

12.8	Solomon Heights Precinct - Land Use Planning Options
Directorate	City Development
Director	Kelvin Walsh
Manager	Leanne Deans
Attachment(s)	<ol style="list-style-type: none"> 1. Precinct Locational Map Solomon Heights [12.8.1 - 1 page] 2. Property Ownership Pattern Solomon Heights [12.8.2 - 1 page] 3. Supreme Court Decision (incorporating map) [12.8.3 - 3 pages] 4. Summary of Planning Options for Solomon Heights Precinct [12.8.4 - 5 pages]
Purpose	For noting
For Council to consider the land use planning options for the Solomon Heights Precinct and to endorse the preferred approach.	

Legislation/Council Plan/Policy Context

This report supports the Council Plan 2017-2021 goals and strategic objectives of:

2. A Liveable Community

- The natural environment supports thriving biodiversity that is protected and well connected

4. An Innovative and Responsive 'Community First Council'

- Council is fair, honest and transparent
- Council manages its assets and finances sustainably and responsibly.

This report is in line with the Council Plan 2017-2021, Brimbank Planning Scheme, Biodiversity Strategy 2012-2022, Industrial Land Strategy 2018-2030, *Environment Protection and Biodiversity Conservation Act 1999*, and *Planning and Environment Act 1987*.

Council officers contributing to the preparation and approval of this report, have no conflicts of interests to declare.

Issue For Consideration

The Solomon Heights Precinct (Precinct) comprises 32.8 hectares of land zoned Industrial 3 Zone in Sunshine North. It has remained undeveloped and unserved since the 1920s and is shown in **Attachment 1**.

There are a range of issues that impact the Precinct including that it contains critically endangered flora and fauna species; is impacted by a number of Overlays and buffers which restrict land use and development; has limited road access; and contains 433 privately owned lots.

In 2018 the Supreme Court confirmed that the roads in the southern part of the Precinct (south of Whitehall Road) were private, and Council advised landowners that it would reassess land use planning options. It is intended that this report will provide clarity around Council's role and function and work program in the Precinct.

Council has prepared an analysis of planning options for the Precinct. The planning options include:

1. Determine if there is justification to change the land use zone
2. Prepare strategic work to inform potential establishment of a conservation reserve and potential purchase for all or part of the Precinct
3. Prepare strategic work to inform preparation of a Restructure Overlay to address limitations in the current subdivision layout
4. Continue to advocate to the Federal and State Governments and other entities about the conservation values on the land, and for their support to help achieve an outcome.

The key considerations that informed the planning assessment included if the options:

- Are strategically justified
- Provide greater certainty for landowners
- Contribute to a timely development outcome
- Are an effective and efficient use of Council resources.

The analysis indicates that the preferred planning options are 1 and 4 as they:

- Are justified based on the current planning assessment
- Provide greater certainty for landowners in comparison to other options
- Contribute to a potentially timely development outcome if the environmental and road matters can be resolved
- Are an effective and efficient use of Council resources.

Background

Precinct Description and Key Issues

The Precinct is bounded by the Melbourne to Sydney freight line (also the alignment for the future Melbourne Airport Railway Link), Whitehill Avenue to the south, Baldwin Avenue to the north, and the River Valley Estate to the east. Originally created as a residential subdivision in the 1920s, and rezoned to industrial in the 1940s, the Precinct currently consists of 433 lots, with approximately 143 property owners. An ownership pattern is shown at **Attachment 2**.

The development of the Precinct is impacted by a range of issues including:

- Federally significant flora and fauna values – Critically endangered species exist onsite, identified in the *Environment, Protection and Biodiversity and Conservation Act 1999*. This Federal Government Legislation requires a Strategic Assessment (Assessment) be undertaken which may allow removal of vegetation/fauna if an appropriate offset can be found. The Federal Government requires a large area of land to be assessed and will not review an application on a site by site basis, making it difficult for landowners to resolve independent of each other. Further issues are that suitable offset locations can be difficult to find, are very costly to purchase, and the process associated with strategic assessment approvals have no specific timeframe and can take years.
- State and local level environmental controls - A local Environmental Significance Overlay (ESO3) applies to the Precinct, particularly in the north. This requires a planning permit application to be submitted and assessed to enable removal of native vegetation. The ESO3 seeks to capture state and local level flora and fauna values.
- Melbourne Airport Environs Overlay (MAEO) - Applies to a small area in the north-west of the Precinct. It is anticipated that the area of land impacted by the MAEO will increase significantly in line with the updated Airport Noise Exposure Forecasts (ANEFs) shown in the Melbourne Airport Master Plan 2018. An expanded MAEO will limit development that has a sensitive use.

