, rather than section 2 uses.

(ii) What do the controls say?

The land use controls are complex and not easily summarised. Figure 4 shows how uses are treated in the different precincts.

Figure 4: Control of selected uses as proposed in Council's Part B submission

Section 1 – no conditions	Section 1 – with conditions	Section 2 – no conditions	Section 1 – with conditions	Section 3 – prohibited					
Use			1	2	3	4	5	6	7
Accommodation (other than Community care accommodation, Corrective institution, Dependent person’s unit, Dwelling, Residential aged care facility and Rooming house)									
Community care accommodation									
Corrective institution									
Dependent person’s unit									
Dwelling (other than Bed and breakfast and Caretaker’s house)									
Bed and breakfast									
Caretaker’s house									
Residential aged care facility									
Rooming house									
Education centre (other than Child care centre, Primary school, and Secondary school)									
Child care centre									
Primary school									
Secondary school									
Industry (other than Car wash, Materials recycling and Transfer station)									
Car wash									
Materials recycling									
Transfer Station									

Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)	
Informal outdoor recreation	
Major sports and recreation facility	
Motor racing track	
Office (other than Medical centre)	
Medical centre	
Place of assembly (other than Cinema, Cinema based entertainment facility and Place of worship)	
Place of worship	
Cinema	
Cinema based entertainment facility	
Retail premises (other than Food and drink premises, Market, Plant nursery and Shop)	
Food and drink premises (other than Convenience restaurant and Takeaway food premises)	
Convenience restaurant	
Take away food premises	
Market	
Plant nursery	
Shop (other than Adult sex product shop, Bottle shop, Convenience shop and Restricted retail premises)	
Adult sex product shop	
Bottle shop	
Convenience shop	
Restricted retail premises	
Utility installation (other than Minor utility installation and Telecommunications facility)	
Warehouse (other than Mail centre and Store)	
Mail centre	
Store	

(iii) Evidence and submissions

Evidence and submissions raised concerns about the restrictive nature of the land use controls. Submissions highlighted that the controls were:

- more restrictive than the existing zoning
- contrary to explicit state and local policies to support range of uses in activity centres
- unsupported by strategic work.

For example:

- Ms Peterson raised concerns that office (other than medical centre) in Precinct 2 should be a section 1 use.
- Mr Biacsi gave evidence that the restriction in land uses in Precinct 7 were unreasonable and did not reflect the strategic opportunities

- Villani and L & N Freeman Nominees Pty Ltd submitted that both ‘office’ and ‘dwelling’ should be section 1 uses in Precinct 2, noting that office was currently a section 1 use under the existing C2Z and that making this use a permit required use did not align with the precinct guidelines and outcomes.
- L & N Freeman Nominees also considered ‘medical centre’ should be section 1 use as is currently the case under the C1Z and having regard to the existing uses on the site.
- Lakewood submitted that the limitation on office and retail uses in Precinct 4 is unsupported by strategic work and that they should be section 1 uses. It submitted that while restrictions on retail and office is understandable in residential parts of the activity centre, there was a lack of strategic support to limit these uses for areas fronting the Maroondah Highway and that activity centres are recognised as key areas where jobs can be provided close to people.
- Ringwood Church of Christ were concerned that both office and education uses were to be prohibited in Precinct 5, recognising that these uses may be part of a future mixed use development of the site, associated with the Church.
- UCA submitted that the controls should be flexible to allow for office and other mixed-use activities such as health and community-based facilities.

Council in their Part C submission agreed that ‘office’ should be a section 1, as-of-right, use along Maroondah Highway.

(iv) Discussion

Precinct 2

The Panel agrees that both ‘office’ and ‘medical centre’ should be section 1 uses, but ‘dwelling’ should remain as a section 2 use in this precinct, given the desire to encourage a range of commercial/office uses and for ‘accommodation’ to have secondary role.

Precinct 3

The Panel accepts Council’s Part C submission in which ‘office’ remains a Section 2 use subject to the conditions that it must be located on land within 100 metres of Precinct 1 and 2 and be on the same street frontage of land in Precinct 1 or 2.

Precinct 4

Council in their Part C submission agreed that ‘office’ be a section 1, as-of-right, use along Maroondah Highway.

In relation to retail uses, while the Panel recognises the eclectic nature of Precinct 4, and there are some areas in which ‘retail’ may not be appropriate, the Panel considers that retail uses should be ‘as-of-right’ for sites fronting the Maroondah Highway. Much of the Lakewood land is currently used for retail uses, including Baby Direct and Horse Land, and there was no reason provided to the Panel as to why retail use would not be appropriate along this main road frontage. Accordingly, the Panel recommends that ‘retail’ be a section 1 use within Precinct 4, subject to a similar condition to that associated with ‘office’ use requiring access to a road in a Road Zone.

Precinct 5

Council in its closing submission and final version of the ACZ1 controls, agreed to include 'Education centre' as a Section 2 use in Precinct 5. The Panel supports this change.

Council however maintained the proposed prohibition for office within Precinct 5. While the Panel accepts that Precinct 5 is a predominately residential precinct and the precinct objectives seek to encourage moderate residential infill and consolidation, it agrees with the submitter that the prohibition on office may unnecessarily prevent an appropriate land use from developing on the Ringwood Church site or along other sites with a frontage to Bedford Road, being a road in a Road Zone, Category 2.

Precinct 5 is within close walking distance to the core of the activity centre and, has excellent proximity to Ringwood Station and other public transport routes. The Panel does not consider that office use is incompatible with residential amenity expectations, particularly for that part of the precinct land within a MeAC context fronting a Category 2 road. Therefore the Panel recommend that office be a section 2 use in Precinct 5 subject to the condition that it must have access to a road in a Road Zone.

Precinct 7

In general, the Panel agrees with the evidence of Mr Biacsi, that the exhibited table of uses for Precinct 7 is unnecessarily restrictive in the context of a MeAC.

In the final version of controls tabled by Council, they accepted office as a section 1 use in Precinct 7b but added the condition that it *"must not be located in precinct 7a of Precinct 7"*.

It is unclear to the Panel why Council seeks to prohibit office in sub Precinct 7a, particularly as their closing submission stated that Council was comfortable with office being 'as of right' along the Maroondah Highway. Under the current IN1Z it is a section 2 use. The Panel does not see any reason why office should not be a section 1 use in all precincts across the activity centre with the exceptions of parts of Precincts 3 and 5 given their predominantly residential character. Office use is typically a use that does not cause amenity impacts and is supported in MeACs by planning policy, the Masterplan and the purposes of the ACZ1.

In terms of 'accommodation', the Panel agree with Markmont and Mr Sajinovic that this should be a Section 2 use in sub-precinct 7b. The provision of highly accessible housing around transport nodes has strong support in planning policy and while there will need for considerations of railway and traffic noise and proximity to the transmission lines in the detailed design, these should form part of the normal planning considerations in a permit application for dwellings or other accommodation uses.

For Precinct 7a, that is currently zoned IN1Z, allowing accommodation and other 'sensitive uses' would trigger Ministerial Direction No 1 in relation to Potentially Contaminated Land. As this amendment has not gone through the process of confirming that the land is suitable for a sensitive use, the Panel agrees that it should remain prohibited in that part of the precinct that is currently zoned INZ1. In time, it may well be that this is revisited subject to compliance with the Ministerial Direction.

The Panel also agrees with Mr Biacsi that education and research uses such as 'education centre' should be section 1 uses; 'medical centre' should be section 1; and that 'hospital' should be a permit required, section 2 use in Precinct 7. This is on the basis that land within a MeAC should be subject to optimal flexibility for a wide range of uses and redevelopment

opportunities, and restrictions should only be put in place where necessary to achieve a genuine planning outcome consistent with the policy framework.

Other changes

It is difficult to reconcile the broad policy support for MeACs with the restrictive land use provisions proposed. This is particularly the case when the zone provisions are compared to the commercial zones that would otherwise apply in much of the centre. With this in mind the Panel thinks that it is appropriate to reduce the restrictions on land uses as follows:

- 'Food and Drink Premises' should be section 1 in Precincts 1, 2, 4 (for that part fronting Maroondah Highway,) and 6 and 7. The Panel accepts that Food and drink premises raise a number of issues that need to be managed, however, there is no suggestion that the use is not fundamentally acceptable in a MeAC. It is not conceivable that such a use could be refused in the nominated precincts, and no case has been made as to the need to apply conditions to the operation of the use. The Panel notes that a separate permission would be required for any liquor licence and that EPA noise requirements would apply to any operation.
- 'Convenience restaurant' be a section 1 use, with a condition that the site must adjoin, or have access to, a road in a road zone in Precincts 3, 4, 5 or 6.
- 'Market' and 'Plant nursery' should be treated the same as other retail premises.
- Take away food premises should be section 1 in all precincts except Precinct 5 with the condition in Precinct 3, 4 and 6 that the site must adjoin, or have access to, a road in a road zone.
- 'Shop' should also be a section 1 use in Precincts 6 and 7, and the condition changed for Precinct 4 instead of limitation on floor area, the use should be limited to land with a frontage to a road zone.
- 'Accommodation' and other 'sensitive uses' such as 'child care', 'primary school' and 'secondary school' should be prohibited in Precinct 7a given the current Industrial 1 zoning.
- The Amendment proposes stricter controls over Restricted retail than for a Shop. This is unusual in the Victorian planning system where typically Restricted retail is allowed to establish in areas where the more intensive shop use is not. There is no justification for prohibiting this use across much of the activity centre.
- There is clear policy support for leisure and recreation activities within activity centres. 'Place of assembly' should be a Section 2 use across all precincts. This is not to say it will be acceptable everywhere but whether or not a particular use is suitable should be judged on its merits through the permit application process.

(v) Recommendations

The Panel recommends:

2. Change the Table of uses to:

a) make 'Accommodation' a Section 2 use in Precinct 7b

b) make 'Office':

- a Section 1 use in Precincts 1, 2, and 7 with no condition
- a Section 1 use in Precincts 4 and 6 subject to a condition that the site must have access to a road in a Road Zone

- a Section 2 use in Precinct 5 subject to a condition that the site must adjoin, or have access to, a road in a Road Zone
- c) make 'Medical centre' a Section 1 use in all Precincts and restrict the floor area condition to Precinct 5
- d) make 'Retail premises' other than 'Food and drink premises' and 'Shop' a Section 1 use in Precinct 4, subject to a condition that the site must adjoin, or have access to, a road in a Road Zone
- e) treat 'Market' and 'Plant nursery' the same as other retail uses
- f) make 'Shop' a Section 1 use in Precincts 6 and 7 in addition to Precincts 1, 2 and 4
- g) make 'Education centre' a Section 1 use in Precincts 1, 2 and 7
- h) make 'Food and drink premises' (other than 'Convenience restaurant' and 'Takeaway food premises')
 - a Section 1 use without condition in Precincts 1, 2, 6 and 7
 - a Section 1 use in Precinct 4 with the condition the site must adjoin, or have access to, a road in a Road Zone
- i) make 'Convenience restaurant' a Section 1 use with the condition that in Precinct 3, 4, 5 and 6 the site must adjoin, or have access to, a road in a Road Zone
- j) make 'Take away food premises' a Section 1 use with the condition that in Precinct 3, 4 and 6 the site must adjoin, or have access to, a road in a Road Zone
- k) make 'Convenience shop' a Section 1 use in all Precincts
- l) make 'Leisure and recreation' (other than 'Informal outdoor recreation', 'Major sports and recreation facility' and 'Motor racing track') a Section 1 use in Precincts 1 and 2
- m) make 'Hospital' a Section 2 in Precinct 7.

3.2 Drafting the table of uses

The table of uses does not appear to fully conform to published practice on drafting a table of uses.

The Panel has made a number of changes which:

- use revised land use terms where these have recently been updated
- ensure that when a term is taken out of the nest and treated differently in Section 1 it is separately listed in Section 2 if a further condition applies
- Adds the required tag line "if the Section 1 condition is not met" as a condition associated with a use applied in section 2.

(i) Recommendation

The Panel recommends:

3. Change the Table of uses to:

- a) Use current land use terms
- b) Ensure consistency with Ministerial Directions, and Planning Practice Notes.

4 Access and circulation issues

4.1 Sensitive uses near EastLink

(i) The issue

ConnectEast Pty Ltd raised a number of issues about the potential impact to its operation of EastLink from development within the Activity Centre. Concerns related to:

- noise impacts to sensitive uses
- new access points impacting on the EastLink interchange
- drainage, and
- third party review rights.

(ii) What do the controls say?

In response to ConnectEast's submission, Council made a number of changes to the ACZ1 that were reflected in Council's Part B submission.

These changes included the following precinct-wide 'objective':

To ensure that development of sensitive land uses near the EastLink Freeway and Ringwood Bypass mitigates against the potential impact of traffic noise, to protect the health and amenity of occupants.

In addition, in Precincts 2 and 7 (that have direct interfaces to the EastLink interchange) the following additional 'guideline' was included:

Ensure that any new vehicular crossings do not adversely affect the safe and efficient operation of EastLink

Further, under the general 'application requirements', the following was included:

The following application requirements apply to an application to construct a building or construct or carry out works associated with accommodation located adjacent to the EastLink or Ringwood Bypass reserves in precincts 2, 3 and 7:

- A design response plan drawn to scale which shows: a building setback of 2 metres from the EastLink boundary, and fencing (excluding acoustic fences or barriers) on the boundary of the EastLink Freeway Reserve.
- Drainage concept plan showing all surface water runoff connecting to existing Council or drainage authority waterways or piped assets.

(iii) Evidence and submissions

ConnectEast is the operator of the EastLink Freeway and the Ringwood Bypass pursuant to a grant by the State of Victoria until 2043 under the *East Link Project Act 2004*.

ConnectEast generally supported the objectives of the Amendment subject to the modifications set out in its submission.

ConnectEast were generally satisfied with the changes included in Council's Part B submission in response to their submission, however two outstanding issues remained:

- whether there should be an application requirement for an acoustic assessment
- whether ConnectEast should be given notice of permit applications adjacent to EastLink and the Ringwood Bypass.

In relation to fencing and setbacks, ConnectEast supported the changes included in Council's Part B submission, subject to one refinement:

A design response plan drawn to scale which shows: a building setback of 2 metres from the EastLink boundary and fencing ~~(excluding acoustic fences or barriers)~~ on the boundary of the EastLink Freeway Reserve

Acoustics

ConnectEast submitted that the general principle in relation to traffic noise is that where a sensitive use locates in proximity to an existing freeway, the responsibility for providing attenuation in those circumstances rests with the new sensitive use. The Department of Transport (DOT) has released a series of guidelines which confirm the operation of the agent of change principle in relation to road infrastructure, including:

- *VicRoads – Requirements of Developers – Noise sensitive uses*
These guidelines set out standard conditions to be imposed on developments adjacent to VicRoads freeways which require developers to, at their cost, attenuate traffic noise from a freeway to a level of 63dB(A) or less at the most exposed façade of the noise sensitive building.
- *VicRoads – Traffic Noise Reduction Policy (2005)*
Includes objectives such as encouraging compatible land uses next to major roads and a commitment to limiting traffic noise from new or improved roads (but not to new buildings or subdivision abutting an existing road).
- *A Guide to the Reduction of Traffic Noise (VicRoads, 2003)*
Sets out the steps that developers can take to reduce traffic noise.
- *VicRoads – About Traffic Noise (April 2013)*
Notes that developers of residential properties abutting future or existing freeways are required to ensure that noise at future dwelling will not exceed the noise limits outlined in the VicRoads Noise Reduction Policy.

ConnectEast sought the inclusion of an application requirement at Clause 6.0 of the ACZ1 requiring an acoustic assessment with any building and works application associated with a sensitive use adjacent to EastLink or the Ringwood Bypass and proposed the following:

The following application requirements apply to an application to subdivide land, or construct a building or construct or carry out works associated with accommodation, primary school, secondary school, childcare centre, hospital, library or place of worship³ located adjacent to the EastLink or Ringwood Bypass reserves in precincts 2, 3 and 7:

- An acoustic assessment report prepared by a qualified acoustic engineer to the satisfaction of the Head, Transport for Victoria, in consultation with the responsible road authority, which demonstrates that traffic noise levels from EastLink or the Ringwood Bypass (as applicable) will not exceed the noise level objectives in the VicRoads Noise Reduction Policy (or any subsequent publication) and the Traffic Noise Criteria set out in the EastLink Criteria (which specifies performance criteria in relation to traffic noise) at the boundary of the EastLink Freeway and Ringwood Bypass Reserves (as applicable).

In ConnectEast's submission, it was important for the Amendment to address these matters because:

³ Underlined sections amended to address recommended change from DOT submission

- When introducing a detailed and prescriptive planning control such as the proposed ACZ, it is good planning practice to recognise potential sources of land use conflict and provide guidance on how that conflict is to be managed.
- Where a new sensitive use is seeking to mitigate the impacts of existing nuisance (e.g. traffic noise), mitigation is best achieved during the design stage.
- In order to ensure that mitigation is incorporated into the design of a proposal, clear guidance in planning controls provides the best signal for permit applicants and decision makers to ensure such matters are appropriately considered.
- While there are powers under the Road Management Act that road authorities can utilise to manage interface issues associated with roads within their responsibility, those powers are not available to ConnectEast.
- No prejudice or additional burden is placed on landowners or decision makers as a result of these changes. ConnectEast's requested changes seek to make transparent, standards which already exist and apply across the whole EastLink corridor.

Council recognised acoustic issues are not uncommon with respect to potential development near the EastLink corridor, but noted this corridor is extensive and also includes land outside the Ringwood MeAC. Council maintained its position that the proposed form of the ACZ1 was sufficient to deal with the acoustics issue and did not support the additional application requirement sought by ConnectEast. Specifically, Council's additional precinct-wide objective noted above was considered sufficient to respond to this issue.

Notice and third party review rights

ConnectEast requested changes to Clause 7 of the ACZ in order to remove the notice and review exemption for buildings and works associated with accommodation in Precincts 2, 3 and 7. It also requested that the Panel recommend changes to the notice provisions in the schedule to Clause 66.06.

The intention of these amendments was to seek to ensure ConnectEast had the ability to receive notice and seek review of decisions in relation to applications adjacent to EastLink or the Ringwood Bypass.

In its submission, DOT suggested an alternative to ConnectEast's approach which is to amend the schedule to Clause 66.06 (notice of permit applications under local provisions) of the Planning Scheme to provide ConnectEast of notice of applications adjacent to EastLink and the Ringwood Bypass.

ConnectEast submitted that such a change better achieves Council's objective of minimising third party notice and review and can form the basis for a recommendation by the Panel without transforming the amendment or requiring further notification. It also has precedent in that Transurban receives notice of applications for planning permits on land proximate to CityLink⁴.

⁴ See schedule 27 to clause 43.02 Design and Development Overlay (City link exhaust stack and environs) of the Melbourne Planning Scheme.

Council acknowledged that the current scenario with ConnectEast around the referral process is not ideal however this issue extends to the entire EastLink corridor and not just the Ringwood MeAC boundary. Therefore Council maintained its position that no further changes are required to the proposed ACZ1.

(iv) Discussion

The Panel supports the changes in Council's Part B submission to address most of the issues raised by ConnectEast.

While the Panel acknowledges that the EastLink corridor includes land not just within the Ringwood MeAC, it recognises that more intensive development is likely to be seen in the Ringwood MeAC than elsewhere along the corridor. It therefore supports an amendment to Clause 66.06 that will require notice for applications involving noise sensitive uses.

Ultimately it will then be up to ConnectEast to respond to any future planning applications. On this basis, the Panel does not consider that any further changes to the ACZ1 are required.

(v) Recommendations

The Panel recommends:

4. Amend the schedule to Clause 66.06 of the planning scheme as follows:

a) in the first column (Clause), add the following words:

Clause 7 of Schedule 1 to 37.08 (ACZ1)

b) in the second column (Kind of application), add the following words:

All applications to subdivide land, or construct a building or construct or carry out works associated with accommodation, a primary school, a secondary school, childcare centre, hospital, library or place of worship located adjacent to the EastLink or Ringwood Bypass reserves in precincts 2, 3 and 7 of the Ringwood Metropolitan Activity Centre Framework Plan.

c) in the third column (Person or body to be notified), add the following words:

Responsible road authority under the *Road Management Act 2004*

4.2 New service access

(i) The issue

The Precinct plans in the ACZ identify indicative:

- proposed new vehicle access
- proposed laneway widening / extension
- future service access.

Several submitters raised concerns with the inclusion of these access points on their land or adjacent to their land.

(ii) What do the controls say?

In addition to the indicative notation on the precinct plans, different precincts have specific objectives and requirements regarding new or upgraded service access links and include the following:

Precinct 2 – Western Precinct

Precinct Guidelines – Access and movement

- Encourage the creation of a new laneway along rear boundary of commercial properties fronting Ringwood Street.

Precinct 4 – Eastern Precinct

Precinct Guidelines – Access and movement

- Encourage a new street connection between Warrandyte Road and Maroondah Highway with a new signalised intersection to reduce the emphasis of through traffic along Maroondah Highway for improved permeability.
- Encourage widening and potential extension of existing laneways to facilitate safe vehicular and pedestrian access.

(iii) Evidence and submissions

2 Nelson Street – future service access

Submission 2, relating to the land at 2 Nelson Street, Ringwood in Precinct 2, raised concerns with the indicative inclusion of a 6 metre wide *‘future service access’* along the western boundary of their site. The submission noted that the access:

- was inappropriately located
- could only occur if titles were amalgamated which wasn’t the intention
- does not have frontage to Ringwood Street
- is not accessible from the bypass given the Mullum Creek and its reserve.

They objected to the notation on the basis that it would severely limit any future development potential of the site.

Future service access behind Bardia Street

Ms Skraba raised concerns about the status of the land shown as *‘future service access’* along the rear of properties along Bardia Street and Pratt Street within Precinct 4. Her principal concerns were the uncertainty about the status of this land, the purpose of the service access, and the corresponding impact on the amenity of strata units at 13-23 Bardia Street.

A right of way lane on this alignment was discontinued in 2007, and the land has effectively formed part of the Bardia Street dwellings’ private open space for at least 30 years. If it is intended that this land is used for a service access this would have a very significant impact on the amenity of these properties.

Ms Skraba also advised that residents had been made aware of a subdivision of land for the discontinued right of way and had been advised that this was to facilitate the sale of land to the owner in Pratt Street. While acknowledging that these were separate processes, she submitted that this provided further uncertainty about the future status of this land.

New link along the south side of the Barro land

ConnectEast had sought the inclusion of a new objective for Precinct 2 which encourages the creation of a new laneway to the rear of 28-30 Maroondah Highway, Ringwood (part of the Barro land). This addition was not supported by Council but alternative changes were being proposed by the DOT to address this matter, namely the notation of a new access along the south of the site.

(iv) Discussion

2 Nelson Street – future service access

It is unclear what the benefit of the ‘future service access’ shown on 2 Nelson Street is, given that Ringwood Street is located one property to the east, that provides for access in a north/south direction.

Future service access behind Bardia Street

In relation to the ‘*future service access (min 6m)*’ shown at the rear of properties fronting Bardia Street, the status of this land is unclear and any planning application and land sales processes are beyond the remit of this Panel. The Panel does however recognise that the inclusion of this link in the proposed precinct plan in the ACZ1 adds to the uncertainty for Bardia Street residents about the future of the land that has for a long time been used as open space.

The precinct map shows a large number of properties to the east of Warrandyte Road and on both sides of Pratt Street as ‘site requiring specific response’. The Panel had no submissions from any of these properties and is unaware if this land is within the same ownership, or if there any redevelopment plans for this consolidated area. The Panel considers that the form and location of any future service access should form part of a broader redevelopment proposal for this land, that has regard to the amenity of the Bardia Street properties and also considers the safety and security concerns raised by the submitter. As a ‘site requiring specific response’ this can be undertaken in a coordinated manner.

On this basis, the Panel recommends that this ‘future service access (min 6m)’ be removed from the precinct plan, and that any future service access be considered at a planning application stage where the full impacts can be examined and addressed. This would avoid any further uncertainties around the status of the land and allow the Bardia Street residents to participate in the planning process.

New link along the south side of the Barro land

A new link along the south side of the Barro land may well be a good design solution for site access issues. However, it is not something that needs to be required at this point. The Panel has recommended that this land be designated as requiring a site specific response (see Chapter 6.2). The Panel expects that this response would deal with site access issues and therefore does not support any change to the controls.

(v) Recommendation

5. Change proposed access arrangements as follows:

- a) Delete the future service access from 2 Nelson Street in Precinct 2.**

- b) Delete the future service access from the rear of the Bardia Street properties in Precinct 4.**

4.3 New pedestrian connections and access

(i) The issue

The precinct plans in the ACZ1 identify indicative:

- enhanced existing pedestrian links
- new pedestrian links
- proposed new shared paths.

Various submitters objected to these pedestrian links on the basis of:

- no demonstrated need for particular links
- impact on the redevelopment potential of land
- uncertainty around how they are to be funded or provided in the absence of a Public Acquisition Overlay or inclusion in the Development Contributions Plan.

(ii) What do the controls say?

In addition to the indicative notation on the precinct plans, the land use and development objectives to be achieved for the whole area include:

- To provide a fine grained pedestrian path network with wider footpaths and additional pedestrian crossings that provide pedestrian priority.

Different precincts have specific objectives and requirements regarding new or upgraded pedestrian connections or access as follows:

Precinct 1 – Ringwood Urban Centre Precinct

Precinct objectives

- To support a new regime of consolidated form that represents the intense urban centre of Ringwood MeAC, supported by a network of high quality pedestrian linkages, public spaces and community orientated facilities.

Precinct guidelines – Landscape and environment

- Encourage future redevelopment along Ringwood Street to provide a new, high amenity east-west pedestrian connection between the core retail precinct (Eastland) and future mixed use precinct to the west.

Precinct 2 – Western Precinct

Precinct guidelines – Access and movement

- Encourage future redevelopment of 'sites requiring a specific response' to retain existing pedestrian links, with opportunities for additional pedestrian connections to improve site permeability.
- Encourage future east-west shared user paths between New Street and Sherbrook Avenue.
- Create a new pedestrian link across Ringwood Square continuing the Seymour Street alignment.
- Encourage widening and potential extension of existing laneway to facilitate safe vehicular and pedestrian access.
- Encourage the creation of a new laneway along rear boundary of commercial properties fronting Ringwood Street.

Precinct 4 – Eastern Precinct

Precinct guidelines – Access and movement

- Encourage future redevelopment of 'sites requiring specific response' along Warrandyte Road to provide new, high amenity east-west pedestrian connections between the Core Retail precinct (Eastland) and residential precinct to east.
- Encourage a new street connection between Warrandyte Road and Maroondah Highway with a new signalised intersection to reduce the emphasis of through traffic along Maroondah Highway for improved permeability.
- Encourage widening and potential extension of existing laneways to facilitate safe vehicular and pedestrian access.
- Encourage future redevelopment of 'sites requiring specific response' along Mount Dandenong Road to provide additional northern entries and pedestrian connections to Ringwood Lake Park.

