



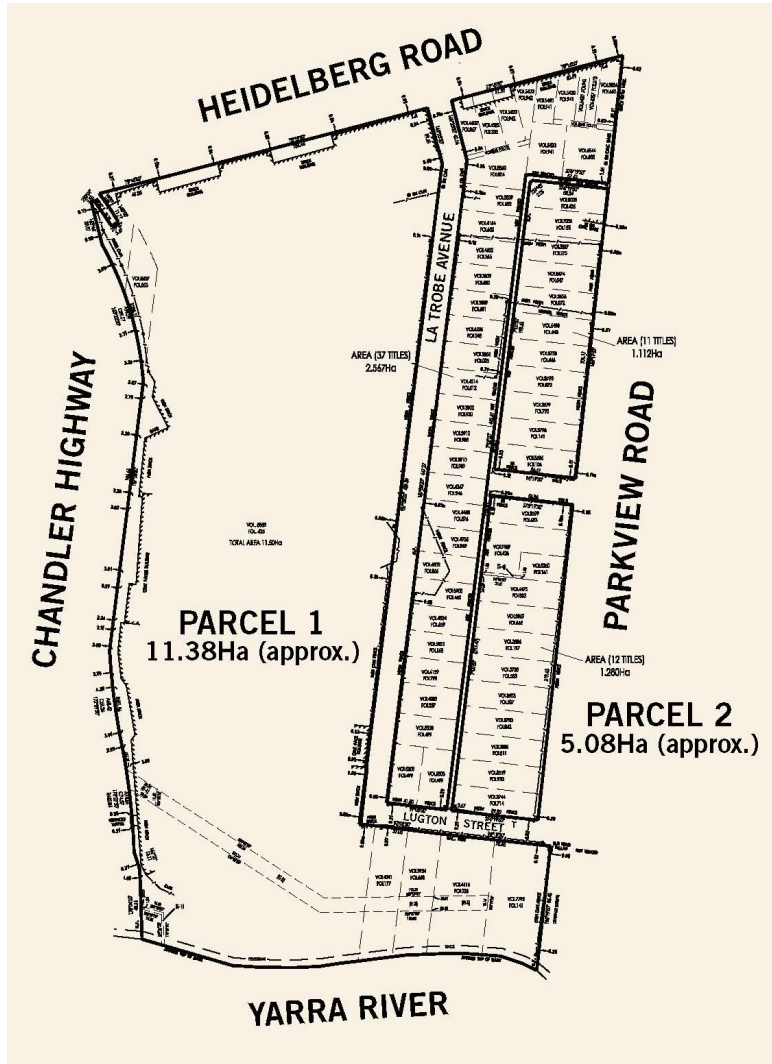
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1. Changed circumstance – current sale of the land
1. The risks that arise and the judgement required about the level of risk
1. Options should Council wish to be further proactive
1. Implications of the options
1. Outline of the documentation provided to Council for consideration

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- February 2008 - Amcor announced its proposal to close the plant in three years and to sell the site
- March 2008 – Yarra City Council resolved to undertake forward planning in relation to the future use and development of the site
- August 2008 – Consultation with the community regarding issues and opportunities relevant to the future of the Amcor site
- November 2008 – Public exhibition of draft Design and Development Principles for the site
- January 2009 – Council adopted the *Amcor Site Design and Development Principles* and resolved to establish a taskforce to consider key issues relevant to future development of the site

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- February 2009 – Amcor announced that it no longer intends to prepare a master plan or to seek a rezoning of the site before it sells
- March 2009 – The property is on the market by expressions of interest through Colliers International, either as a whole or in two separate parcels. Expressions of interest close on 16 April 2009 – *the changed circumstance*
- March 2009 – Council appointed Councillors and community representatives to the Amcor Taskforce

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Vision – The Amcor site will become a sustainable predominantly residential community