- Buffers:
 - A gas storage facility at 42 Bunnett Street, North Sunshine, may have associated industrial buffers that could impact future development, particularly if a sensitive use was proposed.
 - The Aviation Fuel line runs along the western side of the Jacana railway line with an associated sensitive use buffer that impacts the Precinct in the west.
 - The Jacana rail line carries both passenger and freight rail and has associated acoustic implications which require mitigation for sensitive uses.
- Lot size and type - the paper subdivision was originally zoned for residential uses and is considered less appropriate for industrial development given the small size and shape of lots. Further, the road network within the Precinct has a residential grid type layout and not conducive for industrial vehicle movements. The limitation of this subdivision is experienced in the Sunshine North Industrial Precinct to the west of the railway line, which has the same layout.
- Services – the Precinct is unserviced without current access to water, electricity or gas. One high voltage powerline exists within the Precinct and significant power upgrades may be required to support development.
- Access – one existing road provides access from Berkshire Road in the south. There are plans for an additional road which will provide access through the River Valley Estate, which in that location is zoned for residential uses, and is not suitable for industrial traffic.

Council has the role and function as the Responsible Authority and the Planning Authority. Council is usually the Responsible Authority for administering the planning scheme in its municipality and for issuing planning permits. Council is also usually the planning authority for the purposes of preparing Planning Scheme Amendments for the Brimbank Planning Scheme.

Council is not a landowner of developable land in the Precinct and doesn't have a role in developing the land. Council has previously attempted to facilitate property owners in leading the process by encouraging the formation of the Solomon Heights landowners group.

Strategic Policy Context

The Precinct forms part of the Sunshine National Employment and Innovation Cluster (Sunshine NEIC), identified in Plan Melbourne 2017 – 2050. Plan Melbourne 2017-2050 emphasises the importance of retaining areas for employment and industry for an increasing metropolitan population with designation of economic areas of influence. The VPA developed the Draft Sunshine NEIC Framework Plan (March 2017) which identified the Precinct as an investigation area.

The Brimbank Industrial Land Strategy 2018-2030 (BILS) identified the Precinct as a 'transitional' area and the potential for existing zoning to change subject to further strategic work. Council also identified in the BILS that it will develop Industrial Design Guidelines with the aim of incorporating into the Brimbank Planning Scheme to improve the design, environmental sustainability and landscaping outcomes in industrial precincts. This work will commence in the 2019/20 financial year.

In 2018 the Victorian Government released the Western Rail Plan including the Melbourne Airport Rail Link, Sunshine Super Hub and Suburban Rail Loop. The Jacana railway line, which forms the western boundary of the Precinct, is the designated alignment for the Melbourne Airport Rail link, and potentially the Suburban Rail Loop and Inland Rail.

In 2019 the Victorian Government indicated that the Sunshine NEIC was part of the Sunshine Priority Precinct and it is anticipated that further work will be undertaken by the Department of Jobs, Precincts and Regions (DJPR) to promote growth and development of the area. To date DJPR has not confirmed the boundaries of the Sunshine Priority Precinct or the proposed work program.

Land to the east of the Precinct, known as the River Valley Estate, has been zoned for residential purposes, and some of this land directly abuts the Precinct. Council is processing the assessment of a request to rezone land that is currently zoned Industrial 3 Zone, in the north part of the River Valley Estate.

Council prepared the Solomon Heights Biodiversity Study 2016 which reaffirmed the environmental values of the Precinct, and surrounds, and highlighted that they were more extensive than the ESO3. Council also adopted the revised Brimbank Biodiversity Strategy 2012 - 2022 in 2018 which further highlights the importance of biodiversity in Brimbank.