Precinct 5 – Pitt Street Precinct

Precinct guidelines – Access and movement

- Encourage future redevelopment to address the station interface to encourage activation and pedestrian movement through the precinct.

Precinct 7 – Heatherdale Station Precinct

Precinct guidelines – Access and movement

- Provide for a new high amenity north-south pedestrian link between Maroondah Highway and Heatherdale Station to improve connectivity to the Station precinct.

(iii) Evidence and submissions

Ms Waty on behalf of Council responded to submissions that queried the imposition of new links through particular sites as follows:

From an urban design perspective, new linkages (shared paths or roads) are warranted for improved permeability. While the Masterplan and proposed ACZ1 have located the alignment for future links, further work is required to ascertain the nature and mechanism for implementing these linkages. I note that the Masterplan and proposed ACZ1 have identified locations for these links as 'indicative only' and its further investigation at the planning application stage is appropriate, in my opinion.

In response to the issue that links were not included within the DCP, Mr Hrelja in his economic evidence for Council stated that it was not unusual for proposed future projects to be excluded from a DCP, with the proposed DCP including strategic projects intended to be delivered with partial funding provided by the DCPO1. He noted that projects may be shown as future desired projects and/or delivered in a variety of ways including full Council funding, grant funding, land owner or developer provided, or via another funding tool such as an open space levy or special rate and charge scheme.

New Street – Sherbrook Avenue link

Villani Investments Pty Ltd (submitter 7) and Bigbai Pty Ltd and Sherbrook Property Pty Ltd (submitter 1), made submissions in relation to a 'proposed new shared path' from New Street to Sherbrook Avenue, through the Villiani site at 30-32 Sherbrook Avenue and the Bigbai –Sherbrook site at 30-32 Sherbrook Avenue.

Villani Investments welcomed Council's Part B submission that provides a wider, less precise line moved to the south. However, it submitted that its strong preference was for the line to be deleted altogether given the uncertainty and the lack of a Public Acquisition Overlay to acquire land to facilitate the path, thereby potentially resulting in 'acquisition without compensation'.

Bigbai and Sherbrook supported the Amendment subject to deletion of the proposed new shared path. Bigbai and Sherbrook submitted that in the event Council wanted to achieve these paths, they should undertake:

- a proper analysis of the need
- confirm details
- seek a Public Acquisition Overlay over the land to be acquired to enable a proper assessment and compensation.

It was submitted that the background analysis did not demonstrate the need for the proposed path and that there is no apparent benefit for these east-west links as they are not connected to any existing or proposed walking / cycling path network or place of destination such as transport nodes or services/facilities. The submission also noted that the east-west shared path is not included in the proposed DCP.

Bigbai and Sherbrook submitted that they were not content with the variation to the Precinct Map that Council produced in its Part B submission, showing a much wider arrow located further away from the site.

In closing Council submitted:

Bigbai Pty Ltd and Sherbrook Property Pty Ltd (submitter 1) maintained its concern on the location of 2 proposed new shared paths between New Street and Sherbrook Avenue. Specifically, 1 new shared path is proposed to run through land situated at 30-32 Sherbrook Avenue, Ringwood.

Council continues to rely on the evidence of Ms Waty in this regard and reiterates that the 2018 Masterplan and proposed ACZ1 have identified this location for this shared path or 'link' as 'indicative only'. Whether this particular location will proceed as a new shared path will ultimately depend on the outcomes of Council's assessment of a planning application.

Seymour Street to Maroondah Highway link

L & N Freeman Nominees Pty Ltd objected to the proposed '*new pedestrian link*' running in a north-south direction through their site to the Maroondah Highway given the lack of documented need for the link, and the absence of detail on how it would be funded, implemented and managed on an ongoing basis. It was submitted that this link was not documented in the *Urban Design Guidelines*, the Masterplan background document; or the infrastructure projects map of the DCP, despite other access and movement infrastructure being detailed.

Ryman Healthcare link

Ryman Healthcare (Australia) Pty Ltd submitted in relation to its site at 2-10 and 14-16 Mount Dandenong Road, Ringwood East. This site is proposed to be redeveloped for residential aged care and a retirement village. It submitted that the pedestrian link shown on the precinct plan should be deleted as it will not be appropriate for built form reasons and for safety and security.

(iv) Discussion

The Panel accepts that the basis of the indicative links is to increase permeability through the area, which in turn can promote sustainable transport use such as pedestrian and bicycle movements throughout the centre. This is clearly a sound urban design principle. However the Panel is concerned that some of these links have been included on the precinct plans within the proposed ACZ1 without:

- sufficient investigation of how they will be achieved and implemented
- the implications for the particular site and surrounding land
- explanation of the need for particular links to access destinations rather than a more general concept around permeability.

While Council considers that these details can be determined through the planning application stage and that the links are 'indicative only', the Panel considers that this results in considerable uncertainty for the land owners and for Council.

The *Ringwood Metropolitan Activity Centre Masterplan* – Background Report notes that the objectives of the Urban Design Guidelines include:

To provide clear strategic direction and certainty of future development outcomes to both the local community and investors.

The Panel also observes that while there can be opportunities for links to be provided on larger sites, being both a benefit to the site and for the broader area, it is more difficult on smaller sites that may already be constrained.

New Street – Sherbrook Avenue link

In relation to the New Street – Sherbrook Avenue link the Panel is not satisfied that the indicative pedestrian link provides for any meaningful planning outcome. It raises considerable uncertainty and should be removed.

The Panel accepts that linkages through larger urban blocks do create greater permeability, but agrees with the submitter that in this instance, the link would not materially improve linkages to any particular destination or pedestrian/cycle path. Furthermore there is no clarity about:

- how this link is to be provided
- how it would be coordinated with adjoining land to be implemented
- design detail including width etc

This creates a very uncertain outcome for the land owner.

The Panel does not consider that the graphics in Council's Part B submission showing a wider link across several parcels of land on the precinct map resolves these concerns, and potentially raises the issue for multiple parcels of land.

The Panel recommends that further work is undertaken to ascertain:

- where meaningful linkages should be provided and if the indicative locations are warranted,
- the design required,
- the mechanism to deliver them.

On this basis, the Panel recommend that the east-west 'proposed new shared path' is deleted from the Precinct Maps 2 and 3 within the ACZ1.

Seymour Street - Maroondah Highway link

This link would connect to an existing laneway/pedestrian access to the south. The Panel accepts that it can be difficult to achieve a fine grain pedestrian permeability in areas where there are multiple land owners. In this context it is appropriate to support the continuation of the lane to the south to create a safe and attractive pedestrian link. The Panel notes that alternative access is possible today to the east, but this involves a dog-leg in the connection. On balance the Panel considers that it is appropriate to retain the indicative pedestrian link in this location and to resolve its detail, or indeed final location, as part of any future permit application.

Ryman Healthcare link

The Panel agrees that the benefits of this link would be outweighed by the adverse impact on the proposal for aged care on the site, and it should be removed. The Panel notes that aged care in activity centres is explicitly supported by state policy.

(v) Recommendation

The Panel recommends:

6. Amend the precinct maps as follows:

- Delete the indicative east-west 'proposed new shared path' between New Street and Sherbrook Avenue from the precinct map at Clauses 5.2-1 and 5.3-1.**
- Delete the proposed link across the Ryman Healthcare land in Precinct 4 at Clause 5.4-1.**

5 Threshold built form issues

5.1 Proposed building heights

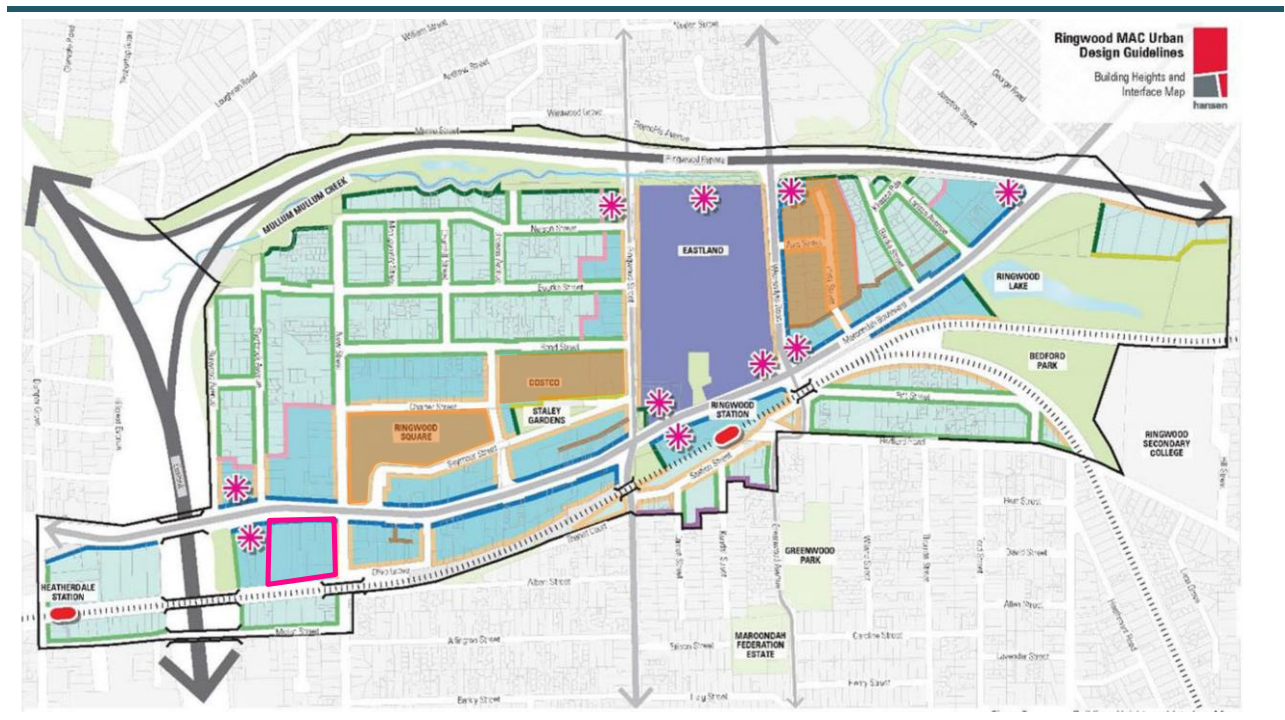
(i) The issues

The issue is whether the proposed heights are appropriate.

(ii) What do the controls say?

Table 1: Overview of proposed heights

		Preferred height in Council's Part B submission	Preferred height in Council's Part C submission
1		Not specified	
2, 4a, 6a		28.5 metres (8 storeys)	
3, 4b, 5, 6b, 7		14.5 metre (4 storeys): lot size above 1500 square metres. 21.5 metres (6 storeys): lot size above 2500 square metres.	14.5 metre (4 storeys): site area above 1400 square metres. 21.5 metres (6 storeys): site area above 2100 square metres.
Feature Form		53 metres (15 storeys)	
Site requiring specific response			Preferred building heights may be exceeded if it continues to meet the precinct objectives, requirements and guidelines, including in relation to visual impact and overshadowing with increased upper level setbacks
Barro site			Site requiring specific response



(iii) Evidence and submissions

Ms Waty gave evidence that the urban form concept encourages a high-intensity Urban Centre around the Eastland Shopping Centre and Ringwood Station with increased height at key junctions into the Activity Centre and varied mid-rise forms along the Maroondah Highway spine:

The urban form concept is unambiguous in its intent to promote growth at the Urban Centre through deploying a greater proportion of Feature Forms at key corners, solidifying the Urban Centre as the central heart for Ringwood MeAC.

Additionally, there is also a clear intent for peripheral areas of the activity centre to be moderated, transitioning to its surrounding hinterland in response to its current zoning provisions.

Ms Waty said that the refined urban form proposition is based on a suite of factors identified through fieldwork, analysis and consultation with Council's officers. These include existing zoning, subdivision, landscape attributes, topography, solar access, road networks and recent development trajectory (approved and constructed).

Key features of the urban form proposition are:

- **A Coherent Boulevard:**
Consistent with the broad ambition for a coherent, contemporary boulevard effect along Maroondah Highway is the opportunity to realise mid-rise development in the order of 8 storeys (28.5 metres).
- **A Consolidated and High Development Intensity at the Ringwood Urban Centre:**
There is continued strong opportunity to extend the primary axis between the Ringwood Station and Eastland to define the Urban Centre and central heart of the Activity Centre.
- **High Rise Feature Forms:**
High-rise Feature Forms are located at key junctions and entries into Ringwood MeAC and the designated Urban Centre. Feature Form locations have been

carefully selected for way-finding and to heighten the sense of arrival to Ringwood MeAC and its Urban Centre.

- **Residential Area:**

The 'default' 8 storey response is moderated at the residential area, where there is a strong landscape character, notable topographical profile, narrower street profile and greater consideration for amenity. Existing land currently in a residential zone can continue to support separated, apartment forms of 4- 6 storeys, setback behind a three storey podium on consolidated land.

- **Peripheral Areas:**

Fringe commercial and industrial areas of interest can adopt a similar profile to the moderated urban form with a higher street wall along Maroondah Highway to support a new regime of mixed-use opportunity with a focus on employment for industrial areas around the Heatherdale Station and on the south side of Ringwood Station. Here, the mid-rise urban form steps down to 6 and 4 storeys, transitioning to its residential interfaces (outside the activity centre).

Council submitted a table showing heights at other MeACs in Melbourne. The proposed heights vary considerably across MeAC's however the proposed heights in the ACZ1 are broadly consistent with heights at comparable centres.

REDC and CostaFox recommended additional text at Clause 4.4 of the ACZ1:

An application to exceed the preferred heights should demonstrate how the relevant precinct objectives and development objectives of this schedule are achieved.

In its Part C submission, Council sought to introduce the following:

Building Setback Requirements

All developments should provide appropriate separation between buildings, including above street wall/podium height for:

- The provision of equitable development opportunities,
- Privacy of habitable room windows and balconies,
- Daylight,
- Solar access,
- Natural ventilation,
- Space for recreational activities, and
- Outlook from within buildings.

(iv) Discussion

Issues with the preferred heights proposed for specific sites are discussed in Chapter 6.

The Panel supports the approach of setting a default height of eight storeys for typical lots within the centre fronting the Maroondah Highway and in and around the core of the centre. The Panel notes that the mid-rise character for Ringwood MeAC is consistent with SGS's capacity analysis. The 'default' 8-storey starting point will also assist in maintaining solar access to footpaths and a proportionate street definition that does not overwhelm the adjoining public realm.

The Panel supports the approach to allowing extra height on larger or consolidated lots. This approach has been used in a number of other controls around Melbourne and the Panel

agrees that it assists in lot consolidation and that larger lots can deliver high density development with potentially fewer off-site impacts and improved amenity.

Key sites have been identified as 'feature forms sites' and allow for greater building height, and the Panel agrees that this will assist with way-finding.

The Panel agrees that it is appropriate for an application that exceeds the preferred height to demonstrate how the relevant precinct objectives and development objectives are achieved.

The Panel does not support the additional building setback requirements proposed by Council in its Part C submission. These were too late in the process to be subject to proper review. It is not clear they are needed given other policies and controls in planning schemes.

(v) Conclusions and recommendations

The Panel concludes:

- The proposed heights are generally appropriate.
- It is appropriate for an application that exceeds the preferred height to demonstrate how the relevant precinct objectives and development objectives are achieved.

7. Amend Clause 4.4 of the Activity Centre Zone Schedule 1 to include the following:

- a) An application to exceed the preferred heights should demonstrate how the relevant precinct objectives and development objectives of this schedule are achieved.**

5.2 Heights on sites with a site specific response

(i) The issues

The issue is whether the preferred heights should apply to sites where a site specific response is proposed.

(ii) What do the controls say?

The exhibited controls apply the preferred heights to all land in a precinct whether or not a site specific response is demanded.

(iii) Evidence and submissions

Council's Part C submission presented on the final day of the hearing (Documents 51 and 52) proposed:

The preferred building heights may be exceeded if:

- It is designated as 'sites requiring specific response', or
- It can be demonstrated that a significant community benefit can be achieved, and
- It continues to meet the precinct objectives, requirements and guidelines, including in relation to visual impact and overshadowing with increased upper level setbacks.

Council also proposed

Sites requiring a specific response

A permit is not to be granted to use or subdivide land, construct a building or construct or carry out works for sites requiring a specific response until a masterplan has been prepared for the site to the satisfaction of the Responsible Authority.

A permit granted on sites requiring a specific response is to be generally in accordance with the masterplan.

Sites requiring a specific response should respond positively to the precinct objectives and guidelines.

There was no support by submitters at the Hearing for allowing the preferred height be exceeded if a 'significant community benefit can be achieved' nor for the concept of a requiring a masterplan for sites requiring a specific response. Neither issue was raised in submissions nor discussed during the hearing.

The issue of what height should apply to sites 'requiring a site specific response' was discussed, especially in relation to the Barro site (discussed in Chapter 6). It was generally accepted that these sites should have opportunities for higher built form than the 'default height', however that they should not compete with the feature form sites.

(iv) Discussion

The Panel agrees with the revised approach of not setting a preferred height on sites requiring a site specific response. It would seem odd to require a site specific response on the one hand, and on the other, constrain the building envelope in the same manner in which applies on sites without a specific response.

In respect of allowing the preferred height to be exceeded if 'significant community benefit can be achieved', the Panel does not support the inclusion of such a significant change to the Amendment at the close of the hearing. It would introduce a whole new concept into the Amendment, that was not exhibited.

It is not clear from Council's proposed drafting whether the third dot point was meant to apply to just the second dot point or to 'sites requiring specific response' as well.⁵ The Panel notes that the Practitioner's Guide gives specific advice to avoid 'and' or 'or' in dot point lists when drafting planning provisions.⁶

The Panel does not think it is wise to link exceeding the preferred height with having to achieve other requirements. These other requirements would need to be satisfied in their own right. The effect of linking the height with other requirements is that an appropriate variation in the other metrics might be precluded on a site that exceeded the preferred height.

The Panel does not support the proposal that sites requiring a site specific response should prepare a masterplan. This was introduced too late into the amendment process to be subject to proper review and it is entirely uncertain how this would be implemented in practice.

⁵ (Dot 1 OR Dot 2) AND (Dot 3) as opposed to (Dot 1) OR (Dot 2 AND Dot 3)

⁶ *A Practitioner's Guide to Victorian Planning Schemes* Section in 6.1.5 'Writing a list' says "Semicolons, 'or' and 'and' are not used at the end of a point"

(v) Recommendation

The Panel recommends:

8. Amend Clause 4.4 of the Activity Centre Zone Schedule 1 to include the following:
 - a) The preferred building heights may be exceeded sites identified as 'sites requiring specific response'.

5.3 Are the overshadowing controls appropriate?

(i) The issue

Submitters 3, 6, 7, 11 and 40 raised issues with the overshadowing controls as exhibited in the ACZ1, in particular the overshadowing controls relating to existing and future open space being tested at the winter solstice and the wording of provisions relating to shadows to footpaths at the September equinox.

(ii) What do the controls say?

The ACZ1 controls as exhibited and in Council's Part B submission, include the following requirements:

Overshadowing

- Buildings and works should minimise overshadowing of existing and future open space, beyond shadow cast by new street walls/podiums at the winter solstice.
- Buildings and works should not cast shadows over footpaths between 11 am and 2 pm on 22 September.
- Buildings and works should minimise shadows over existing and future open space between 11 am and 2 pm on 22 June.

The Decision guidelines also require consideration of:

- The extent to which the varied heights and/or setbacks cast additional shadow to the south side of footpaths of east-west streets between 11am and 2pm on 22 September, and
- The extent to which buildings and works overshadowing existing and/or future open space beyond shadow cast by new street walls/podium at 22 June.

(iii) Evidence and submissions

Public Open Space

Council submitted that the Masterplan and proposed ACZ1 identified a more restrictive winter solstice test to key public open spaces and that this was consistent with the Urban Design Guidelines for Victoria, objective 5.1.3 relating to buildings within activity centres, that states:

Locate and arrange the building to allow daylight and winter sun access to key public spaces and key pedestrian street spaces.

Ms Waty in her written urban design evidence for Council stated:

A solar test at the equinox, between 11.00 am to 2.00 pm (lunchtime) is a commonly accepted measure in an Activity Centre context. The Masterplan also identifies the need to minimise overshadowing of public open space at midday in winter – generally defined at 29 degrees. In my opinion, noting a limited public open space provision in Ringwood MeAC and consideration for a regionally significant Ringwood Lake Park

warrants a higher amenity standard. This is consistent with Objective 5.1.3 of the Urban Design Guidelines for Victoria.

Ms Peterson gave planning evidence on behalf of the Barro Group (submitter 3). Her evidence in relation to overshadowing of existing and future open space was:

The test of the winter solstice shadowing sets a high bar for the protection of these spaces. It is at odds with the approach taken within planning schemes of other municipalities for centres where a more intensive form is encouraged.

Ms Peterson's evidence was that the winter solstice should only be used where the highest level of protection is required, such as examples in the City of Melbourne where local policy and DDO controls use the solstice for public areas of state or regional significance, such as the Yarra River corridor, Federation Square, City Square, the State Library Forecourt, Flinders Street Railway Station steps and Birrarung Marr. Her evidence was that for other public spaces, such as parks or open space of local value, the September equinox overshadowing tool should be used. She also gave evidence that determining the impact of overshadowing on the public realm requires consideration of the nature of the open space and the experience of users of that space, such as whether people were simply transitioning through a space for example on a bike track, or were using it for longer periods of time for recreation.

Ms Peterson concluded:

...given the absence of strategic work undertaken on this particular issue and given the overwhelming consistency in the approach in other planning schemes in Victoria, I consider that the equinox is the appropriate benchmark in which to assess the impact of overshadowing on public spaces and footpaths. I consider that this approach is reinforced by the application requirements of the Activity Centre Zone at 37.08-7 which requires shadow diagrams based on the equinox.

Lakewood Management Pty Ltd (Lakewood), the owner of the land at 154-166 Maroondah Highway, Ringwood objected to the winter solstice overshadowing test to Bedford Park as it related to their land (with Bedford Park being located to the south of the site separated by the railway corridor).

Lakewood submitted that applying the equinox shadow test rather than the solstice for their land would shadow the railway corridor and less than 10 per cent of the Bedford Park area. The shadow would only affect the western tip of the park that is currently fenced off from the public, for regeneration reasons, and is densely vegetated by evergreen canopy trees. Shadow from the site would therefore not impact on accessible public open space enjoyed by people using the park. Lakewood agreed with the conclusions of Ms Peterson and stated that there had been insufficient analysis undertaken of Bedford Park to establish whether or not to apply the 'high bar' of the winter solstice test. Lakewood noted that the Urban Design Guidelines for Victoria recommendation related to 'key' public spaces and did not require uninterrupted winter sun access.

Council in their response to the Lakewood submissions stated that Bedford Park and Ringwood Lake Park are both in the 'Sites of Biological Significance Study' (Lorimer 1997), which is a reference document in the planning scheme. In addition, Council tabled documents titled 'Biodiversity in Maroondah Volumes 1 and 2', dated June 2020 that they submitted elevates the importance of Bedford Park from regional to national significance on the basis of an endangered plant and its habitat.

Council in their closing submission stated that their concerns relating to overshadowing impacts to Bedford Park related to the local ecology that has adapted to the current conditions of sunlight access, and that overshadowing from development would have impacts on the type of vegetation that grows in the reserve and could potentially contribute to significant local species loss in a nationally significant reserve.

Overall Lakewood submitted that there had been no examination of the rationale for using the winter solstice test, that the contention that Bedford Park was a key piece of public realm had not been tested, and that the overshadowing controls sought to manage urban design outcomes rather than protect biodiversity values identified in Bedford Park.

Footpaths

The exhibited wording of the shadow controls stated:

Buildings and works should not to cast shadows over footpaths between 11am and 2pm on 22 September.

Villani submitted that this was highly onerous and unworkable, and that if there were to be a control, it should only apply to key footpaths that are located on the south side of streets with an east-west axis. The submission noted that the street wall should be exempt from the control, and highlighted concerns that this would place an unnecessary burden on development sites with any 'proposed new share path' and that any overshadowing requirements should not apply to a 'proposed new share path'.

Ms Peterson highlighted concerns with the drafting of overshadowing to footpaths, noting that the built form controls seeking to create a six-storey podium along Maroondah Highway to achieve a boulevard effect will invariably shadow the footpath, and therefore the controls should be clarified to reference shadow beyond that cast by new street walls/podiums. She also recommended amending the wording in reference to overshadowing of southern footpaths in east-west streets to align with the decision guidelines at Clause 8.0 of the schedule to the ACZ.

Ms Heggen on behalf of REDC and CostaFox Developments Pty Ltd gave urban design evidence in relation to the RSL site, that the wording relating to overshadowing to footpaths was ambiguous. In the case of north-south streets, she considered that the test should relate to the opposite footpath and that this be clarified in the wording of the provision. For east-west streets she agreed with Ms Peterson that the wording should be clear that overshadowing was to be avoided on the southern footpath.

Council in closing stated that they agreed with Ms Heggen's approach in relation to footpaths and provided the following updated provisions in their final version of the ACZ1:

- Buildings and works should minimise overshadowing of existing and future open space, beyond shadow cast by new street walls/podiums between 11 am and 2 pm on 22 June.
- Buildings and works adjoining north-south oriented streets should not cast additional shadows over the opposite footpaths between 11 am and 2 pm on 22 September.
- Buildings and works adjoining east-west oriented streets should not cast additional shadows to the south side footpath between 11 am and 2 pm on 22 September.

(iv) Discussion

Public Parks

The Panel agrees with the evidence of Ms Peterson that there must be a strong strategic basis to implement winter sun controls in a MeAC context, given the generally accepted measure of the September equinox within the Victorian Planning system and as an application requirement of the ACZ.

It appears that the primary rationale for the winter solstice overshadowing test is from the Urban Design Guidelines for Victoria (Clause 5.1.3) that requires '*winter sun access to key public spaces*'. How this broad provision is applied to the local conditions of the Ringwood MeAC is not discussed in the background material or Ringwood MeAC Urban Design Guidelines. Testing or comparison of the solstice to the equinox overshadowing has not been undertaken, and there has been no assessment to determine which areas of open space within the activity centre are 'key' and which aren't. The controls as exhibited apply to all existing and future public open space.

Interestingly, this clause of the Urban Design Guidelines for Victoria also refers to requiring '*winter sun to key pedestrian street spaces*', yet the equinox provision is proposed to all footpaths and other pedestrian areas within the Amendment area rather than the winter solstice. It is not clear why Council have chosen to apply the 'winter sun' provision to some of the recommended areas but not others.