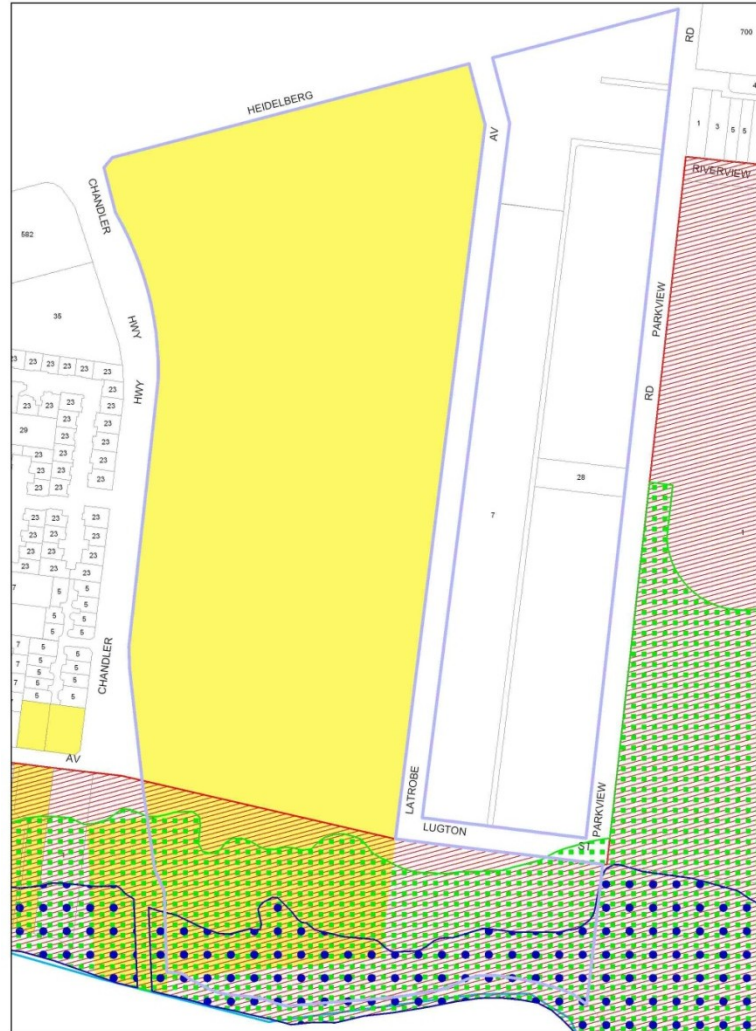
1. Design and Development Principles

- Land use (including residential and retail and commercial)
 - The Yarra River
 - Social and community facilities
 - Access – Vehicles
 - Access – Public transport
 - Access – Pedestrians and bicycles
 - Heritage
 - Built form
 - Environmental sustainability
 - State Government opportunities

2. Planning Requirements (for the developer)

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-  **Boundary**
-  **Land Subject to Indundation Overlay**
-  **Design and Development Overlay**
-  **Environmental Significance Overlay**
-  **Heritage Overlay**



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- The industrially zoned part of the site (2/3) could be sold and used for industrial purposes
- The site could be sold in parts by Amcor and developed (with a permit) for 'big box' type retail development
- The site could be sold in whole or in parts for its overall future use and development without an approved master plan - *fragmentation*
- It would be more difficult to achieve the adopted vision for the site to be predominantly residential and to ensure that use and development is consistent with Council's adopted Design and Development Principles for the site

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Option 1 – No Action by Council prior to 16 April EOI

Some implications

- That part of the site zoned Industrial 3 could not be used for residential purposes unless it was to be rezoned
- Part of the site could be used and developed for industrial or ‘big box’ retail purposes contrary to the vision for future use and development of the site
- There would be no requirement for a development plan consistent with the adopted Design and Development Principles to be approved for that part of the site currently zoned Residential 1
- The Minister for Planning could decide to amend the Scheme (become the ‘Planning Authority’) anyway to support *Melbourne 2030* objectives and the Minister could become the ‘Responsible Authority’ for consideration of applications

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Option 2 – Seek to amend Yarra Planning Scheme in two stage process

Stage 1

- Request the Minister for Planning to amend the Yarra Planning Scheme (without exhibition) to rezone the Industrial 3 Zone to another zone and to apply appropriate overlays to the whole site so as to be more consistent with the vision for the site and to implement the Design and Development Principles

Stage 2

- Council would prepare and exhibit a further amendment to the Planning Scheme with the assistance of the Taskforce which would involve identification of the extent and location of particular land uses eg. residential, shops, offices (would need authorisation by DPCD for exhibition)