Strategic Work to Date

Over the years Council has commissioned a range of strategic plans, studies and initiatives. In 2007 Council prepared the Draft Solomon Heights Structure Plan however this was not supported by property owners and was never adopted by Council.

Given that the Precinct is in private ownership, it was considered appropriate that property owners should have greater involvement in resolving the development impediments. In 2013 Council commenced work to promote creation of a property owner's group by holding a series of information sessions. An informal group formed in 2015 and continued for approximately two and half years. The Group was unable to garner the interest and majority support of property owners from across the Precinct.

In 2017 Council commissioned the preparation of strategic work, funded by the Victorian Planning Authority's (VPA) Streamlining for Growth Program. At the Ordinary Council Meeting in December 2017 Council deferred consideration of strategic work under advice from its lawyers due to Supreme Court proceedings relating to road ownership within the Precinct.

Road Ownership in the Precinct

The Supreme Court resolved in late 2018 that the roads in the southern part of the Precinct are private. The decision in relation to *Glen Ora Estate Pty Ltd vs Brimbank City Council* is shown in **Attachment 3**.

The roads in the northern part of the Precinct were transferred to Council in 2016 by the private owner.

The private ownership of the roads in the south means that landowners must negotiate with a private landowner about access and provision of services to their lots. This also limits Council's ability to influence a development outcome for the Precinct.

Consultation

Council has maintained contact with landowners in the Precinct advising in writing that the planning options report was being prepared. Advice was provided on 20 December 2018, 31 May 2019 and 4 December 2019.

Council officers have also responded to emails and telephone enquiries from landowners in the Precinct about a range of matters including explanation about the development impediments, rates, roads, access and rubbish.

Landowners have also had an opportunity to engage with the following projects and processes:

- Draft Solomon Heights Structure Plan, The Planning Group, 2007
- Council engagement and communications program from 2014 - 2016 including information sessions, newsletters and engagement of property specialist to liaise directly with landowners
- The informal Solomon Heights landowner group
- Draft Solomon Heights Precinct Plan, Insight Planning Consultants, November 2017.
- Supreme Court proceedings *Glen Ora Estate Pty Ltd vs Brimbank City Council*.

Analysis

The key development impediments impacting the Precinct are:

- The existence of federally and state protected flora and fauna with very high conservation value (Spiny rice flower and striped legless lizard). The Federal Government has indicated that it will not consider environmental offsetting on a site by site basis which means that a large-scale assessment is required for multiple properties that are in multiple ownership.
- The significant number of private property owners in the Precinct makes working together, funding strategic work and achieving consensus very challenging
- That private property owners in the southern part of the Precinct need to negotiate access and servicing with a private road network owner. Access to the properties located in the northern part of the Precinct also require access through private roads.

Many landowners believe Council is responsible for resolving the development impediments, however, the Precinct is privately owned, and the work associated with resolving these matters are typically undertaken by the property owner. Previous reports have identified the need for property owners to work together.

Council's has key roles and functions as the Responsible Authority and Planning Authority in relation to the administering of the planning scheme and of issuing planning permits, and for the purposes of preparing Planning Scheme Amendments.

In relation to the planning aspects of the Precinct, Council has prepared an analysis of the planning options, which is shown at **Attachment 4**. A summary of these options includes:

1. Determine if there is justification to change the land use zone
2. Prepare strategic work to inform potential establishment of a conservation reserve and potential purchase for all or part of the Precinct
3. Prepare strategic work to inform preparation of a Restructure Overlay to address limitations in the current subdivision layout
4. Continue to advocate to the Federal and State Governments and other entities about the conservation values on the land, and for their support to help achieve an outcome.

The key considerations that informed the planning assessment included if the options:

- Are strategically justified
- Provide greater certainty for landowners
- Contribute to a timely development outcome
- Are an effective and efficient use of Council resources.