Ringwood Lake Park and Bedford Park are clearly the largest areas of public open space within the Activity Centre, however the Panel does not consider that it necessarily follows that these are the 'key spaces' that need winter sun access or that the entire area of these parks require winter sun access. As Lakewood's submission highlighted, shadow from any development on their site would not impact on places of recreation or respite for people using the park and would rather impact on a fenced off area of heavy vegetation. It is the Panel's observation that smaller areas of public open space within the activity centre (such as the Clocktower Park) may be more important for people working within the activity centre based on their location and use and may also be more vulnerable to the impacts of overshadowing that perhaps areas within the larger parks.

The Panel also notes that within the Ringwood MeAC Urban Design Guidelines, Bedford Park is not recognised as an 'influence' in Precinct 4 – Eastern Precinct (in which Bedford Park and the Lakewood land is located), and limiting overshadowing to either Ringwood Lake Park or Bedford Park is not noted as a precinct guideline. Furthermore, none of the case study modelling was undertaken for sites within Precinct 4 to determine the impacts of the proposed overshadowing controls on development opportunities.

Reference was made to Amendment C278 to the Melbourne Planning Scheme that is seeking to introduce winter overshadowing controls to public parks. While C278 has yet to be considered by a Panel, it is noted that assessments of individual parks (size, use, orientation etc), with detailed modelling based on various built form outcomes has been undertaken to determine the controls, and the proposed DDO seeks to apply different levels of protection depending on park categories. This is in contrast to the information accompanying this amendment where no such modelling or testing has been undertaken and no assessment has been made between the different areas of public open space (albeit, the Panel accepts

that in this case the controls as proposed are discretionary and not mandatory as drafted in Amendment C278 and also apply to a more limited area).

The final submissions of Council that the overshadowing controls were important because of impacts on vegetation within Bedford Park is not documented in any of the background material accompanying the Amendment and was only raised late in the hearing. Even within these biodiversity reports tabled by Council (that are dated June 2020 and still going through a public process), impacts of overshadowing by development are not recognised as a 'threat' to the vegetation. While it is accepted that sunlight access would have implications for certain vegetation, there is no evidence before the Panel about what the shadow impacts would be on the vegetation species identified as being endangered in Bedford Park, the extent of vegetation affected, and whether this would be materially different if the solstice or equinox provisions were to apply. In any event, it does not appear that the proposed activity centre controls were developed in response to vegetation health, but rather appear to have been applied in an urban design sense, starting from a basis that the winter solstice test was appropriate without further investigation.

On this basis, in weighing up the primary role of the activity centre in encouraging intensive development, and without further strategic work to justify the solstice controls to all existing and future public spaces, the Panel agrees with Ms Peterson and Lakewood that the equinox is the appropriate test.

Footpaths

The Panel agrees that the wording as exhibited relating to overshadowing to footpaths was unclear and the amended provision as suggested by Ms Heggen clarifies the intent and is appropriate.

(v) Conclusions

The Panel concludes that there is not adequate strategic justification to apply the winter solstice overshadowing control to all existing and future open spaces within the activity centre. In the absence of this strategic work, the equinox is the appropriate control for both footpaths and areas of public open space.

The Panel agrees with the proposed changes to the footpath controls, as accepted by Council during the hearing.

(vi) Recommendations

9. Amend Clause 4.4 of the Activity Centre Zone Schedule 1 under the heading Overshadowing, to read:

- a) Buildings and works should minimise overshadowing of existing and future open space, beyond shadow cast by new street walls/podiums between 11am and 2pm on 22 September.**
- b) Buildings and works adjoining north-south oriented streets should not cast additional shadows over the opposite footpaths between 11 am and 2 pm on 22 September.**
- c) Buildings and works adjoining east-west oriented streets should not cast additional shadows to the south side footpath between 11 am and 2 pm on 22 September.**

10. Amend Clause 8.0 of the Activity Centre Zone Schedule 1 under the heading Decision Guidelines, to read:

- a) The extent to which varied building heights and/or setbacks cast additional shadow to the south side footpath of east-west oriented streets or the opposite footpath to north-south oriented streets between 11am and 2pm on 22 September.
- b) The extent to which buildings and works overshadow existing and/or future open space, beyond shadows cast by new street walls/podiums between 11am and 2pm on 22 September.

5.4 Interface controls

The ACZ proposes to implement seven different interface controls. These were generally accepted in submissions and comments on particular interfaces are dealt with in Chapter 6.

It was noted at the Hearing that interpreting the maps to determine the interface type could be difficult in some situations and that the graphics could be clearer.

Table 2: Proposed interface typology

Interface Type	Location and Type	Ground level setback (minimum)	Street wall/podium height	Upper level setback above podium/street wall (minimum)
1	Main Roads (Maroondah Highway, Warrandyte Road)	4 metres from street kerb	21.5 metres (6 storeys)	5 metres
2	Local Streets (Type A)	0 metres	14.5 metres (4 storeys)	5 metres
3	Local Streets (Type B)	3 metres from street frontage	11.5 metres (3 storeys)	5 metres
4	Residential (Type A)	3 metres from rear boundary 3 metres from side boundary	14.5 metres (4 storeys)	5 metres
6	Open Space (Type A) to the north of existing and future open space	0 metres	11.5 metres (3 storeys)	29 degrees building envelope angle above podium/street wall
7	Open Space (Type B) To the east/ west/ south of existing and future open space	0 metres	14.5 metres (4 storeys)	5 metres

The Panel recommends:

11. Review the graphic notation of interface types to improve legibility.

6 Precinct built form issues

This Chapter relates to the particular built form issues raised by submitters within each of the precincts of the ACZ1. Issues raised by submitters relating to matters already addressed in Chapter 5, such as land uses, overshadowing and indicative paths, are not repeated in this chapter. Issues relating to the DCP are addressed in Chapter 7.

6.1 Precinct 1 – Ringwood Urban Centre Precinct

(i) The issues

There was one submission within Precinct 1 (submission 38), from QIC being the owners of the Eastland Shopping Centre, that provided support for the Amendment.

(ii) What do the controls say?

Precinct 1 relates to:

- Ringwood Urban Centre Precinct, that is developed with the Eastland Shopping Centre,
- Ringwood Town Square comprised of public open space lined with retail,
- 'Realm' that includes the library, Council customer service centre and other community uses.

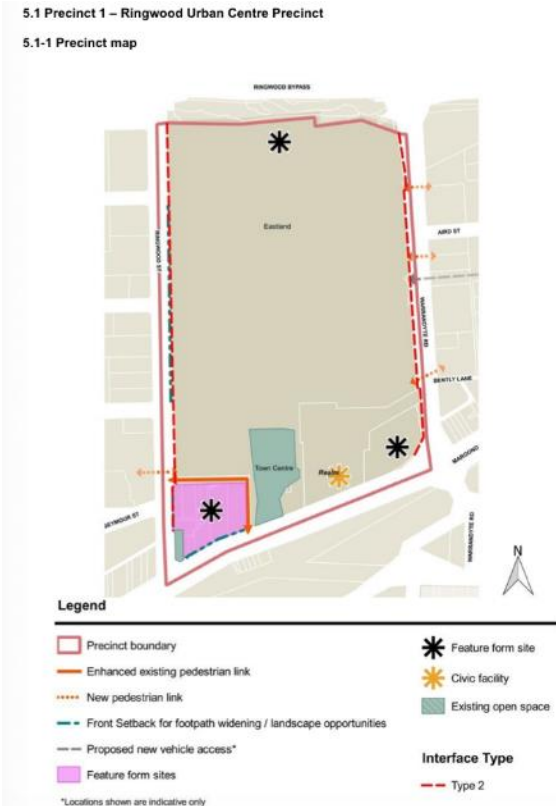
Precinct map	Precinct objectives
5.1 Precinct 1 – Ringwood Urban Centre Precinct 5.1.1 Precinct map  Legend - Precinct boundary - Enhanced existing pedestrian link - New pedestrian link - Front Setback for footpath widening / landscape opportunities - Proposed new vehicle access* - Feature form sites - Feature form site - Civic facility - Existing open space - Interface Type - Type 2 *Locations shown are indicative only	To establish a regional destination with a community focus offering significant public realm improvement. To support a new regime of consolidated form that represents the intense urban centre of Ringwood MeAC, supported by a network of high quality pedestrian linkages, public spaces and community orientated facilities. To complement the important streetscape and landscape character of Ringwood MeAC and support the definition of clear 'points of difference' as feature forms at key junctions to assist with way-finding and a sense of arrival. To encourage commercial and office uses in Ringwood MeAC. To encourage development that reinforces the landscape character of the Mullum Mullum Creek environment.

Table 3: Precinct 1 Building Heights

Precinct	Preferred height	Outcomes to be achieved
1	Not specified	Development that reflects the Precincts central location within Ringwood MeAC.
Feature Form	53 metres (15 storeys)	Development that provides the tallest forms of development within Ringwood MeAC.

(iii) Evidence and submissions

QIC acknowledged the opportunity to input into the 2018 Masterplan and stated that the engagement had greatly benefited their understanding of Councils preferences and expectations and future direction. QIC noted their support for the Amendment.

(iv) Discussion

As the submitter within this precinct supported the Amendment, there were no issues raised. The Panel is satisfied that the controls are appropriate for this central precinct of the activity centre.

(v) Conclusion

The Panel concludes that the controls for Precinct 1 are appropriate and do not require any change from those as exhibited.

6.2 Precinct 2 – Western Precinct**(i) The issues**

Built form issues raised in relation to this precinct included:

- the proposed preferred height controls are too restrictive
- additional sites should be nominated as *'Feature Form' sites or 'Site requiring specific response'*
- concern in relation to provisions requiring a transition between higher intensity areas to lower scale residential precincts.

(ii) What do the controls say?

Precinct 2 is described as the Western Precinct, defined by the Maroondah Highway and including key junctions around EastLink and Ringwood Street.

Precinct Map



The precinct objectives

To contribute to the boulevard character of Maroondah Highway as a consolidated mid-rise precinct, with revitalisation opportunities on selected key sites, transitioning to the adjacent residential precinct.

To accommodate new taller contemporary form that contributes to an attractive pedestrian-orientated boulevard.

To revitalise sites positioned behind the boulevard spine, influenced by the relationship to Precinct 1 and transitioning to the residential precincts to north and west.

To encourage commercial and office uses in Ringwood MeAC.

To encourage mixed use development in commercial areas along Maroondah Highway that includes commercial and residential land use.

Table 4: Precinct 2 Building Heights

Precinct	Preferred height	Outcomes to be achieved
2	28.5 metres (8 storeys)	Development with a strong employment focus that reflects the mixed-use character of the precinct. Development with Maroondah Highway frontage takes advantage of the high levels of exposure. A clear visual increase in building height from adjoining lower scale developments in Precincts 3 to be evident.
Feature Form	53 metres (15 storeys)	Development that provides the tallest forms of development within Ringwood MeAC.

(iii) Evidence and submissions

Barro land (submitter 3)

Barro own land at 32-48 Maroondah Highway. The land holding is approximately 17,382 square metres and comprises 14 titles. The site contains a concrete batching plant that has operated since 1953. Barro acknowledged the Council's strategic aspirations for the site and has held discussions with Council about relocating the batching plant to another site within the municipality that will allow for their continued 24 hour, 7 day a week operations.

The Amendment seeks to include this site in Precinct 2 of the proposed ACZ with a preferred height control of 28.5 metres (8 storeys), including a preferred street wall of 6 storeys to Maroondah Highway, 4 storeys to New Street, and 5 metre setbacks above the street wall.

The adjoining site to the immediate west of the Barro land at 28-30 Maroondah Highway is identified as a 'Feature Form' site and has a planning permit (M/2016/985D) that allows for three towers ranging from approximately 10 storeys (32 metres) to approximately 21 storeys (66 metres).

Barro did not take issue with the street wall provisions and setbacks above the street wall because they supported the boulevard concept proposed. Barro submitted that the preferred height limit of 8 storeys (28.5 metres) *"gets nowhere near the level of development that ought be accommodated on the site"* and that development above 8 storeys can be achieved:

- without having any adverse amenity impacts
- without diminishing the importance and prominence of:
 - the Feature Form site on the adjoining land currently under construction
 - the boulevard concept
 - the ability to provide a transition to the east.

Barro also submitted that:

- the preferred height for the Barro site should be 58 metres (16 storeys) with the outcome to be achieved including transition in height to the north and east of the site with additional development guidelines included as presented in the evidence of Ms Roberts, Ms Peterson and Ms Waty
- the overshadowing test at the winter solstice is unduly onerous.

Ms Roberts of SJB Urban gave urban design evidence on behalf of Barro. She supported the intent of the Amendment including:

- creating a relatively uniform boulevard along Maroondah Highway of a mid-rise street wall with upper level setbacks
- allowing for taller buildings to define key junctions/gateways
- protecting the public realm, through overshadowing protection and activation at ground level.

Ms Roberts undertook modelling of the combined Barro landholding, having regard to:

- the southern interface being robust and non-sensitive given the abuttal to the railway corridor and industrial land further to the south
- nearest residential land being separated by some 50 metres to the south-east
- overshadowing being limited to New Street to the east
- the adjoining approved development (on the Feature Form site) ranging from 10-22 storeys.

These factors together with 3D modelling led Ms Roberts to conclude that the subject site could accommodate a building height of around 35.5 metres (10 storeys) increasing to approximately 58 m (16 storeys) at the south-west of the site.

In her written statement of evidence, she recommended:

- Increase the maximum building height requirement for the subject site to around 56 metres (16-storeys) in the south western portion.
- Include a requirement for the subject site to transition down to the north and east of the site in response to the street wall heights and preferred building heights and footpath overshadowing requirements.

Under cross examination from Council about whether Ms Roberts was comfortable with a preferred height of 16 storeys across the whole site in the ACZ1, she answered that she was, on the basis of the outcomes to be achieved that refer to street wall and footpath overshadowing. These controls would therefore provide for lower scale buildings at the edges of the site.

Ms Peterson of Ratio, gave expert town planning evidence on behalf of Barro. Ms Peterson generally supported the Amendment insofar that it would facilitate the ongoing development and growth of the Ringwood MeAC, however she considered that there were aspects of the Amendment that should be varied to recognise the strategic opportunity of the Barro site. Ms Peterson's evidence was that the Barro site is a large consolidated site which affords a different development potential than generally available within Precinct 2. As such, the site should be recognised as a strategic site requiring a '*site specific response*', as has been nominated for the Ringwood Square Shopping Centre and Costco sites.

She recommended that an additional reference be provided for in the ACZ1 for the Barro land as follows:

Barro site – 32-48 Maroondah Highway and 58 New Street. Encourage the development of taller building elements in a manner that responds positively to the precinct objectives and guidelines. Future redevelopment will require a site specific response ensuring architectural diversity, good separation between tower elements, visual interest and a transition to the east.

Ms Peterson noted that she was comfortable with the preferred maximum heights being set at the levels detailed in Ms Roberts' expert statement.

Ms Peterson also raised concerns about the winter solstice overshadowing controls (discussed in Chapter 5.3) and land uses (discussed in Chapter 5.3).

Ms Waty, in her urban design evidence on behalf of Council, responded to the Barro submissions stating that she accepted that this site would be better managed through site specific response. Ms Waty's evidence was:

Due to its substantive size, exposure to Maroondah Highway and New Street, as well as its location on the east side of Eastlink, there is scope for a precinct development format that matches the street treatment envisioned by the Masterplan, with taller (and spatially separated) rising forms behind. Due to its proximity to a designated Feature Form site to the west, the highest form on this site should provide the transition between the 19-storey approval and future 8 storey infill to the east. The discretionary nature of the proposed ACZ1 provides some flexibility to vary the preferred height without diluting the overall urban morphology for the centre.

Villani land (submitter 7)

Villani Investments Pty Ltd made submissions in relation to the land at 34 New Street, Ringwood. This site is located at the northern edge of Precinct 2, at the interface with land in Precinct 3 to the north and west.

Villani Investments generally supported the Amendment, including the rezoning from C2Z to ACZ, allowing for a mix of uses, preferred building height of 8 storeys, preferred street wall height of 4 storeys, preferred upper level setbacks to the street, preferred setbacks to the north and west boundaries; and the discretionary nature of the controls.

Villani however had concerns with the reference to 'transition' of building heights within the precinct objective that states:

To revitalise sites positioned behind the boulevard spine, influenced by the relationship to Precinct 1 and transitioning to the residential precincts to north and west.

The submission was that the term ‘transition’ was ambiguous and can be problematic in statutory decision making. It considered that the differential building heights between Precinct 2 (at 8 storeys) and Precinct 3 (at 4-6 storeys), coupled with the preferred setback profiles at the interfaces between Precincts 2 and 3 are sufficient to achieve the desired transitioned building separation. They considered that the wording may limit the reasonable development potential for the site. Several wording changes were suggested to the provisions to address this issue.

Villani also raised issues of land uses (addressed in Chapter 3) and pedestrian links (addressed in Chapter 4).

L & N Freeman Nominees (submitter 41)

L & N Freeman Nominees Pty Ltd made submissions in relation to their site at 1-5 Ringwood Street, and 1-11 Seymour Street, Ringwood, located at the eastern edge of Precinct 2. The site has three road frontages including Ringwood Street, Seymour Street and Corporation Lane and an overall site area of 4,365 square metres. It is currently zoned C1Z and is developed with one and two storey buildings used for a range of uses including a medical centre with semi basement, food and drink premises, a hairdresser, real estate agent, physiotherapy, yoga studio and at grade car parking.

It was submitted that the proposed height controls for the site did not reflect the strategic opportunities of the site and that the site should be nominated as a ‘Feature Form’ site, or alternatively as a ‘site specific response’ given:

- the large site area
- land in single ownership
- lack of sensitive interfaces
- adjacency to Precinct 1 and a proposed feature form site
- proximity to the south western end of the Eastland core, the Ringwood Station/public transport interchange, civic facilities, Clocktower Park and Stanley Gardens.

The submission highlighted that the current DDO3 that applies to the Ringwood Activity Centre, nominates the Freeman land together with the lots immediately to the south fronting Maroondah Highway, as one of five areas nominated in ‘Precinct A’, with the outcomes to be achieved including *“a scale of development that provides for the tallest forms of development within the Activity Centre”* at 28.5 metres, with the exception of the existing feature form sites where there is no maximum height limit.

Freeman Nominees also raised issues of land uses (addressed in Chapter 3) and pedestrian links (addressed in Chapter 4).

Ms Waty on behalf of Council in response to this (and other submissions raising similar issues) gave evidence that:

As previously explained, site size and proximity to other high rises (built or unbuilt) is not the only consideration for Feature Form designation. Consideration for a legible urban structure, access from major road network, frontage to Maroondah Highway, visual exposure from key entries into the Centre, recognition of landscape character of Ringwood MeAC and ability to contain amenity impact on-site suggest the urban form

as proposed in the Masterplan strikes the right balance of accommodating for growth and emphasising place values for the centre. ...

In responding to Submitter 41, an additional Feature Form (15 storey) on the north eastern corner of Maroondah Highway and Ringwood Street can potentially be accommodated on consolidated land to create a considerable Maroondah Highway frontage. The consolidated site will also have the flexibility in managing solar access to the public realm (including the Clocktower Park) without altering the centres urban structure or removing the focus from the Urban Centre as envisaged by the Masterplan.

(iv) Discussion

Barro Land

There was agreement between Ms Waty for Council and both Ms Roberts and Ms Peterson for the Barro Group, that the substantive size of the combined Barro land holding represented a strategic development opportunity, and was capable of greater height than the 'default' 28.5 metres (8 storeys) as set out in the Precinct 2 controls.

All witnesses gave their evidence that this greater height was possible on the basis of the significant land area differentiating it from other sites along Maroondah Highway or more broadly within the precinct, which provided the opportunity to accommodate off-site impacts. Ms Waty had not been aware that the land was in one ownership at the time of preparing the urban design guidelines, and her acceptance that the site should be subject to a 'site specific design response' was on the basis of the large land area. Equally, Ms Roberts' modelling was undertaken on the basis of the site as a whole, and her written evidence contemplated a range of building heights across the site responding to the differing interfaces. All experts also agreed that the height of development on the Barro land should provide a transition from the Feature Form site to the west and to the lower preferred scale of 8 storeys to the east.

The Panel accepts this evidence and supports the Barro land being nominated a 'site specific response' that is not limited by the default 'preferred height' of 8 storeys.

The Panel also accepts the evidence of Ms Roberts that the modelling confirmed that there was an opportunity for building height of 16 storeys on part of the site. However the Panel questions the appropriateness of the 16 storeys being nominated as the preferred height in the ACZ1, in the event that only part of the site was redeveloped. The Panel was advised that it was a significant investment to acquire all 14 sites and it was likely that they would be developed as one parcel. However, it was acknowledged that the site could be developed in stages, for part of the land (one or more lots at a time) by different developers, for example.

While the Panel accepts the evidence that a range of heights between 10-16 storeys across the Barro land is likely to be appropriate, it doesn't consider that the ACZ1 should nominate the preferred height for the site as 16 storeys:

- The evidence was on the basis of the consolidated site, and no modelling or evidence was provided about whether this would be suitable on a smaller component of the land.
- The Panel is not convinced, and the evidence did not suggest that the 16 storeys was 'preferred' across the entire site, rather that there were opportunities for this scale in the south/west corner.

While the Panel accepts that this height would be mitigated by controls requiring street walls, setbacks above the street wall and overshadowing of footpaths, consideration of transition between the feature form site and lower scale to the east is also required. The Panel also notes that the ACZ1 expresses heights as 'preferred heights', rather than 'preferred maximum heights'.

The Panel agrees that the more general commentary as recommended by Ms Peterson should be included in the ACZ1 control that recognises the opportunity for a site specific response that encourages taller buildings but also requires architectural diversity, separation between towers, visual interest and a transition to the east.

Villani Investments

Precinct 2 comprises a large part of the western portion of the activity centre and has varied site conditions and interfaces including land along the Maroondah Highway, some large sites including Ringwood Square, Costco and the Barro land, land with an interface to Precinct 1 that has no preferred height, and also lots that have an interface to the more residentially focused Precinct 3. As such, the Panel accepts the Masterplan and ACZ1 controls for Precinct 2 requiring a transition to the north and west as being appropriate.

This is reflected in the preferred height controls of the precincts, with a preferred 8 storeys in Precinct 2 and 4-6 storeys in Precinct 3 and also in the interface Type 4 being 'residential (Type A)' at the interface between these precincts, including along the north and west of the Villani site. Type 4 interface requires a minimum ground level setback of 3 metres from the side and rear boundaries, a podium height of 14.5 metres (4 storeys), and upper level setbacks above the podium of 5 metres. The Panel considers that the combination of preferred height controls and this interface treatment provides an appropriate transition to Precinct 3. There may be detailed site circumstances for variations to these controls, however in general, these provisions will provide for appropriate stepping down or transition to the preferred built form in Precinct 3.

Accordingly, the Panel doesn't share the submitter's concern that this reference to 'transition' will be unreasonably limit development potential, and considers that satisfying the preferred height and interface requirements will in most cases meet the objective.

L & N Freeman Nominees

The Panel accept the submissions that the Freeman land has a number of strategic and site opportunities for redevelopment, however it agrees with Ms Waty's evidence, that this is not sufficient to warrant a Feature Form designation. The Panel also accepts the evidence of Ms Waty that a consolidated site with land on the north/east corner of Maroondah Highway and Ringwood Street may present as an opportunity for additional scale of built form, to in essence create another Feature Form site at this key intersection of Ringwood Street and the Maroondah Highway, however, without this additional site area and Maroondah Highway frontage, no change should be made to the controls. The Panel does highlight that the preferred height controls are discretionary, and that given the site opportunities, variation above the preferred height may be appropriate.

In relation to a 'site specific' designation, the Panel notes that while of a substantial size and in one ownership, the site is substantially smaller than the Costco, Ringwood Square and Barro sites, and would not have the same opportunities to provide a range of building heights and contain amenity impacts within the site.

(v) Conclusions and recommendations

The Panel concludes that:

- the Barro land should be nominated as a 'site specific response'.
- the preferred height of 8 storeys should not be applied to the Barro land.
- the precinct guidelines under the sub-heading development should be amended to include the wording recommended by Ms Peterson relating to the land at 32-48 Maroondah Highway (Barro land).

The Panel recommends:

12. Amend the Precinct Map at Clause 5.2-1 to include the Barro land at 32-48 Maroondah Highway, Ringwood as a 'Site requiring specific response'.

13. Amend Clause 5.2-4 of the Activity Centre Zone Schedule 1, to include an additional dot point in the Precinct guidelines that reads:

- a) **Barro Site: Encourage the development of building elements in a manner that responds positively to the precinct objectives and guidelines. Future redevelopment of this amalgamated urban block will require a site specific response ensuring architectural diversity, safe and efficient access, separation between tower elements, visual interest and a transition of building height to the east.**

6.3 Precinct 3– North Western Precinct

(i) The issues

The issues raised were:

- concern about the proposed new shared path as shown in the precinct plan.
- a question about whether unit blocks would be allowed to go higher and whether the density of unit blocks would be increased.

Melbourne Water, submitter 39 provided in principle support for the Amendment and noted future planning applications would need to positively address the protection of Melbourne Water assets.

(ii) What do the controls say?**Precinct Map****Precinct objectives**

To encourage moderate residential infill in an established landscape setting and retain the established garden setting of residential streets.

To continue to evolve as a medium density housing setting, with opportunities for more notable consolidation on larger sites, behind the commercial spine of Maroondah Highway and environmental corridor of Mullum Mullum Creek.

To enhance the spaciousness and landscape qualities of this sloping area.

To ensure development is influenced by proximity to the Mullum Mullum Creek, housing setting and the established garden setting that reinforces the landscape character of the Mullum Mullum Creek environment.

To support landscaping opportunities in between buildings and along street frontages, consistent with the valued streetscape character of residential precincts.

Table 5: Precinct 3 Building Heights

Precinct	Preferred height	Outcomes to be achieved
3	14.5 metre (4 storeys): lot size above 1500 square metres	Development that reflects a transition area between the lower scale residential areas and the higher intensity core area. Development that protects amenity impact on existing medium density residential in Ringwood MeAC and existing residential outside the Ringwood MeAC.

(iii) Evidence and submissions

Submitter 42 (an owner of a unit in Nelson Street) questioned whether the proposed maximum height of unit blocks would be allowed to go higher than they currently are, and secondly whether the density of unit blocks would be increased.

Other issues raised by Bigbai Pty Ltd and Sherbrook Property Pty Ltd in relation to the proposed new shared path in Precinct 3 is discussed in Chapter 4.

(iv) Discussion

In relation to Submitter 42, land within Nelson Street is current contained within the RGZ1 and is affected by both the DDO3 and SLO4 overlays. Under the zone, the objectives seek to provide housing at increased densities of up to and including four storeys, and the mandatory maximum building height limit is 13.5 metres, with limited circumstances where a building may exceed this height. Under the existing DDO3, the discretionary maximum building height for buildings within Nelson Street is three storeys for lots above 1,000 square

metres, four storeys for lots above 2,500 square metres, and five storeys for lots above 3,000 square metres.