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Option 2 – Amend Yarra Planning Scheme (continued)

Some implications

- The zones and overlays and requirements for planning permits would be more closely aligned to the vision and adopted principles for the site
- Rezoning steers/guides potential purchasers having regard to the vision and adopted principles prior to the closure of expressions of interest
- A permit could not be granted for most subdivision, use or development of the land prior to approval of a development plan for the site (by the Responsible Authority)
- In Stage 1 third parties would not have a statutory rights to object to any Development Plan or to object to the grant of a planning permit, although at Stage 2 the proposed amendment would be publicly exhibited for comment

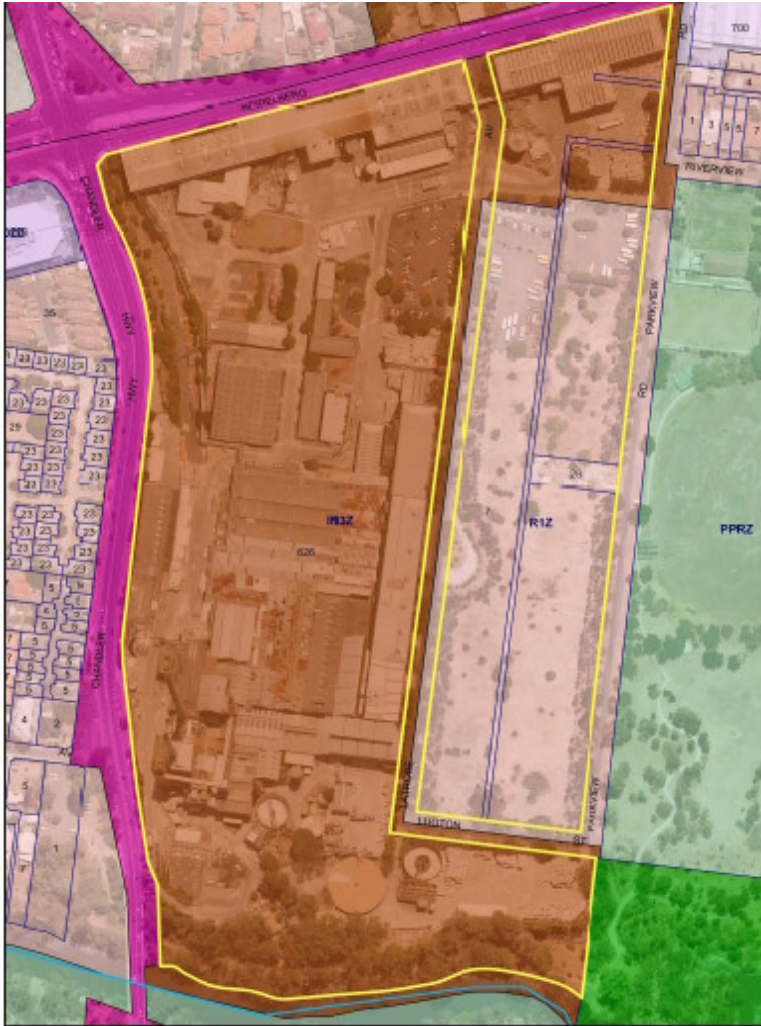
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- If Council determines that sufficient risk exists to prevent the realisation of the Vision and Design and Development Principles for the Amcor site that it request the Minister for Planning to amend the Yarra Planning Scheme (without exhibition) to:
 - Rezone the western part of the site to Residential 1 Zone;
 - Apply an Environmental Audit Overlay to the western part of the site; and
 - Apply a Development Plan Overlay to the whole of the site
- Council officers have also been working with senior DPCD officers to explore other Planning Scheme tools/means which would ensure the best possible future use and development for the Amcor site

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- Does the changed circumstance present significant risks which warrant 'intervention' to steer the Expressions of Interest for purchase of the land?
- The suite of tools available under the Victoria Planning Provisions (VPP) is limited
- The VPP tools have varying implications
- Council officers have been working with DPCD officers as to the best means to embed the key design and development principles for the site into the Yarra Planning Scheme and to retain third party objection/appeal rights. Attachments 7, 8 and 9 to the officer report trace this journey.
- Council is meeting at 8.00pm this evening to further consider this important issue.

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