A summary of the consideration associated with each option is shown below:

- Option 1. The current Industrial 3 Zone is a preferred option given the current strategic issues impacting the Precinct. Maintaining the current zone provides certainty for landowners and represents an effective and efficient use of Council resources. If the environmental and road matters can be resolved, this option would also facilitate a timely development outcome. This doesn't preclude further investigation work by DJPR in the future that may support reassessment of the zone.
- Option 2. The potential establishment of a conservation reserve for the purpose of removing a development impediment is not a preferred option. There is a high degree of uncertainty associated with this option. While the environmental values are evident, there is insufficient Council direction about this type of intervention in Council adopted strategies. Further, the outcome of a planning scheme amendment process is uncertain given the lack of justification and could be contentious among property owners. If successful, it would result in significant costs to Council associated with acquisition and land management over the longer term, which are currently unfunded and may not be an effective or efficient use of Council resources. It could also establish an expectation in the community that Council will intervene in the resolution of private development impediments that are the responsibility of the property owner.
- Option 3. A Restructure Overlay is not a preferred option. While it could address limitations within the subdivision layout, it would create an additional impediment in that land would need to be consolidated, creating further uncertainty for landowners for the foreseeable future. A planning scheme amendment process is likely to be contested further contributing to an uncertain outcome.
- Option 4. Continued advocacy about the environmental values and government support to help achieve an outcome is a preferred option. This option may help facilitate a timely outcome, especially given that the land forms part of the Sunshine NEIC and potentially the Sunshine Priority Precinct and is a potentially effective and efficient use of Council resources.

The analysis indicates that the preferred planning options are 1 and 4 as they:

- Are justified based on the current planning assessment
- Provide greater certainty for landowners in comparison to other options
- Contribute to a potentially timely development outcome if the environmental and road matters can be resolved
- Are an effective and efficient use of Council resources.

Options 2 and 3 are not preferred as they:

- May not be strategically justified.
- Do not provide any certainty for landowners
- Do not contribute to a timely development outcome, particularly if environmental and road matters can be resolved
- May not be an effective and efficient use of Council resources.

In the future Council will need to consider the roads in the northern part of the Precinct. If Council were to progress road construction, it too would need to achieve the necessary approvals to remove native vegetation. It would also need to resolve access via the private roads in the southern part of the Precinct. If these matters could be resolved, it would also need to consider funding of the roads and other services, which may occur through a Special

Rate Scheme, as was the case in the North Sunshine Industrial Precinct which is located to the west. On this basis property owners would be required to fund construction costs.

Council has been approached by the private owner of the roads in the south part of the Precinct about a leasing or licencing arrangement for the roads in the north. The private road owner is proposing to resolve the environmental approvals for the land in the north, and pending these approvals, construct the roads and services, in accordance with relevant regulations, which would be funded by landowners through private arrangements. Council has not assessed this proposal. It is considered that specialist advice is required to inform Council's consideration of this proposal, and any other private proposals it may receive.

It is acknowledged that Precinct property owners have for many years experienced uncertainty about whether they will be able to develop their land. This has created distress for many landowners. While this report doesn't resolve the development impediments, it does clarify Council's role and future direction including:

- Its roles and functions as the Responsible Authority and Planning Authority, and that it does not have a role in leading any development proposal for the Precinct
- That Council is not currently seeking to change the Industrial 3 Zone that applies to the Precinct
- That Council will continue to advocate to Federal and State Governments, and other entities, about the environmental values of the land and the need to achieve an appropriate outcome
- That Council is pursuing the development of Industrial Design Guidelines with the intent that a planning scheme amendment is prepared to incorporate these into the Brimbank Planning Scheme. These would be used to assess future development applications in industrial precincts.
- That further expert advice will be commissioned, subject to budget approval, to inform Council's consideration of the proposal about the roads in the northern part of the Precinct, and any other private proposals it may receive.
- That Council will continue to engage with Federal and State Governments and other entities about Solomon Heights, including the DJPR about future opportunities associated with planning for the Sunshine NEIC and Sunshine Priority Precinct.

Resource And Risk Implications

Resource requirements associated with the recommendations in this report can be met within the Annual Budget 2019/2020.