This compares with the proposed ACZ1 provisions which would allow for ‘preferred heights’ of 14.5 metres (4 storeys) for lots above 1,400 square metres and 21.5 metres (6 storeys) for lots above 2,100 square metres (ACZ1 in Council’s Part B submission). These control are discretionary.

(v) Conclusions

No change to the height and interface control in Precinct 3 is warranted.

6.4 Precinct 4 – Eastern Precinct

(i) The issues

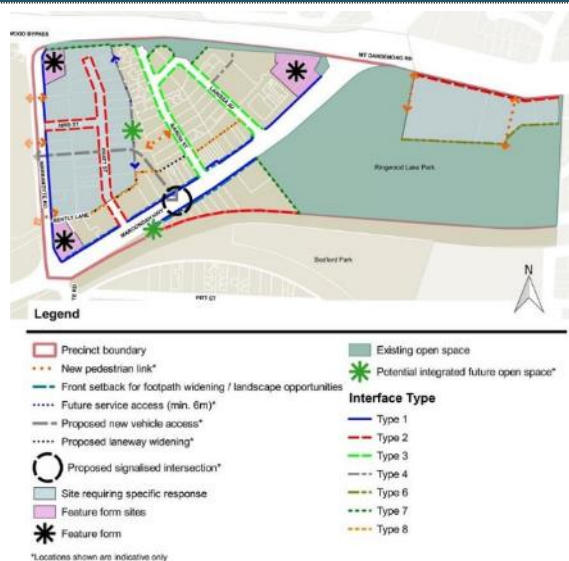
The issues are:

- the height controls are inadequate in the context of a MeAC.
- the precinct guidelines should be amended to enable single use buildings where appropriate.
- the interface provisions to the railway line are inappropriate and combined with the solstice shadow controls render a large portion of the site undevelopable contrary to the broader strategic aims of the activity centre.
- ground level car parking should be an option in the development guidelines.

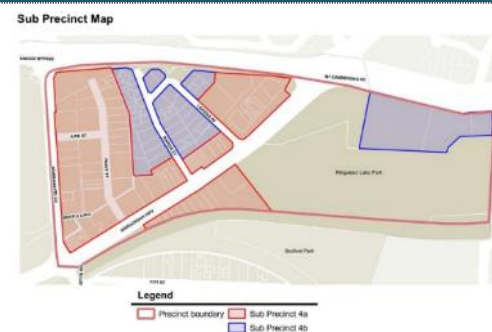
(ii) What do the controls say?

Precinct 4 is the Eastern Precinct that includes the eastern entrance to the Activity Centre and the Mt Dandenong Road/Ringwood Bypass junction. The precinct includes Ringwood Lake Park and Bedford Park, as well as the eastern extent of the Maroondah Highway commercial spine. It includes both commercial and residential areas, some approved tower developments and some heritage assets.

Precinct map



Sub-precinct map



Precinct objectives

To contribute to the boulevard character of Maroondah Highway with integrated community and institutional opportunities between Warrandyte Road and Bardia Street.

To encourage notable civic, retail, institutional or community functions to the northwest abutting Eastland, with stronger urban form defining each side of the Maroondah Highway spine and more subtle residential growth in transition to the north.

To enhance the presentation of Warrandyte Road and Maroondah Highway with particular regard to ground floor activation with mixed use development in commercial areas along Maroondah Highway that includes commercial and residential land use.

To encourage taller development to the edge of the precinct and transition down to its residential and open space abutments.

To retain the established garden setting of residential streets with landscaping opportunities in between buildings and along street frontages, consistent with the valued streetscape character of residential precincts.

Table 6: Precinct 4 Building Heights

Precinct	Preferred height	Outcomes to be achieved
4a	28.5 metres (8 storeys)	Development that reflects the Precincts central location within Ringwood MeAC. Development that takes advantage of the high level of exposure from the Maroondah Highway, Warrandyte Road and EastLink frontages. A clear visual increase in building height from adjoining lower scale development in Precincts 4b to be evident.
4b	14.5 metres (4 storeys): lot size above 1500 square metres 21.5 metres (6 storeys): lot size above 2500 square metres	Development that reflects a transition area between the lower scale residential areas and the higher intensity core area.
Feature Form	53 metres (15 storeys)	Development that provides the tallest forms of development within Ringwood MeAC.

Table 7: Interface Setback type 2

Interface Type	Location and Type	Ground level setback (minimum)	Street wall/podium height	Upper level setback above podium/street wall (minimum)
2	Local Street (Type A)	0 metres	14.5 metres (4 storeys)	5 metres

(iii) Evidence and submissions

Lakewood Management Pty Ltd own land at 154-166 Maroondah Highway, Ringwood (submitter 6). The land is comprised of five titles in the same ownership and is currently used for a mix of retail and commercial uses and associated car parking. The land was described as effectively being an island site abutting the Maroondah Highway and railway line and Ringwood Lake Park, with no sensitive interfaces.

Lakewood submitted that:

- the land is of sufficient size and strategic value to be considered for a 'site specific response'
- the Interface Type 2 to the southern boundary is inappropriate, relating to 'Other Street (type A)', with none of the 'application' categories relating to the railway line where it is applied in relation to its land.

Lakewood also considered that the precinct guidelines should be amended to allow for single use buildings to be accommodated on the land. Other issues raised by Lakewood in relation to overshadowing and land uses are addressed in Chapters 5.3 and 3 respectively.

Ryman Healthcare (Australia) Pty Ltd submitted in relation to its site at 2-10 and 14-16 Mount Dandenong Road, Ringwood East. This site is proposed to be redeveloped for residential aged care and a retirement village. It submitted:

- The zero-metre setback at ground floor is welcomed however may not be suitable for institutional uses such as proposed. This was however recognised as a discretionary control.
- The 29 degree building envelope to the south of the site was not considered to appropriately take account of the site constraints, including shape of the site and significant slope. This was however recognised as a discretionary control.

The issue raised by this submitter in relation to the proposed pedestrian link is discussed in Chapter 4.

LUP Trust own land at 12-16 Larissa Avenue. It submitted the preferred height of six storeys was an inadequate benchmark in the context of a MeAC.

This submitter considered the controls should take account of different contexts; that they had potential concerns in relation to overshadowing controls; and noted the cumulative costs in redevelopment, including the new development contribution levies may be prohibitive to the site being developed in the short to medium term.

Ms Waty on behalf of Council gave evidence that Precinct 4, was the most complex given the diversity of land use and built form including heritage sites, low rise residential forms, commercial, mixed use and large format retail and public assets around Ringwood Lake Park. In response to the Lakewood submission she agreed that the Interface Setback Type 2 would not meet the winter solar test requirement, and that greater upper level setbacks would be required above a 4 storey podium built to the southern boundary. She noted that this site had depths of between 32 and 81 metres and that an 8-storey form could be comfortably accommodated along the Maroondah Highway frontage, transitioning to 4-storey to the rear to minimise shadow to Bedford Park.

(iv) Discussion

The Panel does not consider that the Lakewood land qualifies as a 'site specific design response' noting the smaller land size and narrow shape do not allow for the same opportunities as other sites with this nomination to contain off-site impacts and provide for transition to their surrounds.

The Panel agree with Lakewood that the Interface Type 2 (Local Streets Type A) as shown along the southern boundary of their land abutting the railway corridor with Bedford Park beyond, neither meets the stated 'Application' criteria for this interface type in the Urban

Design Guidelines, nor would the control deliver an outcome as listed in the 'Rationale' for this interface.

The Urban Design Guidelines (p.13) lists the 'Application' for Interface Type 2 (Local Streets Type A) as:

- Lower order streets (typically 15-20 metre).
- Pedestrian priority route.
- Non-residential streetscapes.
- Mt Dandenong Road, at the north eastern boundary of Ringwood MeAC.

The 'Rationale' for this interface type is stated as:

- To adopt a street wall that is proportionate to street width.
- To adopt upper level setback above the street wall to emphasis the prevailing street wall/podium effect at street level.
- To encourage continuous street edges which invite active ground level frontages conducive to main streets and commercial areas.
- To avoid overshadowing of footpaths on the (opposite side) between 11.00-14.00 at equinox.
- To establish a consistent footpath width along Ringwood Street.
- To achieve a legible transition to residential precinct.

Clearly, the railway corridor is not a 'streetscape' and does not require a consistent street edge treatment for the urban design outcomes as listed above.

While it would appear that upper level setbacks would be required in any redevelopment of the Lakewood land to manage overshadowing to Bedford Park (albeit on the basis of an equinox rather than solstice measure for the reasons outlined in Chapter 5.3), this would be addressed by the general control relating to overshadowing to public spaces in the ACZ1, rather than by an interface control. In the context of a MeAC earmarked to be a focus for higher-density development and recognised as critical to growth across a regional catchment, the Panel does not consider that any other interface type needs to be applied along the non-sensitive railway corridor boundary.

The Panel also recommends that the Interface Type 2 at other interfaces to the railway corridor be reviewed and removed where it is not required to facilitate an outcome as described above. The Panel notes that this nomination is likely to constrain development in other parts other activity centre, with no meaningful planning or urban design benefit, and that this interface type is not consistently applied along the railway corridor within the Activity Centre. While the Panel accepts it is a discretionary control, it agrees with submitters that where a precise interface treatment is specified on a plan as is proposed in the ACZ1, it is difficult for applicants to argue for a variation to the control at the planning application stage.

In relation to single use buildings, while the precinct guidelines encourage office development or retail uses within the podium and residential uses above to provide for activation and public surveillance, the Panel does not consider that this precludes single use buildings.

In relation to Ryman and LUP Trust sites, these submitters did not present to the Panel and provide any further detail about their submissions, and on the basis of the controls being

discretionary the Panel considers these matters are appropriately dealt with at the planning application stage and does not consider any change to the controls is warranted.

(v) Conclusions and recommendations

The Panel concludes:

- the Type 2 (Local Streets Type A) should be deleted along the southern boundary of the Lakewood management land and reviewed more broadly along the railway corridor.

The Panel recommends:

14. Amend the map at Clause 5.4-1 to delete the Type 2 (Local Street Type A) along the southern boundary of the land at 154-166 Maroondah Highway.

6.5 Precinct 5 – Pitt Street Precinct

There were no submissions related to the built form of Precinct 5, with the only submissions within this Precinct being from the Ringwood Church of Christ that related to land uses and the DCP. These issues have been addressed in Chapter 3 and Chapter 7 respectively.

6.6 Precinct 6 – Ringwood Station Precinct

(i) The issues

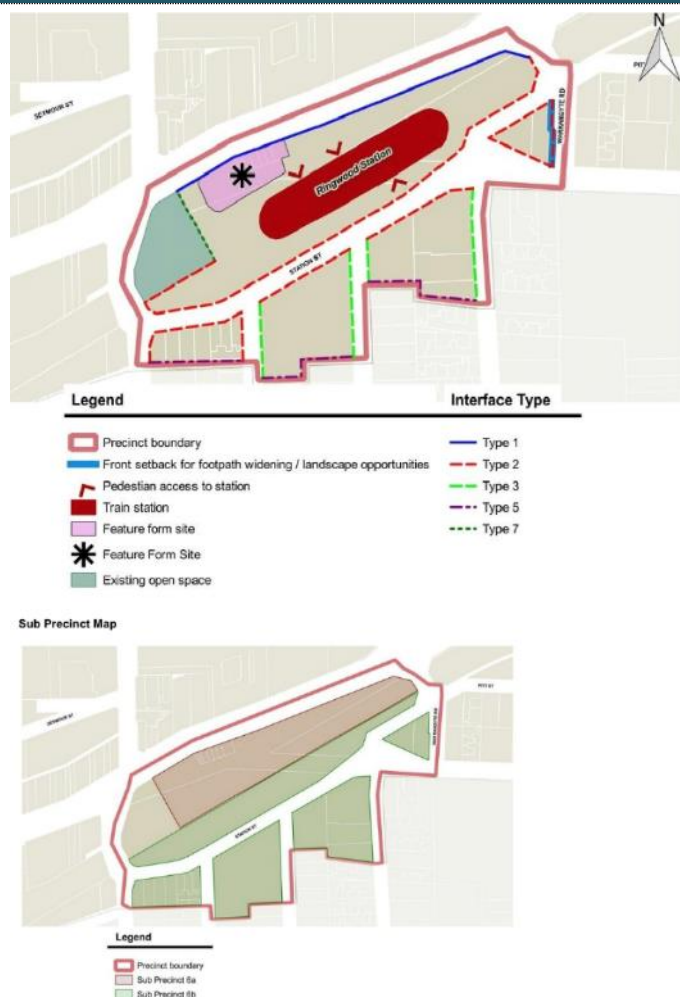
There were 2 submissions in Precinct 6, being submitters 11 and 43.

The issues are:

- proposed 6 storey height control for the RSL site is not commensurate with the sites redevelopment potential and should be greater
- proposed 4-6 storey height control for the UCA site is considered an underutilisation of this site and can accommodate greater height
- the Activity Centre boundary should be extended further south including residential areas identified for change
- concern over the recommended DCP rates and the potential to impact on feasibility of development.

(ii) What do the controls say?

Precinct map and Sub Precinct Map



Precinct objectives

To encourage transit oriented development opportunities around Ringwood Station as a key entry into Ringwood MeAC.

To embody the public transport core of the city and place and support substantial change to its north abutting precincts.

To strategically position higher built form along Maroondah Highway adjacent to the key junction with Ringwood Street to define the Clock Tower Park and Ringwood MeAC core.

To provide a transition on properties south of Station Street to the lower scale residential area to the south of Ringwood MeAC.

Table 8: Precinct 6 Building Heights

Precinct	Preferred height	Outcomes to be achieved
6a	28.5 metres (8 storeys)	Development that reflects the Transit Orientated Development role of the Ringwood Station. Development that takes advantage of the high level of exposure from the Maroondah Highway, Warrandyte Road and EastLink frontages. A clear visual increase in building height from adjoining lower scale developments in Precincts 6b to be evident.
6b	14.5 metres (4 storeys): lot size above 1500 square metres. 21.5 metres (6 storeys): lot size above 2500 square metres.	Development that reflects a transition area between the lower scale residential areas and the higher intensity core area. Development that protects amenity impact on existing medium density residential in Ringwood MeAC and existing residential outside Ringwood MeAC.
Feature Form	53 metres (15 storeys)	Development that provides the tallest forms of development within Ringwood MeAC.

Table 9: Selected Interface Setbacks

Interface Type	Location and Type	Ground level setback (minimum)	Street wall/podium height	Upper level setback above podium/street wall (minimum)
5	Residential (Type B)	5 metres, plus 0.3 metres for every metre of height up to 6.9 metres, plus 1 metre of height over 6.9 metres from the southern boundary	11.5 metres (3 storeys)	3.5 metres

(iii) Evidence and submissions

RSL site, (Submitter 11)

REDC and CostaFox Development Pty Ltd, are a joint venue partnering with the Ringwood RSL to explore options for the future of the RSL site at 14-24 Station Street, Ringwood.

The RSL site comprises approximately 6,400 square metres of land on the south side of Station Street opposite the Ringwood Station. It is currently developed with the single storey RSL building in the north-western part of the site and contains at grade car parking surrounding the building to the south and east.

The site, together with other land on the south side of Station Street opposite the station, has been included within the expanded Activity Centre boundary as part of the 2018 Masterplan and this amendment. The site has interfaces to residential areas to the east, west and south within Kendall and James Streets, that are outside the activity centre.

Ms Heggen of Ratio gave urban design and town planning expert evidence on behalf REDC and CostaFox Developments.

Ms Heggen's written evidence stated:

From a built form perspective, the Amendment is aimed at guiding the next phase of change in the centre, which is intended to include further intensification of built form across various precincts, whilst managing the effects of such change on the amenity and character of the centre. This movement of height and intensification outwards from Melbourne CBD aligns with broad strategic directions which in recent years have seen substantial increases in density and higher built form emerging in higher order centres in the middle and outer rings of Melbourne.

...

The overall built form approach across the MeAC is to encourage taller buildings towards the core of the activity centre and on key landmark and gateway sites and areas where existing residential amenity will be less affected. Lower heights are nominated in existing residential areas where lots are generally smaller, with flexibility for slightly taller forms on larger allotments or where sites are consolidated.

Ms Heggen supported this broad strategy for managing building height across the activity centre, however based on her modelling, she considered that having regard to the opportunities of the RSL site, including large site area, direct connection to the heart of the activity centre, and three street frontages that the site could accommodate an increase in preferred height from 6 storeys as exhibited in the ACZ1 to 8 storeys (28.5 metres). She considered that this would reflect the strategic opportunity of the site and noted its ability

to manage off-site amenity impacts and a transition in scale towards the south (lower scale residential area) within the site itself.

REDC and CostaFox highlighted that Ms Heggen’s modelling demonstrated that the additional two storeys proposed with an increase of preferred height from 6 to 8 storeys, had minimal impacts on shadows to streets, and no difference if some small upper level setbacks were included. The diagrams also demonstrated that a building could be designed to ensure no additional shadow to land within the GRZ to the south, if again, small upper level setbacks were included for levels 7 and 8. The submission also highlighted the opportunity to vary heights across the site to respond to interfaces.

REDC and CostaFox submitted that the site provides an outstanding transit oriented development opportunity that should be utilised, both given its location within the MeAC and also next to the station, referencing:

- Plan Melbourne Direction 2.2 that states: “Deliver more housing closer to jobs and public transport,” including “near existing and proposed railway stations that can support transit-oriented development”.
- ACZ head clause that states: “To encourage a mixture of uses and the intensive development of the activity centre” and “to support sustainable urban outcomes that maximise the use of infrastructure and public transport.
- Proposed precinct objectives (Clause 5.6-4) that encourages uses that ‘maximise’ public transport infrastructure, and
- Various provisions of the Planning Policy Framework relating to settlement, land use and transport planning and the principal public transport network.

REDC and CostaFox acknowledged that these directions to ‘maximise’ development need to be balanced with the sensitive southern interface.

Finally, REDC and CostaFox supported the additional decision guidelines as recommended by Ms Waty for Council and also recommended the ACZ1 be amended to:

- Delete of the words “to its north abutting precincts” at Clause 5.6-2 (precinct objectives).

Other issues raised by this submitter in relation to the extent of the Activity Centre boundary and overshadowing are addressed in Chapters 2.2 and 5.3 of this report.

In response to this submission, Mr Waty in her urban design evidence for Council stated:

While development scale that is greater than 6-storey can potentially be achieved along its Station Street frontage, noting its proximity to the station and large land holding, their ultimate scale will need to be assessed against the urban design principles, their role in relation to the Centres urban structure as well as its ability to consider residential character and amenity to the south.

Ms Waty also recommended considering referencing ResCode Standard B17 and B20 to manage side and rear setbacks for sites abutting the General Residential Zone (GRZ) in Precinct 6b.

Uniting Church of Australia site (Submitter 43)

The UCA own land at 28 and 30-32 Station Street, and 4B Greenwood Street, 1 Kendall Street and 2 Bedford Street, Ringwood. The combined sites have an overall area of approximately 6,115 square metres.

The key concern of the UCA was that the height controls are insufficient given the site context and opportunities being opposite the Ringwood Station

UCA submitted that the Activity Centre boundary should be moved to the south to at least include 1 Kendall Street, that is also within the ownership of the UCA, and that the interface treatments should be moved accordingly. The land at 2 Bedford Street is also outside the ACZ1 boundary and within the UCA ownership, however this land is separated by Greenwood Avenue. UCA also submitted that the land to the south of the UCA site between Greenwood Avenue and Kendall Street should be nominated as a transition area, that in time could accommodate medium to higher density residential opportunities.

In relation to the preferred building height UCA submitted that there is significant potential to achieve a higher built form than the nominated 4-6 storey building height included in the ACZ1. UCA recommended that the site be nominated as a 'key redevelopment site' on the precinct map, and be given a preferred height of 35.5 metres (10 storeys). UCA recommended that the associated 'outcomes to be achieved' state:

Development that consolidates higher density mixed use opportunities adjacent to the Ringwood Rail Station and provides a height and scale transition down to existing residential outside Ringwood MeAC.

(iv) Discussion

RSL

The Panel agrees with that there is strong support in Plan Melbourne and the Planning Policy Framework to optimise or maximise development around public transport infrastructure, for both environmental and liveability reasons, particularly within activity centres. For the RSL and UCA sites, this must be balanced with considerations of amenity to the adjoining properties outside the ACZ, within a lower scale residential area.

The Panel accepts the evidence of Ms Heggen that the RSL site has the opportunity for increased building height beyond the preferred height of 6 storeys (for sites above 2100 square metres) given the large site area, three road frontages and its location directly opposite the Ringwood Station and heart of the activity centre. The Panel also accepts her conclusions that the additional height can be comfortably managed to avoid any unreasonable off-site impacts and provide a transition towards the south through upper level setbacks, and other siting and design measures.

In examining the interface treatment at the southern interface of Precinct 6b with the residential area outside the activity centre, it became apparent that there was some confusion relating to how to apply the Interface Type 5 control. Ms Heggen highlighted the ambiguity of how the ground level setback control in the table works together with the 'street wall/podium height' and 'upper level setback controls' in the table.

The Panel agrees with Ms Heggen that the street interface requirements are about achieving an appropriate street edge scale, sense of space and upper level recession in the public realm. This is different than the residential interface treatments that are about managing visual bulk and protecting amenity and ensuring a transition to residential properties.

The Panel agree that it would be better to provide for separate tables in managing street interfaces and residential interfaces. Ms Heggen suggested the following table for the Type

5 interface and the Panel agree that this is clear and more appropriate. Council in its Part C submission also accepted this change, including:

Residential interfaces

Interface Type	Location and type	Boundary setback up to a building height of 11.5 metres	Additional setback above 11.5 metres
5	Residential (Type B)	5m setback plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres from the southern boundary.	3.5 metres

The Panel notes that the above table reflects the B17 side and rear setback control, however given it is along the southern interface of these properties, there may be circumstances where the B20 – north facing windows objective, would require a greater setback.

The Panel also accepts Ms Waty's recommendations to provide additional decision guidelines that include consideration of land at the interface with a residential zone having regard to built form, overlooking and overshadowing and provide for a transition to land outside the Ringwood MeAC boundary; and to include reference to Clauses 54 and 55. The Panel agrees that these provisions are appropriate.

The Panel accepts the drafting recommendations of REDC and CostaFox however considers that Precinct objective 2 should be reworded to read:

To embody the public transport core of the city and place and support substantial change to take advantage of this key gateway.

UCA

While the UCA site also benefits from its location on the doorstep of the Ringwood Station and proximity to the central core of the activity centre, and therefore from the same policy support for intensification around transport nodes, this site does have more constraints than the RSL site. This includes the existing Church building that the Panel was advised has some heritage value, the more irregular site shape comprised of multiple parcels, and location at a higher point topographically than much of the surrounding land. It also does not benefit from the three street frontages that the RSL site has, based on the exclusion of 1 Kendall Street from the ACZ boundary, and has multiple low scale residential property abutments.

A Yield Study for the site was provided to the Panel showing a possible redevelopment at 10 storeys stepping down to the residential areas, however there was no modelling about what the impacts of this increased height for this site would be in terms of shadowing etc, or expert evidence presented in support of the proposed 10 storey preferred height. Given this, and having regard to the constraints described above, the Panel does not support the ACZ1 being amended to provide for a preferred height of 10 storeys as proposed. It does however accept that the combined sites have a greater opportunity for increased height and therefore supports a preferred height of 8 storeys on the combined lots, subject to an outcome that allows for greater height towards Station Street, and transitions down to the residential interface.

In relation to the submitter's request to include 1 Kendall Street within the ACZ1 boundary, the Panel does not consider that being in the same land ownership is sufficient reason to justify a change. 1 Kendall Street is a site of some 600 sqm, is currently developed with a

single storey dwelling, and does not form part of the non-residential uses elsewhere on the UCA land holding. It is also somewhat separated by the property on the corner of Kendall and Station Streets within different ownership. The site is currently within the GRZ that allows for three storey development and building height of 11 metres that therefore does allow for some (Albeit limited) redevelopment opportunities. The Panel is not satisfied that the ACZ1 should be changed.

(v) Conclusions and recommendations

The Panel concludes that:

- the RSL site should have a preferred maximum height of 8 storeys (28.5 metres)
- the consolidated land owned by the UCA within the Activity Centre boundary is capable of having a preferred height of 8 storeys (28.5 metres)
- an additional interface table for setbacks to residential areas should be provided to differentiate it from the street wall/podium requirements
- the ACZ1 be should updated to include the additional decision guidelines recommended by Ms Waty
- Clause 4.4 should be amended to include: “An application to exceed the preferred heights should demonstrate how the relevant precinct objectives and development objectives of this schedule are achieved.”
- Clause 5.6-2 (precinct objectives) should be amended to clarify the intent.
- no change should be made to the ACZ boundary.

The Panel recommends:

15. Amend the Precinct map at Clause 5.6-1 to replace interface Type 5 with the new residential interface along the southern boundary of the precinct.

16. Amend Clause 5.6-2 Precinct objectives, the second dot point to state, ‘To embody the public transport core of the city and place and support substantial change to take advantage of this key gateway’.

17. Amend Clause 5.6-3 Precinct requirements, Building heights, to add a preferred height in Precinct 6b of 28.5 metres (8 storeys) for sites with an area above 5,000 square metres.

18. Amend Clause 5.6-3 Precinct requirements, Interface setbacks to insert a new table for Interface setbacks (residential) as set out below:

Residential Interface ⁷	Boundary set back up to a building height of 11.5 metres	Additional set back above 11.5 metres
8	5 metre setback plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus one metre for every metre of height over 6.9 metres from the southern boundary	3.5 metres

19. Amend Clause 8.0 Decision guidelines to include:

- a) The extent to which buildings are not competing with Feature Forms.**

⁷ See Chapter 6.6

- b) The extent to which varied heights/setbacks do not result in adverse amenity impact on residential areas.
- c) The extent to which varied heights/setbacks provides clear stepping down in built form to the established residential neighbourhood outside the Activity Centre boundary without resulting in overtly stepped profile.
- d) Consideration for on-site amenity for future occupants.