Community: potential impact on community, including public trust and customer service impact

- Yes – This report clarifies Council's roles functions and work program in relation to the Precinct, however, does not resolve the development impediments. Landowners in the Precinct would like Council to have greater influence in addressing the development impediments however this is primarily the responsibility of the landowner.

Environmental: Impacts on environmental sustainability, including water/waste management, climate change and contaminated Regulatory:

- Yes – This report reaffirms the environmental values of the Precinct and highlights that any future development proposal will need to address relevant Federal and State legislation and planning provisions in the Brimbank Planning Scheme.

Regulatory: legal, legislative or regulatory implications including the rights/obligations of stakeholders

- Yes – This report reaffirms that planning and development of the Precinct needs to meet a range of legislative and regulatory obligations.

Financial: impact on Council's position:

- Yes – This report considers the effective and efficient use of Council resources. The preferred options are considered fiscally responsible.

Health and safety: impact on Council, Council's community, or Council's stakeholders:

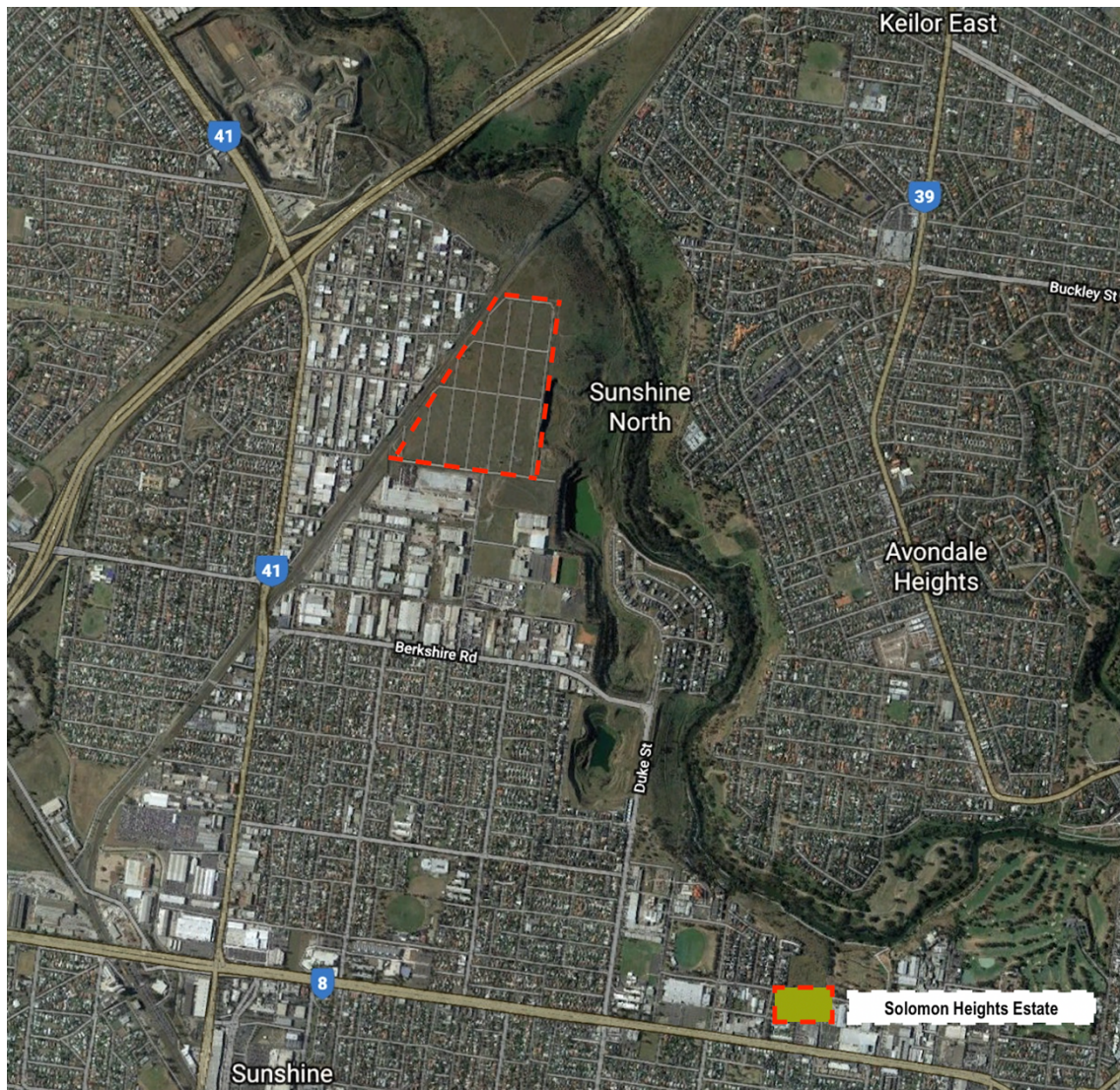
- Yes – It is recognised that the development impediments facing landowners in the Precinct causes distress. The report doesn't resolve the development impediments, however, it does clarify Council's role and future direction.