6.7 Precinct 7 – Heatherdale Station Precinct

(i) The issues

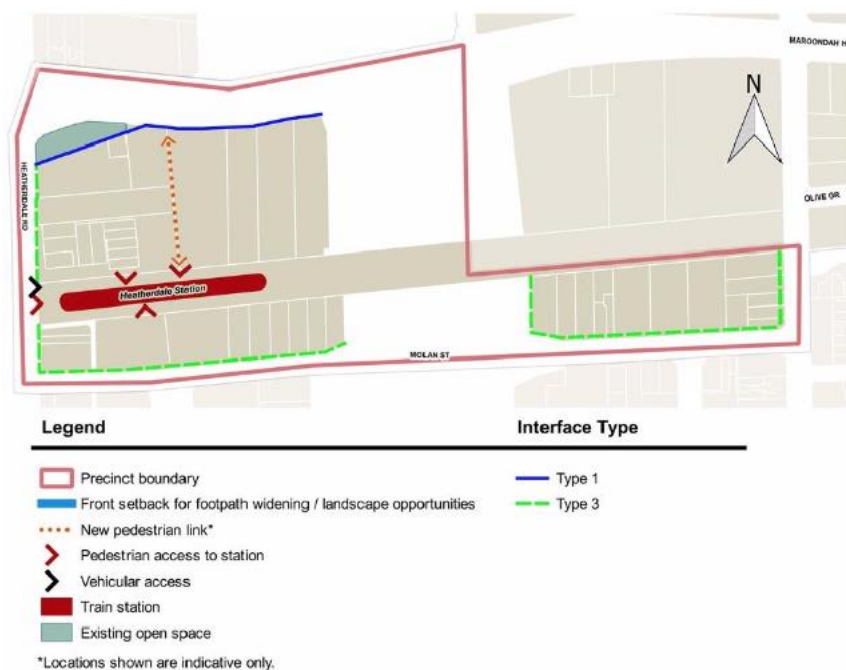
There were three submissions within Precinct 7, being submitters 10, 12 and 13.

The built form issues are:

- The height controls represent an underdevelopment of the opportunities of the precinct particularly considering the proximity to the relocated Heatherdale Station.

(ii) What do the controls say?

Precinct Map



Precinct objectives

To encourage fringe transit oriented development addressing Heatherdale Station and Maroondah Highway with low rise industrial precinct defining the south western approach into Ringwood MeAC.

To encourage a new regime of mixed uses with a strong employment function at the western approach into Ringwood MeAC.

To reinforce built form that improves public space contribution.

To encourage higher forms towards the Maroondah Highway and EastLink junction, in transition down along its residential abutments to the west.

To support employment functions and a new and improved 'public' presentation to the south.

Table 10: Precinct 7 Building Heights

Precinct	Preferred height	Outcomes to be achieved
7	14.5 metres (4 storeys): lot size above 1500 square metres 21.5 metres (6 storeys): lot size above 2500 square metres.	Development that reflects a transition area between the lower scale peripheral residential area and the higher intensity core area

(iii) Evidence and submissions**Markmont Pty Ltd**

Markmont Pty Ltd – the owner of the land at 8-10 Maroondah Highway – submitted that the preferred building heights for the precinct represent a significant underdevelopment given the strategic and physical context of the site, and in particular the proximity to Heatherdale Station.

Mr Biacsi of Contour Consultants, gave town planning evidence on behalf of Markmont. His evidence was that at a broad strategic level, MeAC's are places of state significance and are critical to metropolitan growth. He said that the relocation and redevelopment of the Heatherdale Station was a 'game changer' and considered EastLink had been transformative in terms of influence. In terms of built form, Mr Biacsi stated that the proposed preferred height controls of 14.5 metres (4 storeys) for sites above 1500 square metres, and up to 21.5 metres (6 storeys) for sites greater than 2,500 square metres was an underwhelming response to the opportunities of the precinct. He considered that the Markmont land was ripe for redevelopment with:

- redundant commercial-industrial buildings
- significant land size of the combined lots of 6,079 square metres
- separated from sensitive interfaces; and
- not constrained by the high voltage transmission lines.

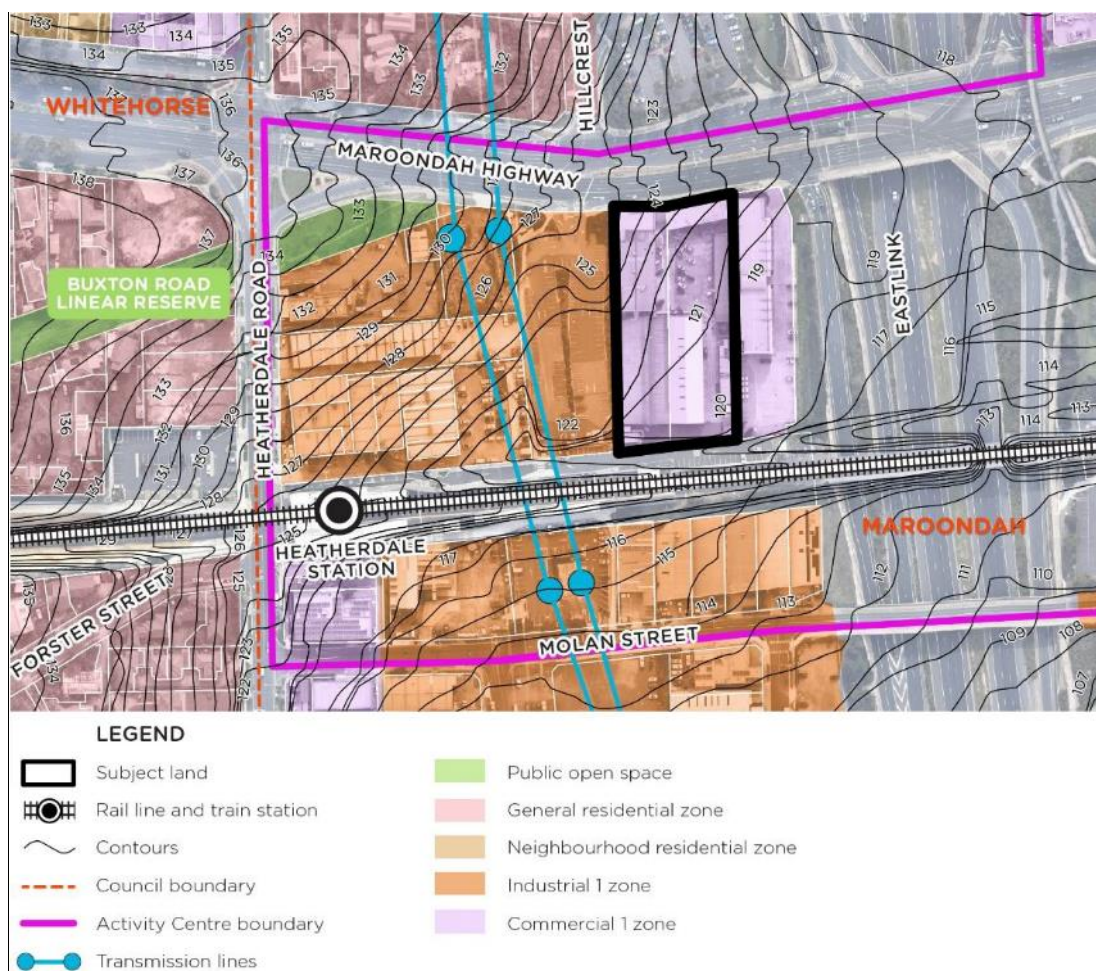
He considered that the Markmont land and adjoining site abutting EastLink could be differentiated from the outer edges of the precinct at the interface to residential land and should become a sub-precinct in the ACZ1. His evidence was a preferred height of in the order of (at least) 8-10 storeys (or up to 35.5 metres in height) could be justified in this sub-precinct.

Issues raised by Mr Biacsi in relation to land uses is discussed in Chapter 3.

Mr Mark Sheppard, Kinetica gave urban design evidence on behalf of Markmont. He considered the built form controls as exhibited failed to acknowledge the precincts role as an entry to the Activity Centre, however he considered that that it warranted a 'lower' sense of arrival compared to other entries, given the separation to the rest of the activity centre by EastLink. Like Mr Biacsi, he considered that the site and immediate neighbours could be considered differently from the rest of the precinct and had locational characteristics identified in the Masterplan to suit 'medium scale' rather than 'small scale' development, given the absence of direct interface to residential land; not at the edge of the activity

centre; comprising larger lots sizes and being at neither a high point or low point topographically. In these circumstances the Masterplan supports 8 storey development and Mr Sheppard considered that this was suitable for the Markmont land. He considered that development at 8 storeys in this sub-precinct, would better facilitate transit-oriented development; enable taller built form towards the junction of Maroondah Highway and EastLink as sought by the ACZ and Masterplan; and would remain below the potential height of other buildings at the northwest corner in absolute terms given the topography of the land. Mr Sheppard also highlighted that there was an approximately 5 metre fall across the land from Maroondah Highway to the south, and that there was no need to step down the slope given the unsensitive interface at the rear. Therefore his recommended height could be measured from the footpath at the sites frontage.

Figure 5: Existing Conditions Precinct 7



Source: Mr Sheppard's evidence

Issues relating to land uses raised by Markmont are addressed in Chapter 3 of this report.

Ms Waty on behalf of Council, in her urban design evidence, considered Precinct 7 as separated from the remainder of the Ringwood MeAC and described it as the western fringe, gradually transitioning to the hinterland. She acknowledged the Master Plan's support for higher development along Maroondah Highway and around Heatherdale Station, transitioning at its western and southern fringes. As such she considered that mid-rise form of 6 storeys was appropriate along Maroondah Highway and Heatherdale Road, stepping down to 4 storeys along Molan Street. She recommended that the minimum site

requirement for 4 storeys should be updated to 1,400 square metres and for 6 storeys to 2,100 square metres.

11-13 Heatherdale Road

The owners of the land at 11 and 13 Heatherdale Road considered that there was a lack of assessment or modelling to justify the heights proposed, in the context of being located within one of the highest levels of activity centres in metropolitan Melbourne and given that higher densities and more intensive building form around train stations is supported by Plan Melbourne. It was submitted that the height controls should be amended to allow a minimum of 6 storeys and remove any link to land area requirements, and that accommodation and office should be a section 1 uses.

Council noted their surprise at the submission, given that the written submission made by the owners (submitters 10 and 12) during exhibition of the Amendment, did not raise the criticisms presented to the Panel, and instead expressed support for the Amendment. On this basis, Council had not prepared a response to the issues raised.

(iv) Discussion

Council's view, as expressed in the Masterplan and by Ms Waty, was that Precinct 7 was a fringe precinct and at the edge of the activity centre, and therefore supported the precinct ambition as outlined in the Master Plan stating:

Fringe transit-oriented development opportunities addressing Heatherdale Station and Maroondah Highway with low rise industrial precinct defining the south western approach into Ringwood MeAC.

The Panel however agrees with the submitters, including the evidence on behalf of Markmont, that this under-represents the opportunities of at least part of this precinct, particularly in the context of being on the doorstep of the relocated Heatherdale Station and as an entry to a Metropolitan Activity Centre.

Sub-Precincts

It was common ground that there were a number of constraints across parts of the precinct, including the:

- high voltage power lines to the west of the Markmont land
- existing industrial 1 zoning relating to the western part of the precinct fronting Maroondah Highway and the southern part of the precinct, excluding land fronting Heatherdale Road
- proximity to residentially zoned land outside the activity centre at the edges of the precinct (see Figure 55).

The remainder of Precinct 7, including the Markmont land, is currently in the C1Z; is more centrally located in the precinct rather than at the 'edge'; and is located on the doorstep of the station. These factors have implications for both land use and built form and accordingly, the Panel agrees that there should be sub-precinct controls to acknowledge the different opportunities and constraints of land within Precinct 7. This would also be consistent with the Master Plan in stating:

Higher built form should be located towards the Maroondah Highway and Eastlink Junction, in transition along its residential abutments to the west.

Council in their closing submissions, accepted the concept of the sub-precinct, nominating 7a to the majority of the land and 7b to the Markmont and adjoining land to the east, consistent with the Markmont suggestions for a sub-precinct.

The Panel considers that the land to the south of the station fronting Heatherdale Road, currently within the C1Z should also be included in Precinct 7b. This would effectively include all land currently in the C1Z within Precinct 7b and all land currently in the INZ1 in Precinct 7a. Like the Markmont land, the Panel does not consider that this land to the south of the railway land should effectively be ‘back zoned’ with more restrictive land uses and height controls than currently exist, but rather the ACZ1 should provide for opportunities for mixed redevelopment of this land to optimise transport infrastructure within the MeAC. Similarly, this land south of the station is separated from residential areas by Heatherdale Road (within the city of Whitehorse) and has rear abutments to low scale industrial uses currently within the INZ1.

Issues relating to land uses within these two sub-precincts is discussed in Chapter 3.

Built Form

The Markmont land is clearly a redevelopment opportunity, and the Panel acknowledges the significant strategic planning policy support for increased densities within higher order activity centres and around transport nodes, and in particular stations. The Markmont land comprises a significant land area, and with the absence of sensitive interfaces, the Panel agrees that development should be optimised in this location, rather than constrained. The Panel consider that this precinct is a ‘gateway’ and while it separated from the core retail to the east, that the strategic opportunities of this location should not be downplayed.

Both the exhibited controls at a preferred height of 14.5 metres and those recommended in Councils Part B submission for 21.5 metres on larger sites in Precinct 7 represents little change from the current provisions that have been in place since 2010 (Amendment C70) that allow a maximum building height of 18 metres on the site. Since this time there has been significant population growth within metropolitan Melbourne; the Ringwood Activity Centre has been nominated as a metropolitan activity centre; and the relocation of Heatherdale Station and EastLink provide further context for greater development opportunity. The Panel therefore accept the evidence of both Mr Biacsi and Mr Sheppard that the height controls should be increased.

Under cross examination, Mr Sheppard was comfortable that the feature form sites would still retain dominance within the activity centre if the height controls were increased for Precinct 7b and while he accepted the premise of Ms Waty that Ringwood Station should have primacy as a gateway, he noted in reality the two precincts would not be viewed together given their physical separation. The Panel also notes that the Masterplan and ACZ1 include feature form buildings located around the Ringwood Station precinct that will further mark this important transport node.

A consistent theme throughout the Hearing was the notion that larger or consolidated sites should be capable of accommodating higher built form. This is reflected in the trigger for additional height by minimum lot areas in the ACZ1 controls as proposed. Markmont proposed preferred heights for Precinct 7b of 28.5 metres (8 storeys) and 35.5 metres (10 storeys) for lots above 2,500 square metres. Given the size of the Markmont lots and adjoining site, this would allow for 10 storeys for Precinct 7b fronting Maroondah Highway

as a preferred height. With the Panel's recommended inclusion of the land to the south of the station fronting Heatherdale Road on much smaller lots, the Panel consider that the preferred height for Precinct 7b should be:

- smaller lots: 21.5 metres (6 storeys)
- sites above 2,500 square metres: 28.5 metres (8 storeys)
- sites above 5,000 square metres: 35.5 metres (10 storeys).

The Panel considers the lot limit of 1,400 square metres is unnecessary in Precinct 7a to allow for 4 storeys, noting that 4 storeys is 'low scale' within the context of an Metropolitan Activity Centre, and having regard to the rising topography, development within the GRZ to the west could be higher than that within the activity centre based on this requirement.

(v) Conclusions and recommendations

The Panel recommends:

- Update the precinct objectives to better reflect the opportunities of Precinct.
- That the building heights be divided into Precinct 7a and Precinct 7b and include a preferred height in Precinct 7b of 21.5 metres (6 storeys); 28.5 metres (8 storeys) for sites above 2,500 square metres; and 35.5 metres (10 storeys) for sites above 5,000 square metres.

20. Include a Sub Precinct Map at Clause 5.7-4 including the sites at 8-12 Maroondah Highway and 11A-19 Heatherdale Road within Precinct 7b and the remainder of the precinct within Precinct 7a.

21. At Clause 5.7-2, update the first precinct objectives as follows:

- a) To encourage transit oriented development opportunities around Heatherdale Station as a key entry into Ringwood MeAC.**

22. At Clause 5.7-3 include Building Heights as set out below:

Precinct	Preferred height	Outcomes to be achieved
7b	21.5 metres (6 storeys) 28.5 metres (8 storeys) lot size above 2,500 square metres 35.5 metres (10 storeys) lot size above 5,000 square metres	Development that takes advantage of the high levels of exposure from the Maroondah Highway and Eastlink frontages and gateway of Heatherdale Station. Development that marks the Maroondah Highway and Eastlink Junction and takes advantage of the fall of the land and separation from the residential area.

7 Development contributions

(i) The issue

The Amendment proposes to introduce the DCP as an incorporated document that will replace the Ringwood District Centre Development Contributions Plan dated July 1997.

There were 4 submissions which relate to the proposed DCP that raised issues of:

- applicable land use rates for residential aged care and retirement village
- expressing levies as a percentage of value as opposed to a flat rate having regard to different dwelling types
- excluding items such as proposed shared paths/laneways from the DCP.

(ii) What do the controls say?

The Amendment proposes to update the Development Contributions for the activity centre. The revised Summary of Costs (in Council's Part B submission) is shown below.

Table 11: Summary of costs

Facility	Total cost \$	Time of provision	Actual cost contribution attributable to development \$	Proportion of cost attributable to development %
Community facility CFCI	\$0	2018-2038	\$0	-
Community facility CFDI	\$600,000	2018-2038	\$326,294	54.38%
Path PADI	\$15,226,332	2018-2038	\$5,697,585	37.42%
Road RDDI	\$37,945,361	2018-2038	\$8,501,232	22.40%
Drainage RDDI	\$8,100,000	2018-2038	\$3,048,229	37.63%
TOTAL	\$61,871,693		\$17,573,340	28.40%

(iii) Evidence and submissions

Ryman Healthcare (Australia) submitted that it is not clear how the DCP is to apply to residential aged care and retirement villages uses.

Mr Hrelja's economic evidence on behalf of Council, noted that Council's interpretation of the Planning Scheme definition for these land use groups would apply, or land use definitions could be added to the DCP if required. If there is doubt about a particular use, in accordance with section 6.2 of the DCP, the commercial use would apply.

Mr Hrelja considered residential aged care to be akin to health services and that a commercial rate should apply. However for retirement village, he considered that this was more closely associated with residents and dwellings and therefore the residential rate should apply. Council noted in their Part B submission that they agreed with this evidence.

The Ringwood Church of Christ highlighted that potential uses on its land may include affordable housing, residential apartments, educational and community services, commercial uses and other non-residential uses to serve the local community.

While generally supporting the amendment they expressed some concern regarding the development contribution charges for dwellings which would apply a flat rate per dwelling rather than as a percentage of developed improved value. They submitted that the flat rate does not take into account the difference in scale and housing type, for example for an affordable housing unit.

In response to this submission Mr Hrelja noted that some development types are exempt from DCP levies, and exemptions can apply to social and affordable housing. He was not sure whether the Church of Christ would qualify for such an exemption.

Mr Hrelja also advised that the DCP approach in applying a dwelling unit rate and rate per square metre of non-residential floorspace is standard practice for established areas and that DCP practice over the past 25 years had confirmed this approach. While it was possible to seek a percent of development value, this was not an approved or preferred approach in the DCP system. He also noted that in order to avoid too much complexity, the DCP system almost always adopts three or four categories of land use types for the purposes of apportionment (residential, retail, commercial and industrial). While you could have sub-groups for say residential, it would create a lot of complexity and may not make much difference to the levies. Mr Hrelja did not recommend any change to the DCP or DCPO11 in response to this submission.

Several other submitters expressed concerns that the Masterplan and ACZ1 shows future shared paths/laneway/service access etc on private land, however that these are not accounted for or costed in the DCP. As noted in Chapter 4, Council relied on Mr Hrelja's evidence that it was not unusual for planned projects to be excluded from a DCP, and that funding for projects can come from a variety of sources.

Finally, Mr Hrelja identified some corrections to the exhibited DCP and DCPO1, being:

- change the time of provision from 2018 to 2038 instead of 2016 to 2036
- change the total cost commitment of the DCP for roads in the exhibition version to \$37,945,361 instead of \$15,226,332
- change the Retail Development Infrastructure levy in the exhibition version to \$168 instead of \$160.

(iv) Discussion and conclusions

The Panel notes that the DCP was not significantly challenged in submissions.

The Panel accepts the evidence of Mr Hrelja in relation to how residential aged care and retirement village would be dealt with under the DCPO1 and that a dwelling rate or rate per square metre rate is standard practice. Some of the indicative access infrastructure such as shared paths are discussed in Chapter 4 of this report.

Overall the Panel does not consider there is any need to change the Amendment, apart from the corrections noted by Mr Hrelja in his evidence.

23. Update the figures in the Development Contributions Plan and the proposed Development Contributions Plan Overlay as tabled in Document 52.

Appendix A Submitters to the Amendment

No.	Submitter
1	Bigbai Pty Ltd (30 Sherbrook) and Sherbrook Property Pty Ltd
2	S and J Stone Investment
3	Barro Group Pty Ltd
4	Ringwood Church of Christ
5	Linda Moore
6	Lakewood Management Pty Ltd
7	Villani Investments Pty Ltd
8	Andrea Skraba
9	Ryman Healthcare Australia
10	Charles Wong
11	REDC and CostaFox Developments Pty Ltd
12	Michael Tzimokas
13	Markmont Pty Ltd
14	Chris Cosgriff
15	Christine Hebblethwaite
16	Craig Brewer
17	Paul De Iulio
18	Kylie Jones
19	ConnectEast Pty Ltd (referred to by Council as EastLink Operations Centre)
20	QIC
21	Melbourne Water
22	L&N Freeman Nominees Pty Ltd
22	Trustee for LUP Trust
23(late)	Uniting Church in Australia (UCA)
23	Jason Cornish
24(late)	The Department of Transport

Appendix B Parties to the Panel Hearing

Submitter	Represented by
Maroondah City Council	Maria Marshall of Maddocks calling the following expert evidence: - Economics from Alex Hrelja of Hill PDA Consulting - Urban Design from Gerhana Waty of Hansen Partnership
Bigbai Pty Ltd (30 Sherbrook) and Sherbrook Property Pty Ltd	Jun Yu of Best Hooper Lawyers
REDC and CostaFox Developments Pty Ltd	Sean McArdle briefed by Norton Rose Fulbright Australia calling the following expert evidence: - Urban design and planning from Catherine Heggen of Ratio Consultants
ConnectEast Pty Ltd (referred to by Council as EastLink Operations Centre)	Jessica Kaczmarek of Norton Rose Fulbright
Lakewood Management Pty Ltd	Louise Hicks of Counsel
Barro Group Pty Ltd	Peter O'Farrell and Andrew Walker of Counsel calling the following expert evidence: - Strategic planning from Colleen Peterson of Ratio Consultants - Urban design from Amanda Roberts of SJB Urban
Uniting Church in Australia (UCA)	Andrew Robertson of Tract Consultants
Markmont Pty Ltd	Tania Cincotta of Best Hooper Lawyers calling the following expert evidence: - Urban Design from Mark Sheppard of Kinetica - Planning from Andrew Biacsi of Contour Consultants
Michael Tzimokas & Charles Wong	Zoran Sajinovic of 2181 Planning
Villani Investments Pty Ltd	Robbie McKenzie of Ratio Consultants
L&N Freeman Nominees Pty Ltd	David Gold of PlannedFX
The Department of Transport	Michael Bayley, Department of Transport
Andrea Skraba	

Appendix C Document list

No.	Date	Description	Presented by
1	11/06/2020	Correspondence from Markmont Pty Ltd to Panel in regard to Hearing timeframes	Tania Cincotta, Best Hooper Lawyers on behalf of Markmont Pty Ltd
2	12/06/2020	Response from Department of Transport in regard to late submission	Michael Freeman, Department of Transport
3	"	Response from Council in regard to Department of Transport request	Thy Nguyen, Maddocks on behalf of Maroondah City Council
4a	19/06/2020	Maroondah Residential 2 Zone Urban Design Frameworks Guidelines	"
4b	"	Submissions (collated)	"
4c	"	Panel Report Maroondah C16	"
5	"	Letter from Panel to Parties - Directions (v1) and Timetable (v1)	Lester Townsend, Panel Chair
6	26/06/2020	Email from Council to Panel - relevant background documents and confirmation of experts	Maria Marshall, Maddocks on behalf of Maroondah City Council
7	"	Letter from REDC and CostaFox Developments Pty Ltd to Panel - confirmation of expert	Jamie Truong, Norton Rose Fulbright on behalf of REDC and CostaFox Developments Pty Ltd
8	30/06/2020	Email from Barro Group to Panel - confirmation of experts	Shayne Link, Contour Consultants on behalf of Barro Group
9	"	Letter from Council to Panel - Uniting Church Australia (UCA) submission	Maria Marshall, Maddocks on behalf of Maroondah City Council
10	"	Uniting Church Australia (UCA) - Submission	"
11	6/07/2020	Letter from Council to Panel – Councils Part A submission and plan showing location of Submitters	"
12	"	Council Part A submission	"
13	10/07/2020	Department of Transport submission	Michael Bayley, Department of Transport
14	"	DoT Submission Attachment 2 - Draft Ringwood MAC Masterplan 2018 – Transport for Victoria	"

No.	Date	Description	Presented by
Submission (Oct 2018)			
15	13/07/2020	Letter from Council to Panel – serving expert evidence	Maria Marshall, Maddocks on behalf of Maroondah City Council
16	“	Council - Expert Evidence – Gerhana Waty – Urban Design	“
17	“	Council – Expert Evidence – Alex Hrelja - Economics	“
18	14/07/2020	REDC and CostaFox - Expert Evidence - Catherine Heggen - urban design and planning	Jamie Truong, Norton Rose Fulbright on behalf of REDC and CostaFox Developments Pty Ltd
19	16/07/2020	Markmont - Expert Evidence - Andrew Biacsi - Planning	Ms Tania Cincotta and Lucy Eastoe, Best Hooper Lawyers on behalf of Markmont Pty Ltd
20	“	Markmont - Expert Evidence - Mark Sheppard - Urban Design	“
21	16/07/2020	Barro Group - Expert Evidence - Colleen Peterson - Strategic Planning	Nerelie Pugh, Contour Consultants on behalf of Barro Group
22	“	Barro Group - Expert Evidence - Amanda Roberts - Urban Design	“
23	20/7/2020	Lakewood Management plans/sections	Rigby Cooke
24	“	Endorsed plans, 32-48 Maroondah Highway	Contour Consultants on behalf of Barro Group
25	“	Council Part B Submission	Maddocks on behalf of Maroondah City Council
26	“	VPA Issues Paper	“
27	“	Ringwood MAC Capacity Analysis	“
28	21/07/2020	Submission for Bigbai P/L and Sherbrook Property	Best Hooper
29	“	Submission for REDC and CostaFox	Sean McArdle, Barrister
30	“	Submission for ConnectEast and attachment	Jessica Kaczmarek of Norton Rose Fulbright
31	“	‘Biodiversity in Maroondah’, Vol 2, prepared for Maroondah City Council, June 2020	Maddocks on behalf of Maroondah City Council
32	“	Submission for Lakewood Management Pty Ltd and attachment	Louise Hicks, Barrister
33	“	‘Biodiversity in Maroondah’, Vol 1, prepared for Maroondah City Council, June 2020	Maddocks on behalf of Maroondah City Council

No.	Date	Description	Presented by
34	"	Aerial photo of Ringwood Park Lake	"
35	22/07/2020	Submission for Uniting Church in Australia	Andrew Robertson, Tract Consultants
36	"	PowerPoint for Uniting Church in Australia	"
37	"	Submission for Barro Group P/L	Peter O'Farrell (Barrister) & Andrew Walker (Barrister)
38	"	Barro Group mark up of ACZ1	"
39	23/07/2020	Submission for Markmont Pty Ltd	Tania Cincotta, Best Hooper Lawyers
40	"	Markmont changes to Precinct 7, ACZ1	"
41	"	Catherine Heggen', memorandum, Ratio on behalf of REDC and CostaFox	Norton Rose Fulbright
42	24/7/2020	Submission for L & N Freeman Nominees P/L	David Gold, Planned F.X
43	"	Submission for Michael Tzimokas & Charles Wong	Zoran Sajinovic, 2181 Planning
44	"	Submission for Villani Investments P/L	Robbie McKenzie, Ration Consultants
45	"	Submission by Andrea Skraba	Andrea Skraba
46	"	The Department of Transport submission	Michael Bayley, Department of Transport
47	"	Attachment to DOT submission – Traffic Impact assessment for Ringwood Metropolitan AC	"
48	"	Government Gazette for road discontinuance	Andrea Skraba
49	"	Council Part C submissions in Reply	Maria Marshall, Maddocks on behalf of Maroondah City Council
50	"	Annexure A: Table Identifying Councils response to experts recommendations to proposed ACZ1	"
51	"	Annexure B: Clean Version of Council's final version of ACZ1 and DCPO1	"
52	"	Annexure B: Tracked changes version of Council's final version of ACZ1 and DCPO1	"
53	"	Annexure C: 'Sites of Biological Significance in Maroondah' Vol 2, to Maroondah City Council, February 1997	"
54	"	Annexure D: Comparison of MAC sites and associated building heights	"

No.	Date	Description	Presented by
55	3/08/2020	Further submission from Lakewood Management	Rigby Cooke Lawyers
56	12/08/2020	Letter from the Panel closing the Hearing	Lester Townsend, Panel Chair

Appendix D Panel preferred version of the Activity Centre Zone Schedule 1

Tracked Added

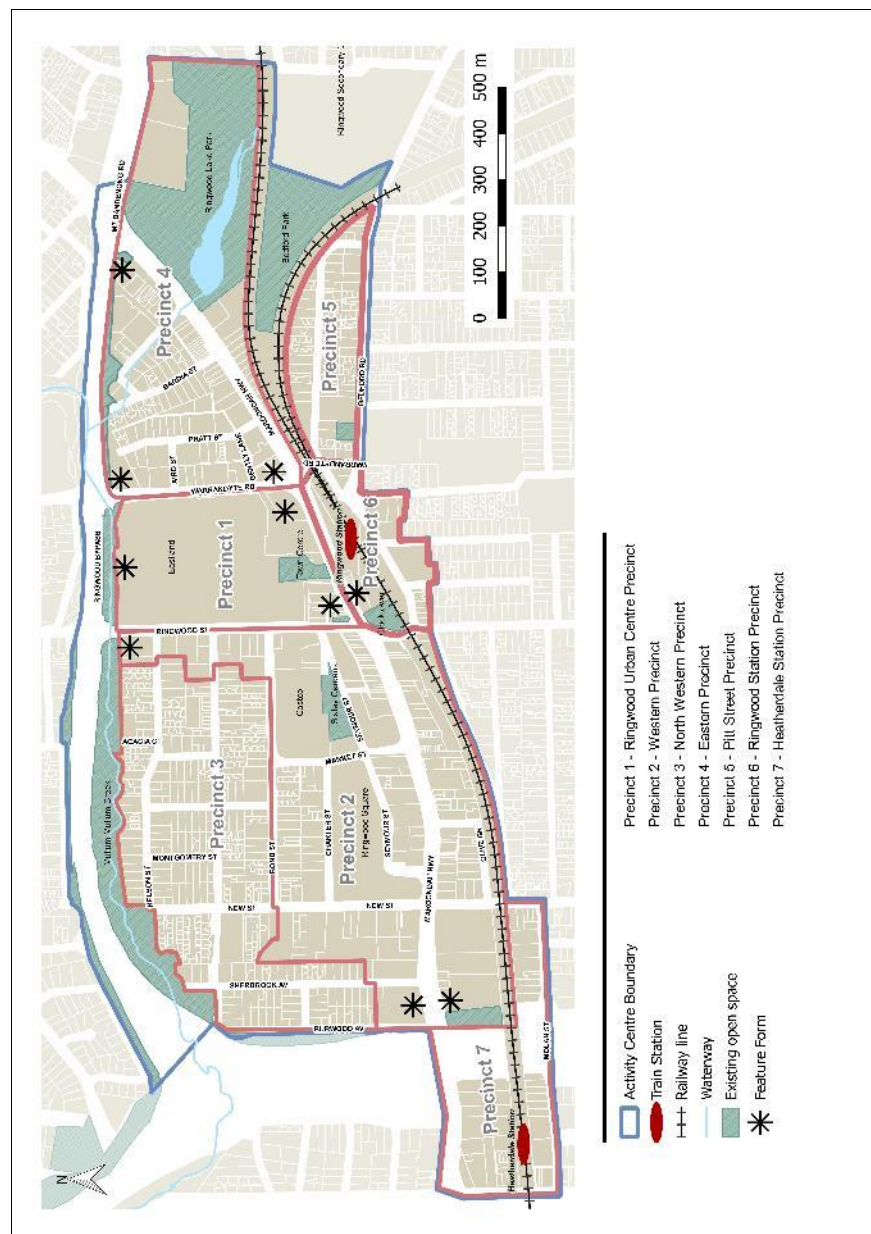
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SCHEDULE 1 TO CLAUSE 37.08 ACTIVITY CENTRE ZONE

Shown on the planning scheme map as ACZ1.

1.0 RINGWOOD METROPOLITAN ACTIVITY CENTRE

Ringwood Metropolitan Activity Centre (Ringwood MAC) framework plan



2.0 LAND USE AND DEVELOPMENT OBJECTIVES TO BE ACHIEVED

Land use

- To ensure a balanced land use mix in Ringwood MAC to promote future liveability and sustainability.
- To ensure that sufficient land is set aside for land uses that are integral to the functioning of a metropolitan activity centre.
- To attract a TAFE, university or multiple small education providers to diversify the daily population.
- To encourage high levels of residential activity while preserving the office base and retaining the opportunity to develop office stock.
- To encourage a mix of housing typologies for residential development.

Built form

- To ensure buildings are designed to respond to the preferred character of Ringwood's precincts and leverage the existing high quality public realm core.
- To encourage built form that provides active pedestrian interfaces along main roads.
- To support urban design that embraces the natural setting of Ringwood MAC and reinforces Ringwood's topography and landscape character.
- To protect and promote the historical features of Ringwood MAC.
- To encourage development form that heightens the sense of arrival at Ringwood MAC at key junctions and entries into the centre.
- To advance and improve the boulevard character of Maroondah Highway, extending the 'boulevard treatment' to the east and west of Ringwood MAC.
- To ensure that feature forms occupy land at higher points that are noticeable in the skyline across Ringwood MAC.
- To encourage future development that does not result in excessive and exposed cut and fill visible from public space.
- To provide opportunities for new landscaping including additional canopy tree planting and understorey vegetation.
- To provide a fine grained pedestrian path network with wider footpaths and additional pedestrian crossings that provide pedestrian priority.
- To ensure that development of sensitive land uses near the EastLink Freeway and Ringwood Bypass mitigates against the potential impact of traffic noise, to protect the health and amenity of occupants.

Environmentally sustainable design

- To reduce the environmental impact of the built form and provide other benefits such as increased occupant comfort and reduced operating costs.
- To encourage the consideration of sustainable design as early as possible in the designing of development to ensure Environmentally Sustainable Design (ESD) is optimised before an application is lodged.
- To enhance existing open space and connections to these spaces and provide opportunity for new open space on redevelopment sites.
- To minimise the impacts of new development on natural waterways, and to encourage the integration of water saving measures.

Subdivision pattern

- To encourage land consolidation that realises integrated development outcomes within the activity centre.
- To support increased development intensity on larger sites, without diminishing the importance of designated feature forms.

- To encourage site specific development responses on particularly large sites.

3.0 TABLE OF USES

Section 1 – Permit not required

Use	Condition
Accommodation (other than Community care accommodation, Corrective institution, Dependent person's unit, Dwelling, Residential aged care facility and Rooming house)	Must be located in Precinct 1 or 2. Any frontage at ground floor level must not exceed 2 metres (other than a bed and breakfast and caretaker's house).
Art and craft centre	Must be located in Precinct 1 or 2.
Bed and breakfast	Must be located in Precinct 3, 4, 5 or 6. No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Child care centre	Must be located in Precinct 1 or 2. Any frontage at ground floor level must not exceed 2 metres and access must not be shared with a dwelling (other than a caretaker's house).
Community care accommodation	Must not be located in Precinct 7. In Precinct 1 and 2 any frontage at ground floor level must not exceed 2 metres. Must meet the requirements of Clause 52.22-2.
<u>Convenience restaurant</u>	<u>In Precinct 3, 4, 5 or 6 the site must adjoin, or have access to, a road in a Road Zone.</u>
<u>Convenience shop</u>	
Dependent person's unit	Must be located in Precinct 3, 4, 5 or 6. Must be the only dependent person's unit on the lot.
~~Animal-keeping~~ Domestic animal husbandry (other than <u>Domestic</u> Animal boarding)	Must be located in Precinct 3, 4, 5 or 6. Must be no more than 2 animals.
Dwelling (other than Bed and breakfast and Caretaker's house)	Must be located in Precinct 3, 4, 5 or 6.
<u>Education centre (other than Child care centre, Primary school, and Secondary school)</u>	<u>Must be located in Precinct 1, 2 or 7.</u>
<u>Food and drink premises (other than Convenience restaurant and Takeaway food premises)</u>	<u>Must be located in Precinct 1, 2, 4, 6 or 7.</u> <u>In Precinct 4 the site must adjoin, or have access to, a road in a Road Zone.</u>
Home based business	
Informal outdoor recreation	~~Must be located in Precinct 1, 2, 3, 5 or 7.~~
<u>Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)</u>	<u>Must be located in Precinct 1 or 2</u>
Mail centre	Must be located in Precinct 7.

Use	Condition
Medical centre	~~Must be located in Precinct 3, 4, 5 or 6.~~ <u>In Precinct 5 the gross floor area of all buildings must not exceed 250 square metres.</u> In Precinct 5 must not require a permit under Clause 52.06-3. In Precinct 5 the site must adjoin, or have access to, a road in a Road Zone.
<u>Office (other than Medical centre)</u>	<u>Must be located in Precinct 1, 2, 4, 6 or Precinct 7.</u> <u>In Precinct 4 and 6 the site must have access to a road in a Road Zone.</u>
Place of worship	Must not be located in Precinct 7. The gross floor area of all buildings must not exceed 250 square metres. In Precinct 3, 5 and 6 the site must adjoin, or have access to, a road in a Road Zone.
Railway	
Residential aged care facility	Must be located in Precinct 3, 4, 5 or 6.
Retail premises (other than Food and drink premises, ~~Market, Plant nursery~~ and Shop)	Must be located in Precinct 1, ~~or 2~~ <u>or 4.</u> <u>Precinct 4 the site must adjoin, or have access to, a road in a Road Zone</u>
Rooming house	Must not be located in Precinct 7. In Precinct 1 or 2 any frontage at ground floor level must not exceed 2 metres. Must meet the requirements of Clause 52.23-2.
Shop (other than Adult sex product shop, <u>and Convenience shop</u> ~~and Restricted retail premises~~)	Must be located in Precinct 1, 2, ~~or 4, 6 or 7.~~ In Precinct 4 the <u>site must adjoin, or have access to, a road in a Road Zone</u> ~~leasable floor area must not exceed 150 square metres.~~
<u>Take away food premises</u>	<u>Must not be located in Precinct 5</u> <u>In Precinct 3, 4 and 6 the site must adjoin, or have access to, a road in a Road Zone.</u>
Tramway	
Any use listed in Clause 62.01 See Section 1 of 37.08-2 for relevant provisions	Must meet requirements of Clause 62.01.

Section 2 – Permit required

Use	Condition
Accommodation (other than ~~Caretaker's house~~ , <u>Community care accommodation, Corrective institution, Dependent person's unit, Dwelling, Residential aged care facility and Rooming house</u>)- if the <u>Section 1 condition is not met</u>	Must not be located in Precinct 7 <u>a</u>

Use	Condition
Adult sex product shop	Must be located in Precinct 1, 2 or 7. Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or, land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.
Agriculture (other than Animal production, Apiculture, <u>Domestic animal husbandry</u>)	Must be located in Precinct 1, 2, 4 or 7.
<u>Bed and breakfast - if the Section 1 condition is not met</u>	<u>Must not be located in Precinct 7a</u>
Brothel	Must be located in Precinct 1, 2 or 7.
Car park	In Precinct 3, 4 and 5 must be used in conjunction with another use in Section 1 or 2.
Car wash	In Precinct 3, 4, 5 and 6 the site must adjoin, or have access to, a road in a Road Zone.
Caretaker's house	Must be located in Precinct 7.
<u>Child care centre - if the Section 1 condition is not met</u>	<u>Must not be located in Precinct 7a</u>
Cinema Cinema based entertainment facility	Must be located in Precinct 1 or 2.
<u>Community care accommodation - if the Section 1 condition is not met</u>	<u>Must not be located in Precinct 7a</u>
~~Convenience restaurant~~	~~In Precinct 3, 4, 5 or 6 the site must adjoin, or have access to, a road in a Road Zone.~~
~~Convenience shop~~	
<u>Dependent person's unit - if the Section 1 condition is not met</u>	<u>Must not be located in Precinct 7a -</u>
<u>Domestic animal boarding</u>	
<u>Dwelling (other than Bed and breakfast and Caretaker's house) - if the Section 1 condition is not met</u>	<u>Must not be located in Precinct 7a</u>
Education centre <u>(other than Child care centre, Primary school, and Secondary school) – if the Section 1 condition is not met</u>	Must be located in Precinct ~~1, 2,~~ 4, 5 or 7. ~~In Precinct 7 it must not be a child care centre, primary or secondary school.~~
~~Food and drink premises (other than Convenience restaurant and Takeaway food premises)~~	
Hospital	~~Must not be located in Precinct 7.~~
Industry (other than <u>Car wash, Materials recycling and</u> Transfer station)	Must be located in Precinct 1, 2 or 7. Must not be a purpose listed in the table to Clause 53.10
Leisure and recreation (other than <u>Informal outdoor recreation</u> , Major sports and recreation facility and Motor racing track) <u>– if the Section 1 condition not met</u>	~~Must not be located in Precinct 7.~~
~~Market~~	

Use	Condition
Materials recycling	Must be located in Precinct 7. The land must be at least 30 metres from land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.
Office (other than Medical centre) – if the Section 1 condition is not met	<u>In Precinct 5 the site must adjoin, or have access to, a road in a Road Zone.</u> In Precinct 3 the land must be located within 100 metres of ~~a commercial zone or~~ Precinct 1 or 2. In Precinct 3 the land must have the same street frontage as the land in ~~the commercial zone or~~ Precinct 1 or 2. In Precinct 3 the leasable floor area must not exceed 250 square metres. ~~In Precinct 4 and 6 the site must have access to a road in a Road Zone.~~
<u>Place of assembly (other than Cinema, Cinema based entertainment facility and Place of worship)</u>	
~~Plant nursery~~	~~Must be located in Precinct 1, 2, 3, 5 or 6.~~
<u>Primary school</u>	<u>Must not be located in Precinct 7a</u>
<u>Residential aged care facility - if the Section 1 condition is not met</u>	<u>Must not be located in Precinct 7a</u>
~~Restricted retail premises~~	~~Must be located in Precinct 7.~~
<u>Secondary school</u>	<u>Must not be located in Precinct 7a</u>
Service station	Must not be located within Precinct 4. In Precinct 3, 5 and 6 the site must either: - Adjoin a commercial zone or industrial zone. - Adjoin, or have access to, a road in a Road Zone. In Precinct 3, 5 and 6 the site must not exceed either: 3000 square metres. 3600 square metres if it adjoins on two boundaries in a road in a Road Zone.
Shop (other than Adult sex product shop, ~~Bottle shop, and~~ Convenience shop - if the Section 1 condition is not met)	<u>Must not be located in Precinct 5.</u> In Precinct 3 ~~and 6~~ the land must be located within 100 metres of ~~a commercial zone, Mixed Use Zone or~~ Precinct 1 or 2. In Precinct 3 the land must have the same street frontage as the land in ~~the commercial zone, Mixed Use Zone or~~ Precinct 1 or 2. ~~Must not be located in Precinct 5.~~
Store	In Precinct 3, 5 and 6 must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
~~Take away food premises~~	~~In Precinct 3, 4 and 6 the site must adjoin, or have access to, a road in a Road Zone.~~

Use	Condition
Transfer Station	Must be located in Precinct 7. The land must be at least 30 metres from land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.
Utility installation (other than Minor utility installation and Telecommunications facility)	In Precinct 7 any gas holder, or sewerage or refuse treatment or disposal works, must be at least 30 metres from land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.
Warehouse (other than Mail centre and Store)	Must be located in Precinct 1, 2 or 7. Must not be a purpose listed in the table to Clause 53.10.
Any other use not in Section 1 or 3	

Section 3 – Prohibited

Use

Animal production
Corrective institution
Major sports and recreation facility
Motor racing track

4.0 CENTRE-WIDE PROVISIONS

4.1 Use of land

A permit is not required to use land for the purposes provided the use is carried out by, or on behalf of, the public land manager.

4.2 Subdivision

None specified.

4.3 Buildings and works

A permit is not required to construct a building or construct or carry out works for the following:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
 - The alteration does not include the installation of an external roller shutter.
 - At least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
 - An awning that projects over a road if it is authorised by the relevant land manager.

4.4 Design and development

A permit may be granted to vary the building heights and interface setbacks requirements where the objectives of this schedule are met to the satisfaction of the Responsible Authority.

The following design and development requirements apply to an application to construct a building or construct or carry out works:

Dwellings and Residential Development Requirements

A development must meet the requirements of Clause 54 if it proposes to:

- Construct or extend one dwelling on a lot, or
- Construct or extend a front fence associated with one dwelling.

A development must meet the requirements of Clause 55 if it proposes to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.
- Construct or extend a front fence associated with two or more dwellings on a lot or a residential building.

This does not apply to a development of five or more storeys, excluding a basement.

Building Height Requirements

~~Building height requirements are specified in Clause 5 (precinct provisions) and are determined based on the precinct (refer to the Ringwood Metropolitan Activity Centre Framework Plan) or sub-precinct identified in the precinct maps.~~

Building heights should be consistent with the building heights requirements set out in the precinct requirements.

[The preferred building height does not apply to sites designated as ‘site requiring a specific response’.](#)

The preferred building heights provide for higher floor heights to allow for other design elements usual to buildings (eg parapets, railings) based on:

- Ground floor heights: 4 metres per level.
- Level 1 and above: 3.5 metres per level.

[An application to exceed the preferred heights should demonstrate how the relevant precinct objectives and development objectives of this schedule are achieved](#)

Interface Setback Requirements

Interface Types are shown on the Precinct maps.

Building setbacks are specified in the Interface Setbacks requirements.

Building setbacks should be consistent with the Interface Setbacks requirements.

Overshadowing Requirements

Buildings and works should minimise overshadowing of existing and future open space, beyond shadow cast by new street walls/podiums ~~at the winter solstice~~ [between 11am and 2pm on 22 September.](#)

[Buildings and works adjoining north-south oriented streets should not cast additional shadows over the opposite footpaths between 11 am and 2 pm on 22 September.](#)

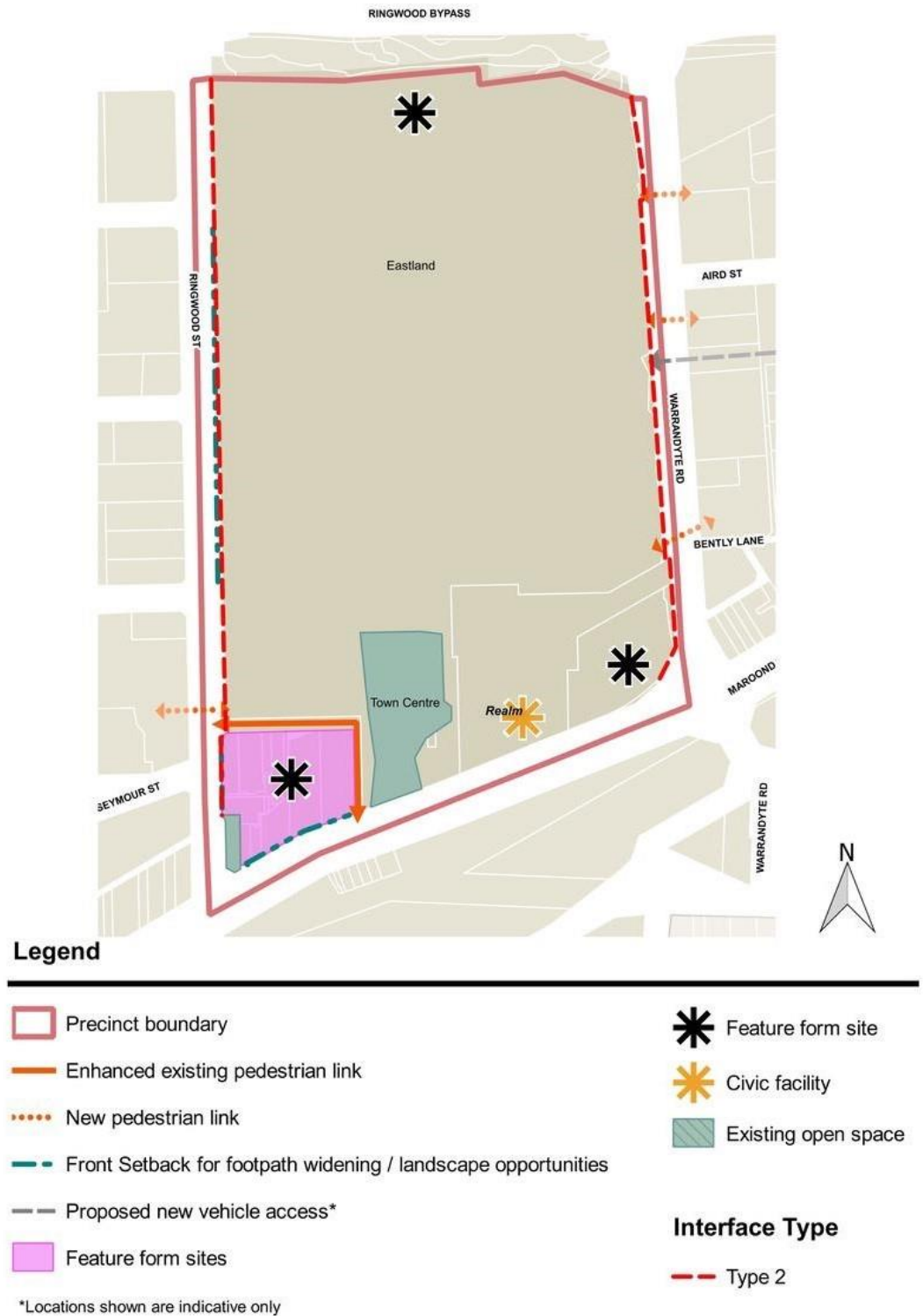
Buildings and works ~~should not to cast shadows over footpaths adjoining east-west oriented streets~~ [should not cast additional shadows to the south side footpath](#) between 11 am and 2 pm on 22 September.

~~Buildings and works should minimise shadows over existing and future open space between 11 am and 2 pm on 22 June.~~

5.0 PRECINCT PROVISIONS

5.1 Precinct 1 – Ringwood Urban Centre Precinct

5.1-1 Precinct map



5.1-2 Precinct objectives

- To establish a regional destination with a community focus offering significant public realm improvement.
- To support a new regime of consolidated form that represents the intense urban centre of Ringwood MAC, supported by a network of high quality pedestrian linkages, public spaces and community orientated facilities.
- To complement the important streetscape and landscape character of Ringwood MAC and support the definition of clear 'points of difference' as feature forms at key junctions to assist with way-finding and a sense of arrival.
- To encourage commercial and office uses in Ringwood MAC.
- To encourage development that reinforces the landscape character of the Mullum Mullum Creek environment.

5.1-3 Precinct requirements

Building Heights

	Preferred height	Outcomes to be achieved
1	Not specified	Development that reflects the Precinct's central location within Ringwood MAC.
Feature Form	53 metres (15 storeys)	Development that provides the tallest forms of development within Ringwood MAC.

Interface Setbacks

Interface Type	Location and Type	Ground level setback (minimum)	Street wall/podium height	Upper level setback above podium/street wall
2	Local Streets (Type-A)	0 metres	14.5 metres (4 storeys)	5 metres

5.1-4 Precinct guidelines

Development

- Encourage commercial or retail uses within the podium, with complementary residential uses above, that contribute to the activation and surveillance of the public realm.
- Encourage the creation of taller feature forms at the following locations to contribute to the sense of arrival into Ringwood MAC:
 - Above existing Eastland Shopping Centre towards Ringwood Bypass.
 - North eastern corner of Maroondah Highway and Ringwood Street junction.
 - North western corner of Maroondah Highway and Warrandyte Road junction.
- Encourage greater activation of buildings at street level.

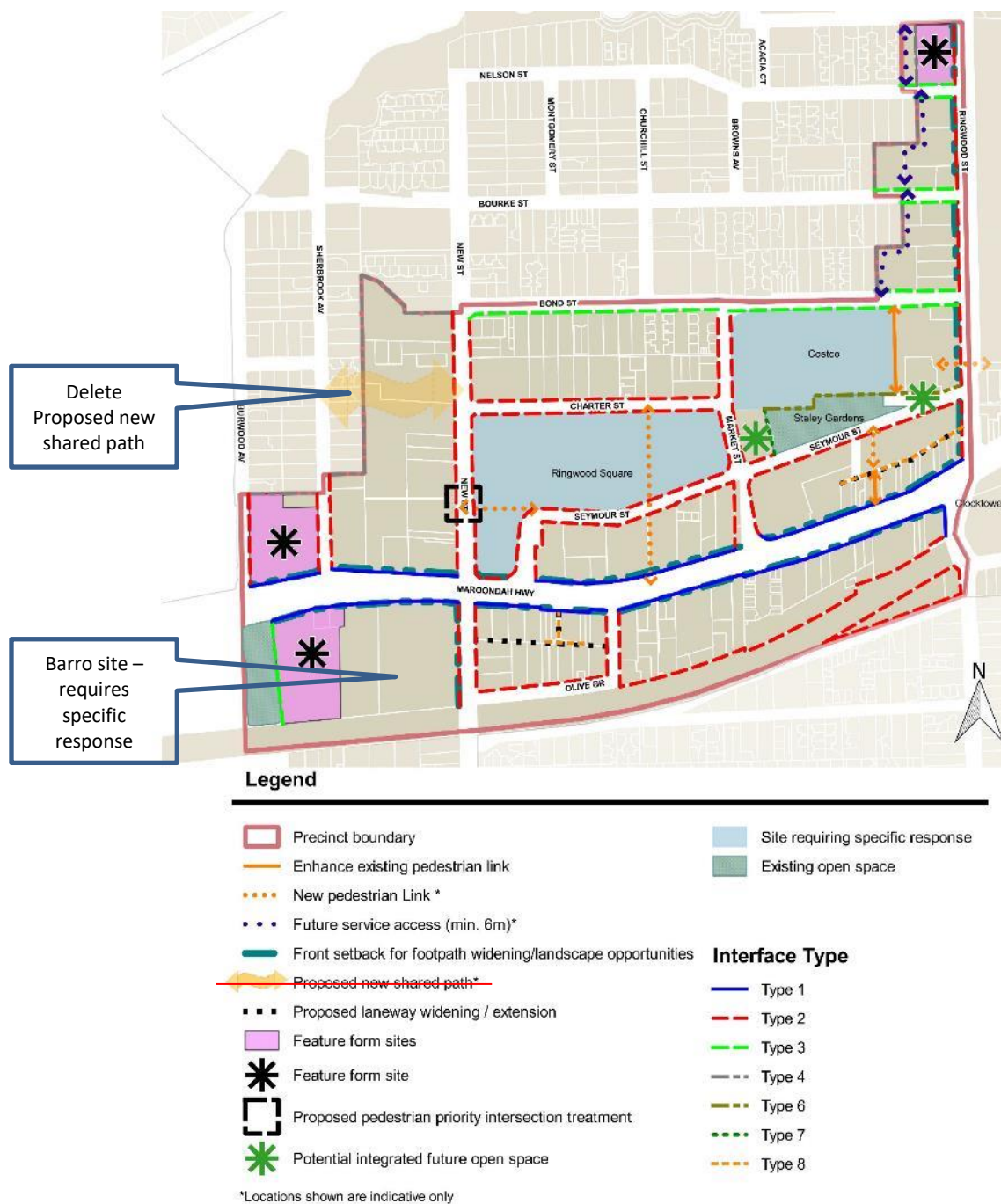
Landscape and environment

- Encourage ground level setbacks along Maroondah Highway for footpath widening and landscaping opportunities with high levels of pedestrian amenity and forming an inviting corridor for Ringwood MAC.
- Encourage a consistent 4 metre (minimum) footpath width along Ringwood Street which may require public realm upgrades and ground level setbacks on private properties.
- Ensure future development maintains the long term viability of existing canopy trees within the public realm.

- Encourage public realm upgrades along Civic Place that support its role as one of the key pedestrian entry into the precinct.
- Retain and encourage improvement to the existing pocket park at 139A Maroondah Highway. Encourage activation at street level.
- Encourage future redevelopment along Ringwood Street to provide a new, high amenity east-west pedestrian connection between the core retail precinct (Eastland) and future mixed use precinct to the west.

5.2 PRECINCT 2 – WESTERN PRECINCT

5.2-1 PRECINCT MAP



5.2-2 Precinct objectives

- To contribute to the boulevard character of Maroondah Highway as a consolidated mid-rise precinct, with revitalisation opportunities on selected key sites, transitioning to the adjacent ~~residential~~ precinct.
- To accommodate new taller contemporary form that contributes to an attractive pedestrian-orientated boulevard.
- To revitalise sites positioned behind the boulevard spine, influenced by the relationship to Precinct 1 and transitioning to the ~~residential~~ precincts to north and west.
- To encourage commercial and office uses in Ringwood MAC.
- To encourage mixed use development in commercial areas along Maroondah Highway that includes commercial and residential land use.

5.2-3 Precinct requirements

Building Heights

Precinct	Preferred height	Outcomes to be achieved
2	28.5 metres (8 storeys)	Development with a strong employment focus that reflects the mixed-use character of the precinct. Development with Maroondah Highway frontage takes advantage of the high levels of exposure. A clear visual increase in building height from adjoining lower scale developments in Precincts 3 to be evident.
Feature Form	53 metres (15 storeys)	Development that provides the tallest forms of development within Ringwood MAC.

Interface Setbacks

Interface Type	Location and Type	Ground level setback (minimum)	Street wall/podium height	Upper level setback above podium/street wall (minimum)
1	Main Roads (Maroondah Highway, Warrandyte Road)	4 metres from street kerb	21.5 metres (6 storeys)	5 metres
2	Local Streets (Type A)	0 metres	14.5 metres (4 storeys)	5 metres
3	Local Streets (Type B)	3 metres from street frontage	11.5 metres (3 storeys)	5 metres
4	Residential (Type A)	3 metres from rear boundary 3 metres from side boundary	14.5 metres (4 storeys)	5 metres
6	Open Space (Type A) to the north of existing and future open space	0 metres	11.5 metres (3 storeys)	29 degrees building envelope angle above podium/street wall

Interface Type	Location and Type	Ground level setback (minimum)	Street wall/podium height	Upper level setback above podium/street wall (minimum)
7	Open Space (Type B) To the east/ west/ south of existing and future open space	0 metres	14.5 metres (4 storeys)	5 metres
8	Laneway (existing and proposed)	3 metres from laneway centreline	11.5 metres (3 storeys)	4.5 metres from laneway centreline

5.2-4 Precinct guidelines

Development

- Encourage consistent, taller built form along either side of Maroondah Highway to achieve a coherent boulevard effect.
- Encourage the creation of taller feature forms at the following locations to contribute to the sense of arrival into Ringwood MAC:
 - South western corner of Eastlink and Ringwood Street junction.
 - North eastern and south eastern corners of Maroondah Highway and Eastlink junction.
- Ensure built form along Maroondah Highway responds to the sloping topography and provides recessed upper levels.
- Encourage office development, or retail uses within the podium with residential uses above that contribute to the activation and surveillance of the public realm from within the upper levels.
- Ringwood Square Shopping Centre Site: Encourage revitalisation of the site, including development of the existing at-grade commercial car park. Future redevelopment of this amalgamated urban block will require a site specific response.
- Costco Site: Explore opportunities for upper level development that contributes to the activation and surveillance of the public realm within the upper levels. Future redevelopment of this amalgamated urban block will require a site specific response.
- Barro Site: Encourage the development of building elements in a manner that responds positively to the precinct objectives and guidelines. Future redevelopment of this amalgamated urban block will require a site specific response ensuring architectural diversity, safe and efficient access, separation between tower elements, visual interest, and a transition of building height to the east.
- Development of sites requiring specific response should be arranged as a 'suite of forms', rather than a single development envelope.

Landscape and environment

- Encourage ground level setbacks for footpath widening along Maroondah Highway and Ringwood Street with high levels of pedestrian amenity and forming an inviting corridor for Ringwood MAC.
- Encourage extension of Staley Gardens to Market Street and Ringwood Street.

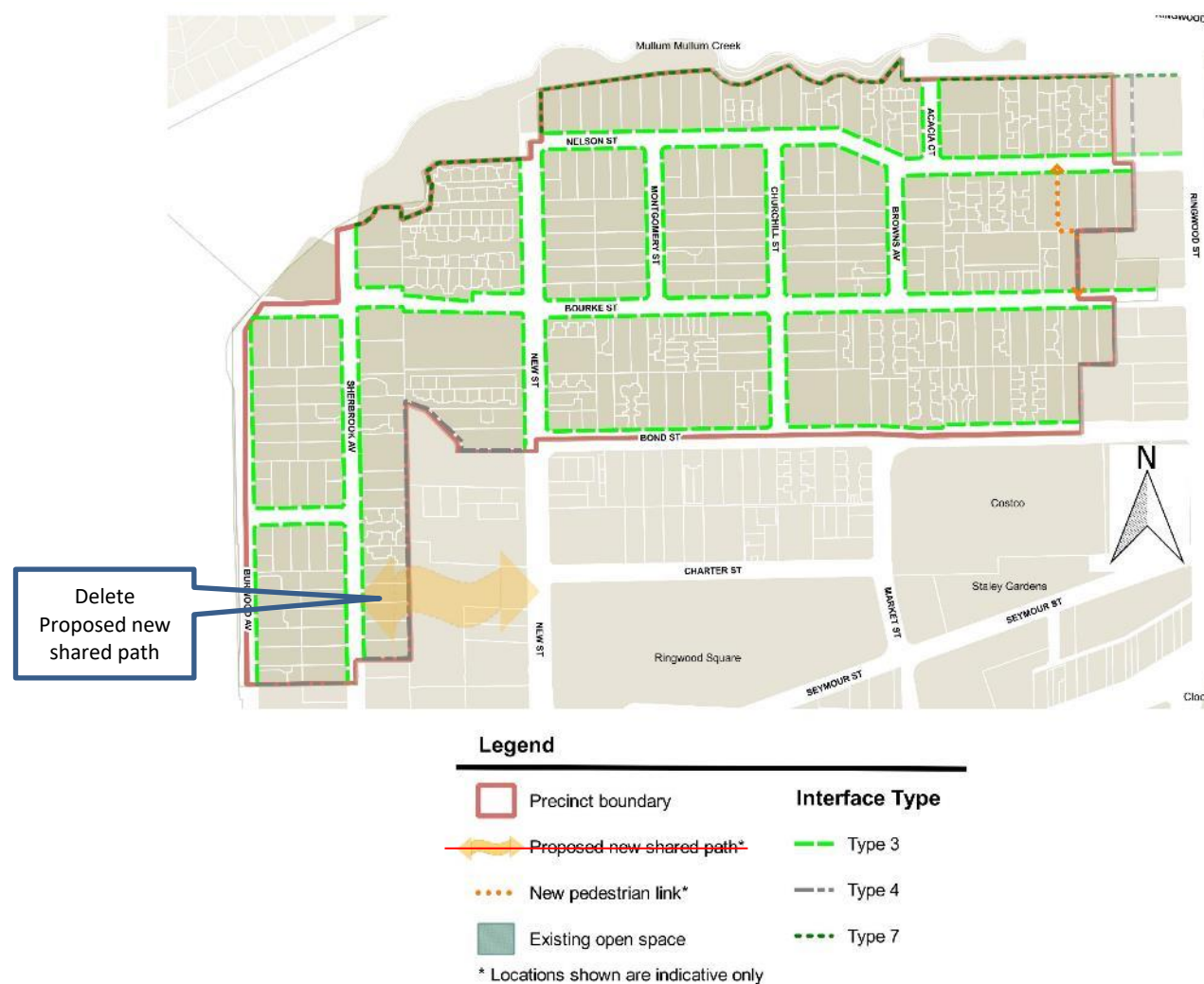
Access and movement

- Implement a consistent 4 metre (minimum) footpath width along Ringwood Street which may require public realm upgrades and ground level setbacks on private properties.

- Encourage future redevelopment of 'sites requiring a specific response' to retain existing pedestrian link, with opportunities for additional pedestrian connections to improve site permeability.
- Encourage future east-west shared user paths between New Street and Sherbrook Avenue.
- Create a new pedestrian link across Ringwood Square continuing the Seymour Street alignment.
- Ensure servicing and car parking access to be accommodated from existing rear/ side laneways to minimise vehicular crossovers along primary street frontage.
- Encourage widening and potential extension of existing laneway to facilitate safe vehicular and pedestrian access.
- Encourage the creation of a new laneway along rear boundary of commercial properties fronting Ringwood Street.
- Ensure that any new vehicular crossings do not adversely affect the safe and efficient operation of EastLink.

5.3 PRECINCT 3 – NORTH WESTERN PRECINCT

5.3-1 PRECINCT MAP



5.3-2 Precinct objectives

- To encourage moderate residential infill in an established landscape setting and retain the established garden setting of ~~residential streets~~ the streetscape.
- To continue to evolve as a medium density housing setting, with opportunities for more notable consolidation on larger sites, behind the commercial spine of Maroondah Highway and environmental corridor of Mullum Mullum Creek.
- To enhance the spaciousness and landscape qualities of this sloping area.
- To ensure development is influenced by proximity to the Mullum Mullum Creek, housing setting and the established garden setting that reinforces the landscape character of the Mullum Mullum Creek environment.
- To support landscaping opportunities in between buildings and along street frontages, consistent with the valued streetscape character of ~~residential precincts~~ the precinct.

5.3-3 Precinct requirements

Building heights

Precinct	Preferred height	Outcomes to be achieved
3	14.5 metre (4 storeys): ~~lot size above 1500~~ <u>site area above 1,400</u> square metres. 21.5 metres (6 storeys): <u>site area above 2,100</u> ~~lot size above 2500~~ square metres.	Development that reflects a transition area between the lower scale residential areas and the higher intensity core area. Development that protects amenity impact on existing medium density residential in Ringwood MAC and existing residential outside the Ringwood MAC.

Interface setbacks

Interface Type	~~Location and Type~~	Ground level setback (minimum)	Street wall/podium height	Upper level setback above podium/streetwall (minimum)
3	~~Local Streets (Type B)~~	3 metres from street frontage	11.5 metres (3 storeys)	5 metres
4	~~Residential (Type A)~~	3 metres from rear boundary 3 metres from side boundary	14.5 metres (4 storeys)	5 metres
7	~~Open Space (Type B)~~ ~~To the east/ west/ south of existing and future open space~~	0 metres	14.5 metres (4 storeys)	5 metres

5.3-4 Precinct guidelines

Development

- Ensure high quality infill apartment development to complement and enhance the role of Ringwood MAC.
- Ensure the consolidation and development of sites occurs in a progressive manner and does not result in creation of small, isolated holdings of land of limited development potential.
- Encourage consistent built form response and ensure visual dominance of upper levels are minimised when viewed from the street.

- Ensure a high standard of residential amenity for future residents and neighbouring properties.

5.3-5 Any other requirements

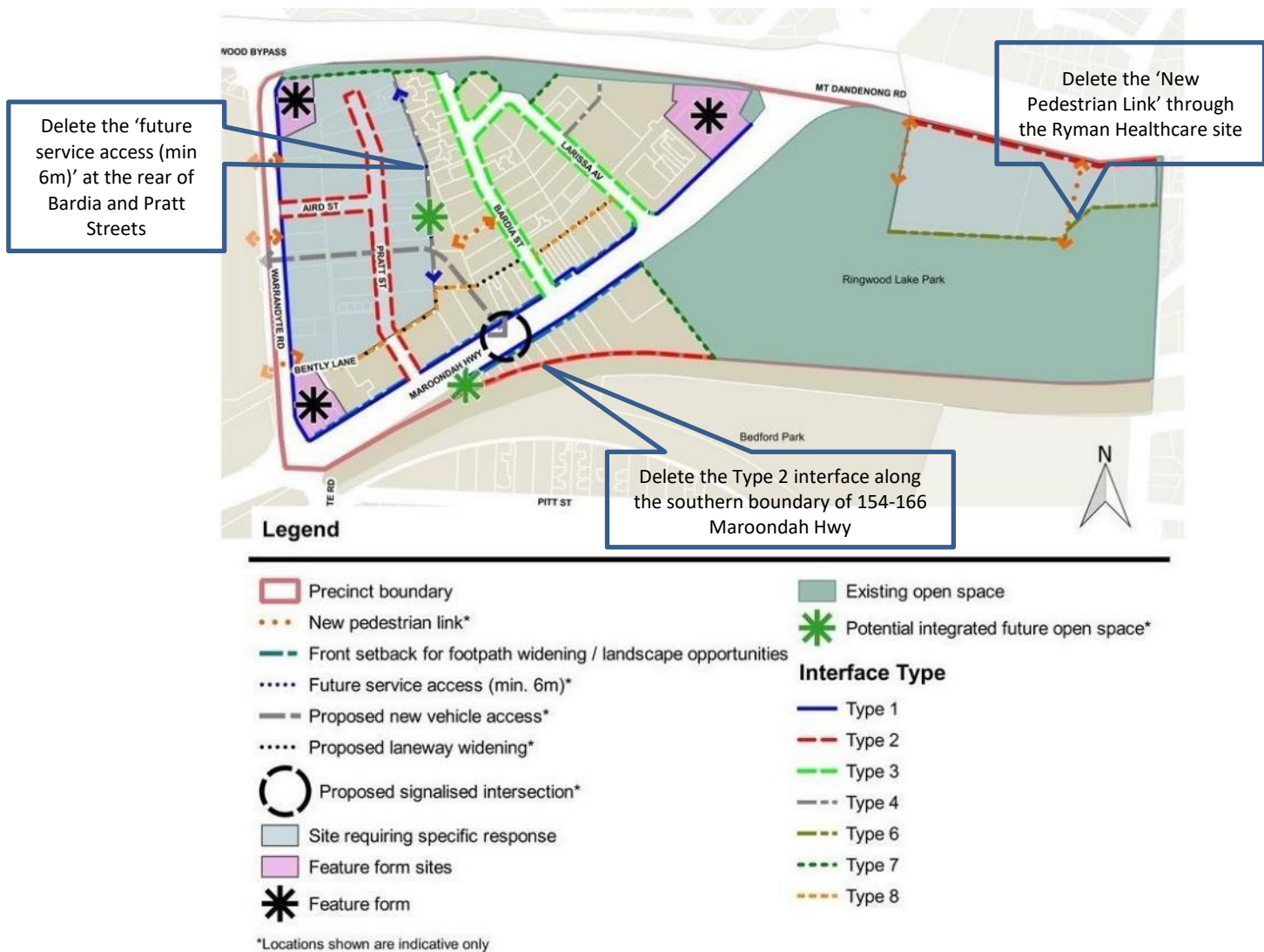
Front fences

A front fence within 3 metres of a street should not exceed the maximum height specified:

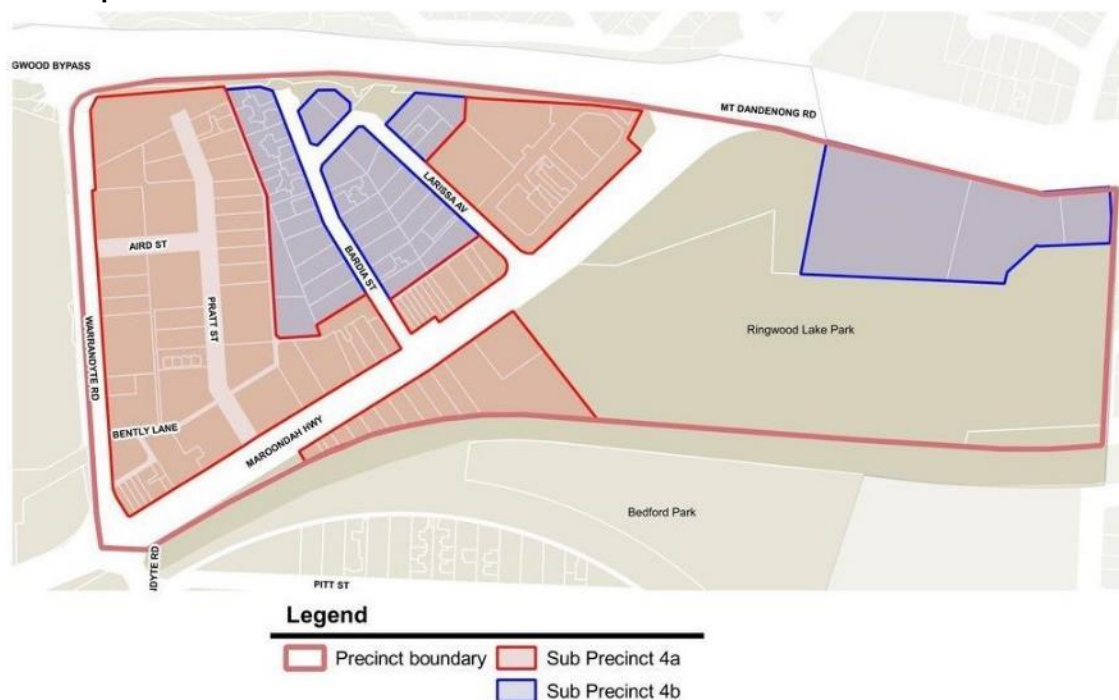
- Streets in a Road Zone, Category 1 = 1.2 metres.
- Other streets = 0.9 metres.

5.4 PRECINCT 4 – EASTERN PRECINCT

5.4-1 PRECINCT MAP



Sub Map



5.4-2 Precinct objectives

- To contribute to the boulevard character of Maroondah Highway with integrated community and institutional opportunities between Warrandyte Road and Bardia Street.
- To encourage notable civic, retail, institutional or community functions to the north west abutting Eastland, with stronger urban form defining each side of the Maroondah Highway spine and more subtle residential growth in transition to the north.
- To enhance the presentation of Warrandyte Road and Maroondah Highway with particular regard to ground floor activation with mixed use development in commercial areas along Maroondah Highway that includes commercial and residential land use.
- To encourage taller development to the edge of the precinct and transition down to its residential and open space abutments.
- To retain the established garden setting of ~~residential streets~~ the streetscape with landscaping opportunities in between buildings and along street frontages, consistent with the valued streetscape character of ~~residential precincts~~ the precinct.

5.4-3 Precinct requirements

Building heights

Precinct	Preferred height	Outcomes to be achieved
4a	28.5 metres (8 storeys)	Development that reflects the mixed-use character of the precinct, with a strong institution focus. Development that takes advantage of the high level of exposure from the Maroondah Highway, Warrandyte Road and Eastlink frontages. A clear visual increase in building height form adjoining lower scale developments in Precincts 4b to be evident.

Precinct	Preferred height	Outcomes to be achieved
4b	14.5 metres (4 storeys): ~~lot size above 1500~~ <u>site area above 1,400</u> square metres. 21.5 metres (6 storeys): ~~lot size above 2500~~ <u>site area above 2,100</u> square metres.	Development that reflects a transition area between the lower scale residential areas and the higher intensity core area.
Feature Form	53 metres (15 storeys)	Development that provides the tallest built form within Ringwood MAC

Interface setbacks

Interface Type	~~Location and Type~~	Ground level setback (minimum)	Street wall/podium height	Upper level setback above podium/streetwall (minimum)
1	~~Main Roads (Maroondah Highway, Warrandyte Road)~~	4 metres from street kerb	21.5 metres (6 storeys)	5 metres
2	~~Local Streets (Type A)~~	0 metres	14.5 metres (4 storeys)	5 metres
3	~~Local Streets (Type B)~~	3 metres from street frontage	11.5 metres (3 storeys)	5 metres
4	~~Residential (Type A)~~	3 metres from rear boundary 3 metres from side boundary	14.5 metres (4 storeys)	5 metres
6	~~Open Space (Type A) to the north of existing and future open space~~	0 metres	11.5 metres (3 storeys)	29 degrees building envelope angle above podium/ street wall
7	~~Open Space (Type B) To the east/ west/ south of existing and future open space~~	0 metres	14.5 metres (4 storeys)	5 metres
8	~~Laneway (existing and proposed)~~	3 metres from laneway centreline	11.5 metres (3 storeys)	4.5 metres from laneway centreline

5.4-4

Precinct guidelines

Development

- Encourage office development, or retail uses, within the podium with residential uses above that contribute to the activation and surveillance of the public realm from within the upper levels on non-residential land.
- Encourage consolidation of allotments fronting Warrandyte Road, Aird Street and Pratt Street to support future institution and mixed use opportunity. Future redevelopment of this consolidated urban block will require a site specific response.

- Encourage consistent, taller built form along either side of Maroondah Highway to achieve a coherent boulevard effect.
- Encourage the creation of taller feature forms at the following locations to contribute to the sense of arrival into Ringwood MAC:
 - South eastern corner of Eastlink and Warrandyte Road junction.
 - South western corner of Maroondah Highway and Mt Dandenong Road.
- Development of sites requiring specific response should be arranged as a ‘suite of forms’, rather than a single development envelope.
- Ensure high quality infill apartment development on residential land to complement and enhance the role of Ringwood MAC.
- Ensure a high standard of residential amenity for future residents and neighbouring properties.
- Encourage consistent built form response and ensure visual dominance of upper levels are minimised when viewed from the street along residential streets.

Landscape and environment

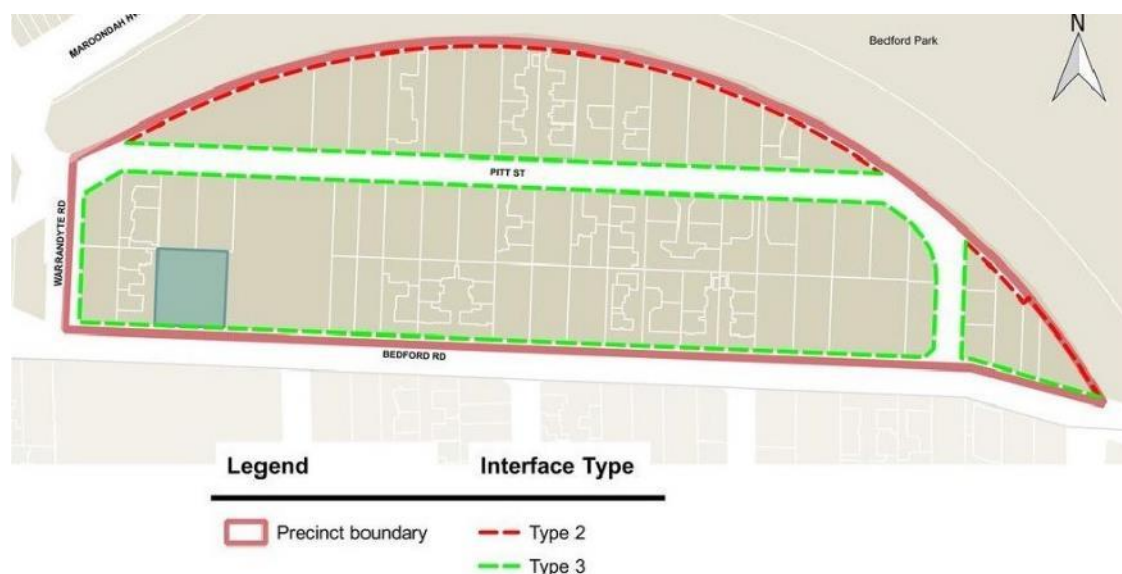
- Encourage ground level setbacks for footpath widening along Maroondah Highway and Ringwood Street with high levels of pedestrian amenity and forming an inviting corridor for Ringwood MAC.
- Encourage future redevelopment of ‘sites requiring specific response’ to accommodate new open space.
- Encourage the creation of a new open space opportunity at the junction of Maroondah Highway and the railway line.
- Ensure retention of front setback for landscaping opportunity, contributing to the streetscape character and amenity along ~~residential streets~~ the streetscape.
- Encourage retention and enhancement of street landscaping along Warrandyte Road, Bardia Street, Larissa Avenue and Kassia Parade.

Access and movement

- Encourage future redevelopment of ‘sites requiring specific response’ along Warrandyte Road to provide new, high amenity east-west pedestrian connections between the Core Retail precinct (Eastland) and ~~residential~~ precinct to east.
- Encourage a new street connection between Warrandyte Road and Maroondah Highway with a new signalised intersection to reduce the emphasis of through traffic along Maroondah Highway for improved permeability.
- Limit the number of vehicle crossovers to maintain the integrity and continuity of ~~residential~~ the streetscapes.
- Ensure servicing and car parking access to be accommodated from existing rear/ side laneways to minimise vehicular crossovers along Maroondah Highway frontage.
- Encourage widening and potential extension of existing laneways to facilitate safe vehicular and pedestrian access.
- Encourage future redevelopment of ‘sites requiring specific response’ along Mount Dandenong Road to provide additional northern entries and pedestrian connections to Ringwood Lake Park.

5.5 PRECINCT 5 – PITT STREET PRECINCT

5.5-1 PRECINCT MAP



5.5-2 Precinct objectives

- To encourage moderate residential infill in an established suburban landscape setting and retain the established garden setting of ~~residential streets~~ [the streetscape](#).
- To retain a consistent medium density residential format, with opportunities for moderate consolidation on larger amalgamated sites.
- To maintain an established garden setting as part of a transition to hinterland beyond Ringwood MAC.
- To support landscaping opportunities in between buildings and along street frontages, consistent with the valued streetscape character of ~~residential precincts~~ [the precinct](#).

5.5-3 Precinct requirements

Building heights

Precinct	Preferred height	Outcomes to be achieved
5	14.5 metres (4 storeys): ~~lot size above 1500~~ 1,400 square metres. 21.5 metres (6 storeys): ~~lot size above 2500~~ site area above 2,100 square metres.	Development that reflects a transition area between the lower scale residential areas and the higher intensity core area. Development that protects amenity impact on existing medium density residential in Ringwood MAC and existing residential outside the Ringwood MAC.

Interface setbacks

Interface Type	~~Location and Type~~	Ground level setback (minimum)	Street wall/podium height	Upper level setback above podium/streetwall (minimum)
2	~~Local Streets (Type A)~~	0 metres	14.5 metres (4 storeys)	5 metres

Interface Type	Location and Type	Ground level setback (minimum)	Street wall/podium height	Upper level setback above podium/streetwall (minimum)
3	Local Streets (Type-B)	3 metres from street frontage	11.5 metres (3 Storeys)	5 metres

5.5-4 Precinct guidelines

Development

- Ensure high quality infill medium density housing development to complement and enhance the role of Ringwood MAC.
- Encourage consistent built form response and ensure visual dominance of upper levels are minimised when viewed from the street.
- Ensure a high standard of residential amenity for future residents and neighbouring properties.
- Encourage the repurposing of existing heritage buildings and integration with new development.

Landscape and environment

- Ensure retention of front setbacks for landscaping opportunities, contributing to the streetscape character and amenity within the public realm.
- Ensure the treed character of the area is retained and discourage the loss of existing canopy trees.
- Ensure the front setback of a residential building provides for visual and physical transition between the streetscape and the development.
- Ensure front setbacks are planted with substantial tree cover to ‘soften’ the impact of new buildings in the streetscape.
- Ensure new developments provide an outlook and provide passive surveillance to adjacent open space.

Access and movement

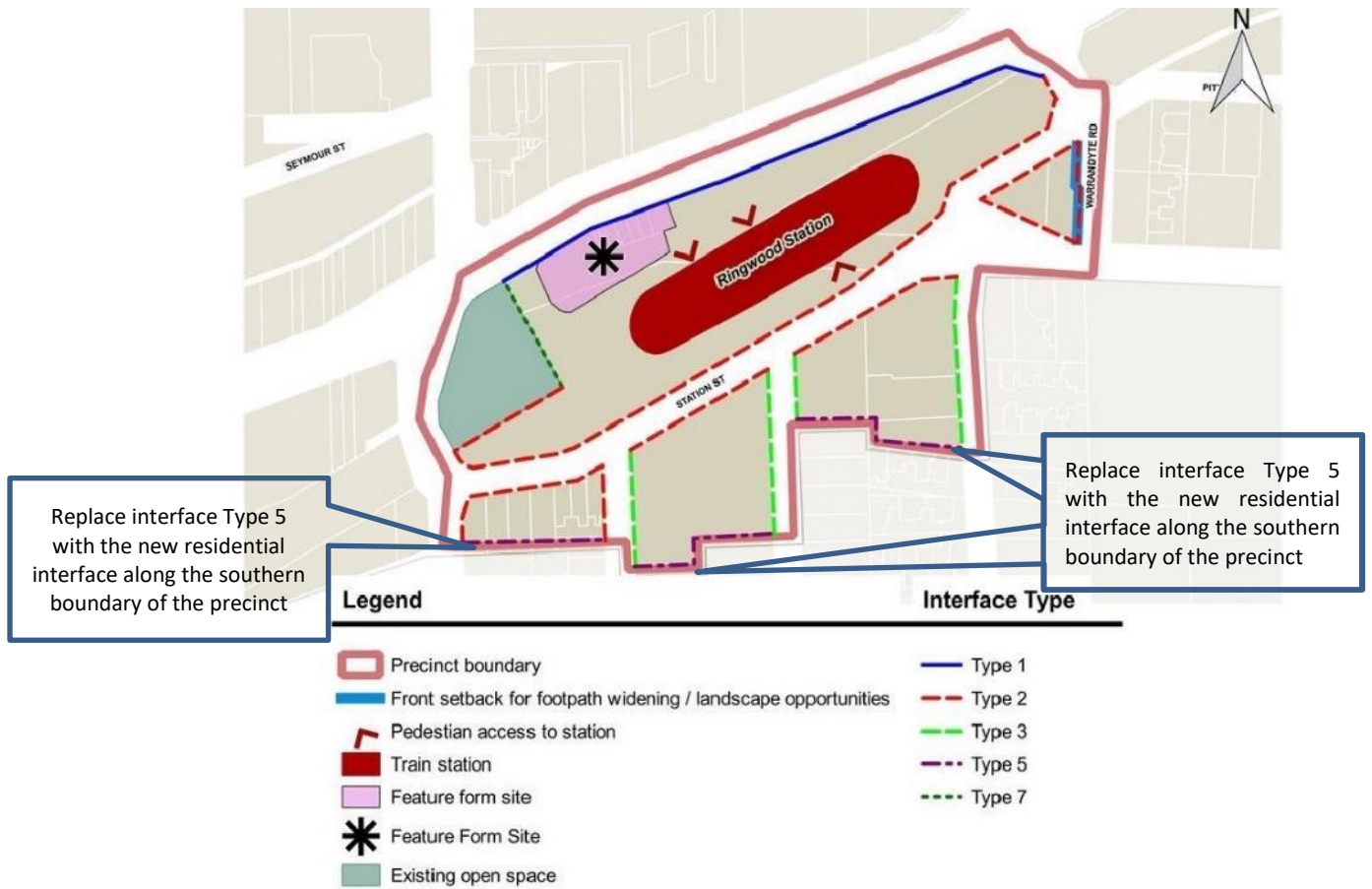
- Limit the number of vehicle crossovers to maintain the integrity and continuity of the streetscape.
- Reduce the presence of car parking and ramps in residential areas through encouraging basement design.

5.5-5 Any other requirements

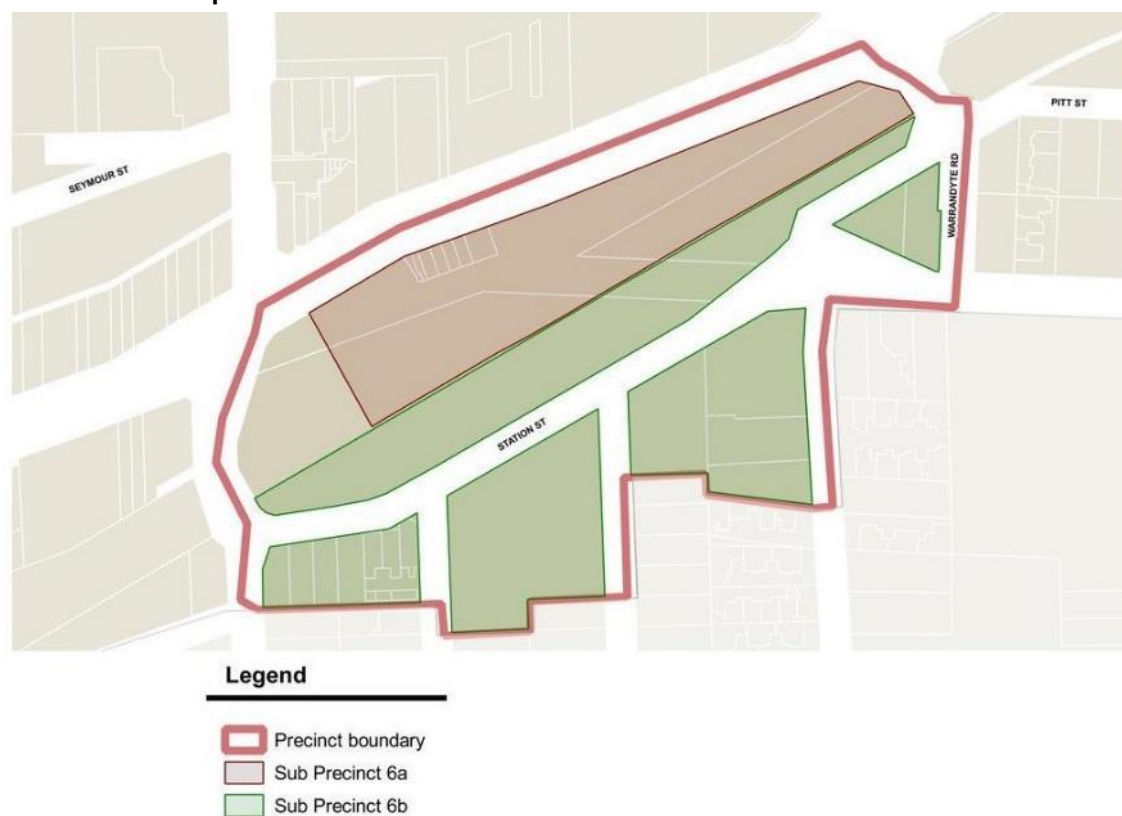
- A front fence within 3 metres of a street should not exceed the maximum height specified:
 - Streets in a Road Zone, Category 1 = 1.2 metres.
 - Other streets = 0.9 metres.

5.6 PRECINCT 6 – RINGWOOD STATION PRECINCT

5.6-1 Precinct map



Sub Precinct Map



5.6-2 Precinct objectives

- To encourage transit oriented development opportunities around Ringwood Station as a key entry into Ringwood MAC.
- To embody the public transport core of the city and place and support substantial change to ~~its north abutting precincts~~ [take advantage of this key gateway](#).
- To strategically position higher built form along Maroondah Highway adjacent to the key junction with Ringwood Street to define the Clock Tower Park and Ringwood MAC core.
- To provide a transition on properties south of Station Street to the lower scale residential area to the south of Ringwood MAC.

5.6-3 Precinct requirements

Building heights

Precinct	Preferred height	Outcomes to be achieved
6a	28.5 metres (8 storeys)	Development that reflects the Transit Oriented Development role of Ringwood Station. Development that takes advantage of the high level of exposure from the Maroondah Highway, Warrandyte Road and Eastlink frontages. A clear visual increase in building height form adjoining lower scale developments in Precincts 6b to be evident.

Precinct	Preferred height	Outcomes to be achieved
6b	14.5 metres (4 storeys): ~~lot size above 1500-1,400~~ square metres. 21.5 metres (6 storeys): ~~site area above lot size above 2500-2,100~~ square metres. 28.5 metres (8 storeys): ~~site area above 5,000 square metres~~	Development that reflects a transition area between the lower scale residential areas and the higher intensity core area. Development that protects amenity impact on existing medium density residential in Ringwood MAC and existing residential outside Ringwood MAC.
Feature Form	53 metres (15 Storeys)	Development that provides the tallest forms of development within Ringwood MAC.

Interface setbacks

Interface Type	Location and Type	Ground level setback (minimum)	Street wall/podium height	Upper level setback above podium/streetwall (minimum)
1	~~Main Roads (Maroondah Highway, Warrandyte Road)~~	4 metres from street kerb	21.5 metres (6 storeys)	5 metres
2	~~Local Streets (Type A)~~	0 metres	14.5 metres (4 storeys)	5 metres
3	~~Local Streets (Type B)~~	3 metres from street frontage	11.5 metres (3 storeys)	5 metres
5	~~Residential (Type B)~~	5 metres, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres from the southern boundary	11.5 metres (3 storeys)	3.5 metres
7	~~Open Space (Type B)~~ ~~To the east/ west/ south of existing and future open space~~	0 metres	14.5 metres (4 storeys)	5 metres

<u>Residential Interface⁸</u>	<u>Boundary set back up to a building height of 11.5 metres</u>	<u>Additional set back above 11.5 metres</u>
<u>8</u>	<u>5 metre setback plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus one metre for every metre of height over 6.9 metres from the southern boundary</u>	<u>3.5 metres</u>

⁸ See Chapter 6.6

5.6-4 Precinct guidelines

Development

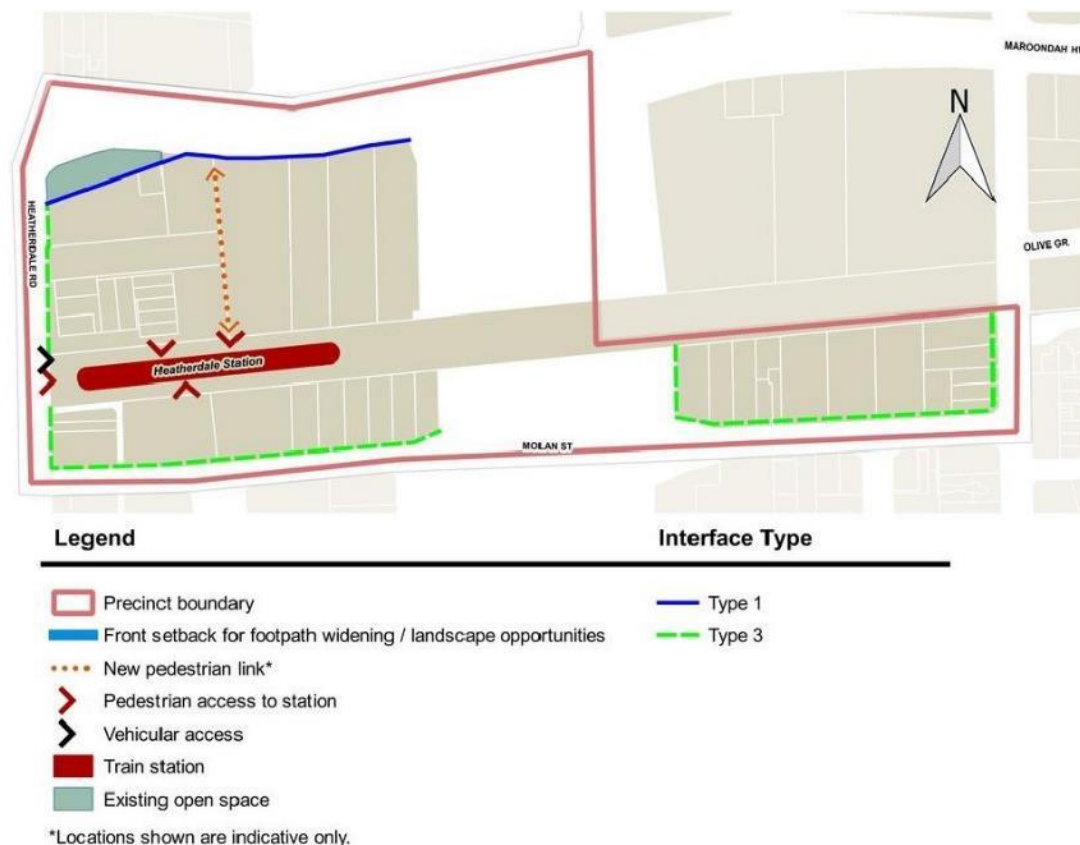
- Encourage a range of transit, retail, commercial, civic and residential land uses, including higher density housing, that maximise the existing public transport infrastructure and provide for activity in the Ringwood Station Precinct across a range of hours.
- Encourage the creation of taller feature forms adjacent to the Ringwood Station with frontage to Maroondah Highway and the Clocktower Park, contributing to the sense of arrival into Ringwood MAC.
- Encourage consistent, taller built form along either side of Maroondah Highway to achieve a coherent boulevard effect.
- Encourage future commercial development along Maroondah Highway to provide activation and sense of address along its interface to Clock Tower and Memorial Park.
- Encourage better utilisation and redevelopment of at-grade car parking to create a more favourable ‘people friendly’ quality to the precinct.
- Ensure future development fronting Station Street contribute to improving pedestrian amenity and activation at street level.

Landscape and environment

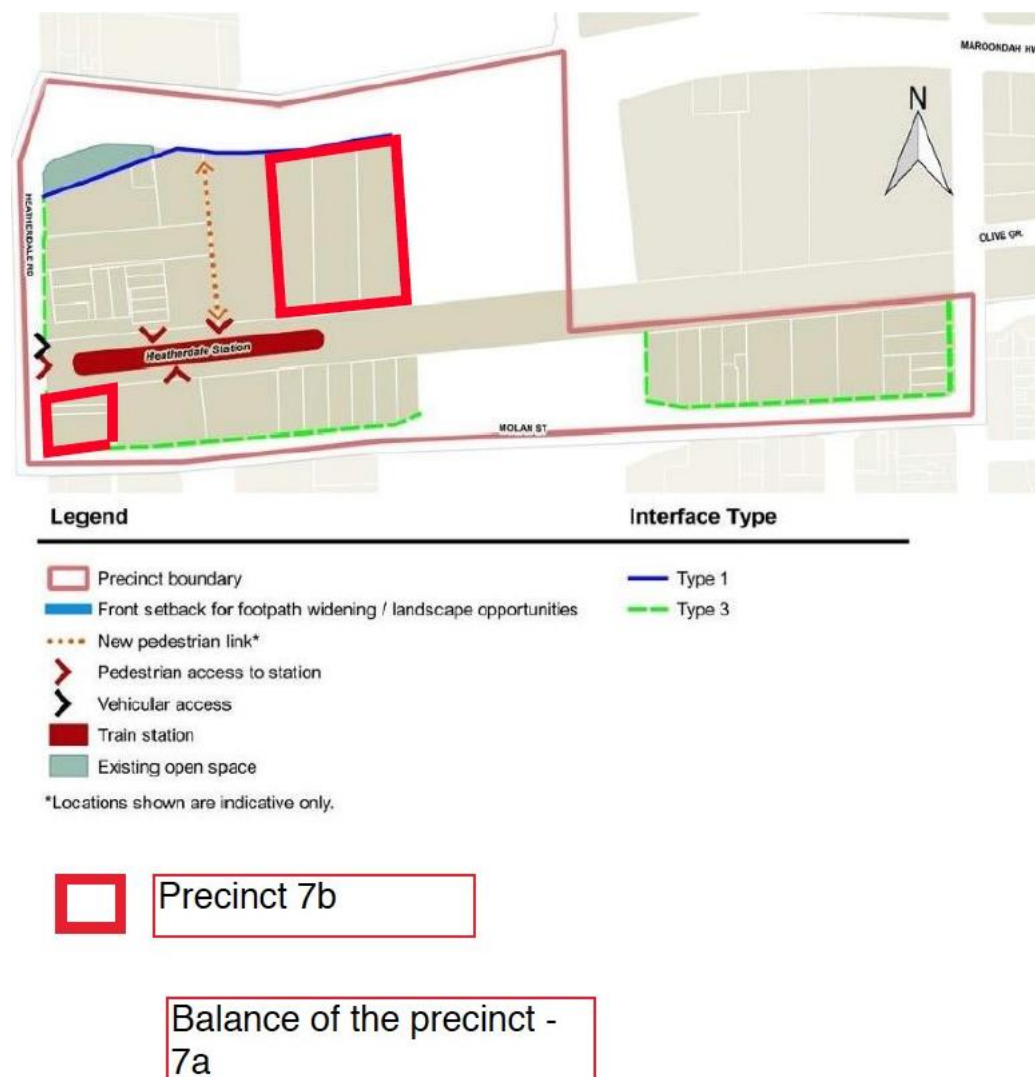
- Encourage ground level setbacks along Warrandyte Road for footpath widening and landscaping opportunity, to create an inviting corridor for Ringwood MAC.
- Retain and encourage improvement to existing Clock Tower and Memorial Park as a key gateway to Ringwood MAC.

5.7 PRECINCT 7 – HEATHERDALE STATION PRECINCT

5.7-1 Precinct map



Sub Precinct map



5.7-2 Precinct objectives

- To encourage fringe transit oriented development ~~addressing Heatherdale Station and Maroondah Highway with low rise industrial precinct defining the south western approach into Ringwood MAC~~ opportunities around Heatherdale Station as a key entry into Ringwood MeAC.
- To encourage a new regime of mixed uses with a strong employment function at the western approach into Ringwood MeAC.
- To reinforce built form that improves public space contribution.
- To encourage higher forms towards the Maroondah Highway and Eastlink junction, in transition down along its residential abutments to the west.
- To support employment functions and a new and improved 'public' presentation to the south.

5.7-3 Precinct requirements

Building heights

Precinct	Preferred height	Outcomes to be achieved
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Precinct	Preferred height	Outcomes to be achieved
7a	14.5 metres (4 storeys): ~~lot size above 1,500 square metres.~~ 21.5 metres (6 storeys): ~~lot size above 2,500 square metres.~~ <u>2,100 square metres.</u>	Development that reflects a transition area between the lower scale peripheral residential area and the higher intensity core area.
7b	<u>21.5 metres (6 storeys)</u> <u>28.5 metres (8 storeys) site area above 2,500 square metres</u> <u>35.5 metres (10 storeys) site area above 5,000 square metres</u>	<u>Development that takes advantage of the high levels of exposure from the Maroondah Highway and Eastlink frontages and gateway of Heatherdale Station.</u> <u>Development that marks the Maroondah Highway and Eastlink Junction and takes advantage of the fall of the land and separation from the residential area.</u>

Interface setbacks

Interface Type	Location and Type	Ground level setback (minimum)	Streetwall/podium height	Upper level setback above podium/streetwall (minimum)
1	~~Main Roads (Maroondah Highway, Warrandyte Road)~~	4 metres from street kerb	21.5 metres (6 storeys)	5 metres
3	~~Local Streets (Type B)~~	3 metres from street frontage	11.5 metres (3 storeys)	5 metres

5.7-4

Precinct guidelines

Development

- Encourage future redevelopment of industrial land to retain an employment function.
- Encourage developments of a larger scale and building height towards the Maroondah Highway and Eastlink junction.
- Ensure future redevelopment considers the existing transmission towers at 2 Maroondah Highway.
- Encourage future development to contribute to the activation and surveillance of the public realm.

Landscape and environment

- Encourage landscaping opportunities within the front setback at 8-12 Maroondah Highway, consistent with the existing character of Whitehorse Road/Maroondah Highway to the west.
- Encourage ground level setbacks along Maroondah Highway with high levels of pedestrian amenity to provide an inviting gateway entrance to the activity centre.
- Retain and encourage improvement of existing linear reserve at 1 Heatherdale Road as a gateway feature into Ringwood MAC.
- Encourage ground level setbacks along Molan Street with high levels of pedestrian amenity to provide an inviting connection from the Activity Centre and residential areas to Heatherdale Station.
- Encourage opportunities for street greening within the public realm to create a welcoming streetscape.

Access and movement

- Encourage future redevelopment to address the station interface to encourage activation and pedestrian movement through the precinct.
- Provide for a new high amenity north-south pedestrian link between Maroondah Highway and Heatherdale Station to improve connectivity to the Station precinct.
- Encourage future redevelopment to consider front setbacks for potential footpath widening or landscape opportunities to facilitate improved pedestrian amenity.
- Ensure that any new vehicular crossings do not adversely affect the safe and efficient operation of EastLink.

6.0 APPLICATION REQUIREMENTS

The following application requirements apply to an application for a permit under Clause 37.08, in addition to those specified in Clause 37.08 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

Buildings and works

- A Sustainable Design Assessment (SDA), based on the Built Environment Sustainability Scorecard (BESS) or an alternative assessment approach.
- A Green Travel Plan (for office space of 500 square metres or more and for residential development applications of more than 20 apartments).
- The following application requirements apply to an application to construct a building or construct or carry out works associated with accommodation located adjacent to the EastLink or Ringwood Bypass reserves in Precincts 2, 3 and 7:
 - A design response plan drawn to scale which shows: a building setback of 2 metres from the EastLink boundary, and fencing (excluding acoustic fences or barriers) on the boundary of the EastLink Freeway Reserve.
 - Drainage concept plan showing all surface water runoff connecting to existing Council or drainage authority waterways or piped assets.

7.0 NOTICE AND REVIEW

In Precincts 1 and 2

An application to subdivide land or to construct a building or construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in Precincts 3, 4 and 5, a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

In Precincts 3, 4, 5, 6 and 7

An application to subdivide land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

8.0 DECISION GUIDELINES

The following decision guidelines apply to an application for a permit under Clause 37.08, in addition to those specified in Clause 37.08 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

Design and Development

- Whether the development is of an appropriate scale to accommodate the mix and intensity of uses envisaged for that precinct and sub-precinct.

- The extent to which varied building heights and/or setbacks support and do not detract from Feature Forms at key junctions as being the tallest forms of development in the Ringwood MAC which assist with way-finding and a sense of arrival.
- The extent to which varied heights and/or setbacks provides clear stepping down in built form to established residential neighbourhoods outside the Ringwood MAC boundary without resulting in an overtly stepped building profile.
- The interface with land in a residential zone particularly in relation to built form, overlooking and overshadowing.
- Whether the development provides appropriate upper level setbacks and sufficient separation above podium heights to ensure adequate on-site amenity for future occupants, including access to daylight and sunlight for internal spaces while maintaining visual privacy.

Overshadowing

- The extent to which varied heights and/or setbacks cast additional shadow to the south side footpath of east – west streets or the opposite footpath to north-south oriented streets between 11 am and 2 pm on 22 September.
- The extent to which buildings and works overshadow existing and/or future open space, beyond shadow cast by new street walls/ podium between 11am and 2pm on 22 September at ~~22 June~~.

9.0 SIGNS

Sign requirements are at Clause 52.05. The category of sign controls applies to the Precincts as follows:

- Precinct 1 = Category 1
- Precinct 2 = Category 1
- Precinct 3 = Category 3
- Precinct 4 = Category 2
- Precinct 5 = Category 3
- Precinct 6 = Category 3
- Precinct 7 = Category 2

10.0 OTHER PROVISIONS OF THE SCHEME

None specified.

11.0 REFERENCE DOCUMENTS

Ringwood Metropolitan Activity Centre Masterplan (Maroondah City Council, 2018)