Officer Recommendation

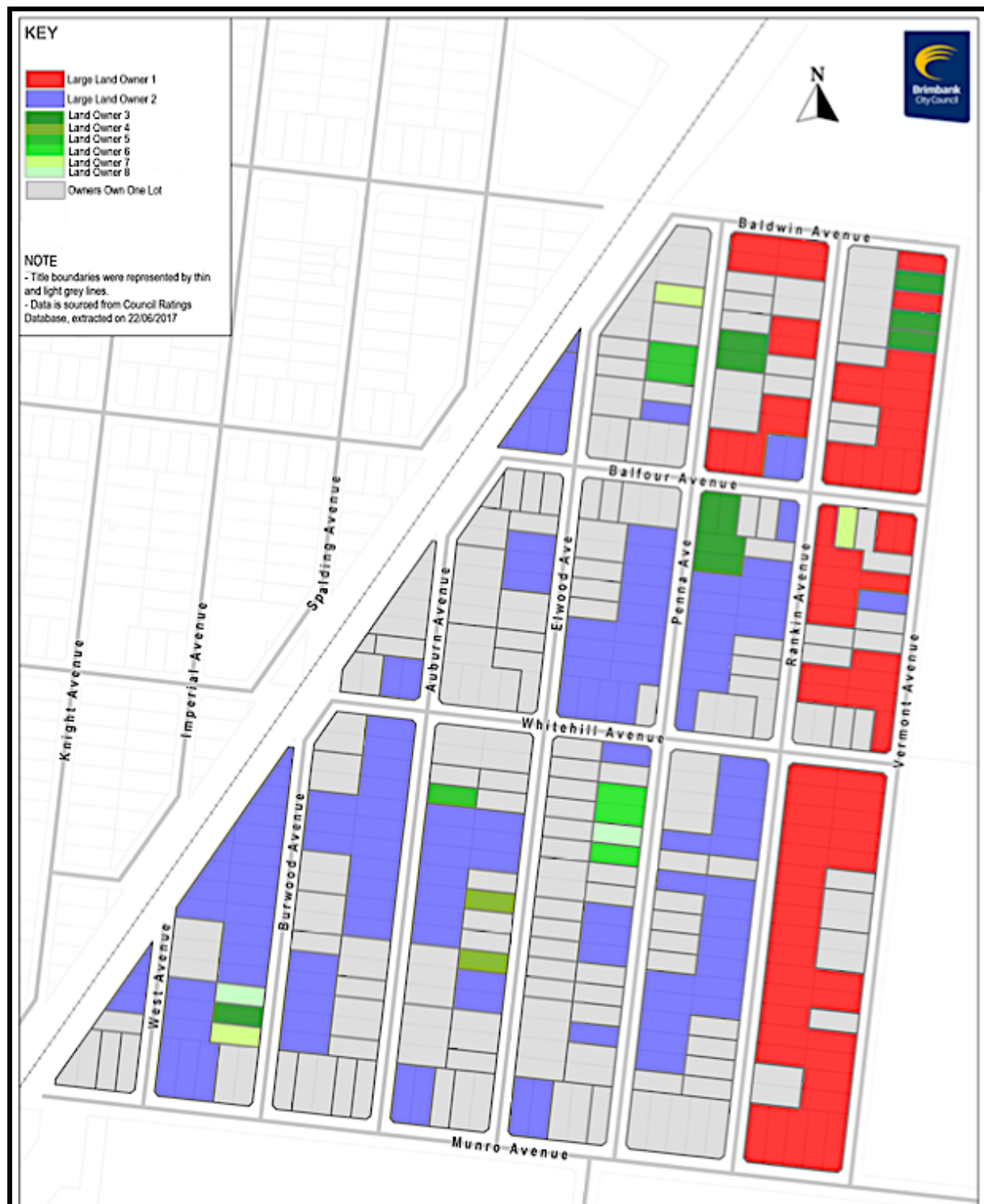
That Council:

- a. **Notes the Solomon Heights Planning Options Summary, at Attachment 4 to this report, and endorses:**
 - i. **Option 1 to retain the current Industrial 3 Zone**
 - ii. **Option 4 to advocate to the Federal and State Governments and other entities, about the environmental values of the land and the need to achieve an appropriate outcome, as the preferred options.**
- b. **Writes to landowners within the Solomon Heights Precinct about this report including that:**
 - i. **Council endorses Option 1 to retain the current Industrial 3 Zone, and Option 4 to advocate to the Federal and State Governments, and other entities, about the environmental values of the land and the need to achieve an appropriate outcome, as the preferred options.**
 - ii. **Council's role and function as the Responsible Authority and Planning Authority, and that it does not have a role in leading any development proposal for the Solomon Heights Precinct.**
 - iii. **That Council is pursuing the development of Industrial Design Guidelines with the intent that a planning scheme amendment is prepared to incorporate these into the Brimbank Planning Scheme. If successful, these would be used to assess future development applications in industrial precincts.**
 - iv. **That further expert advice will be commissioned, subject to budget approval, to inform Council's consideration of a private proposal about the roads in the northern part of the Solomon Heights Precinct, and any other private proposals it may receive.**
 - v. **That Council will continue to engage with Federal and State Governments and other entities about Solomon Heights, including the Department of Jobs, Precincts and Regions about future opportunities associated with planning for the Sunshine National Employment and Innovation Cluster and Sunshine Priority Precinct.**

Attachment 1 – Precinct Locational Map



Attachment 2 – Property Ownership Pattern (January 2019)



**IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMON LAW DIVISION
VALUATION, COMPENSATION AND PLANNING LIST**

No. S CI 2017 00226

BETWEEN

GLEN ORA ESTATE PTY LTD (ACN 004 118 674)

First Plaintiff

- and -

EUGENIA APOSTOLOFF

Second Plaintiff

- and -

BRIMBANK CITY COUNCIL

Defendant



JUDGMENT

JUDGE: The Honourable Justice Cavanough
DATE GIVEN: 19 November 2018
ORIGINATING PROCESS: Writ filed 25 January 2017
HOW OBTAINED: On oral application by the plaintiffs, on the proceeding coming on for trial
ATTENDANCE: Mr I Percy and Mr C Dawlings of counsel for the plaintiffs
No appearance for the defendant

OTHER MATTERS: **A.** This proceeding concerns the land described as roads on the map attached to the third further amended statement of claim dated 1 December 2017 being the land more particularly described in certificates of title:
(a) Volume 11598 Folio 596;
(b) Volume 11822 Folio 532;
(c) Volume 11686 Folio 172; and
(d) Volume 11832 Folio 445.
(‘disputed roads’)

- B. Upon the admissions which the defendant is taken to have made, consequent upon withdrawal of its amended defence dated 13 August 2018 by notice dated 14 August 2018, and the Court being satisfied that it is appropriate to do so, the Court gives the following judgment.

THE JUDGMENT OF THE COURT IS THAT:

1. There be judgment for the plaintiffs.
2. The Court declares that the disputed roads:
 - (a) are not “public highways” within the meaning of the *Local Government Act 1989* (Vic);
 - (b) are not “public roads” within the meaning of the *Road Management Act 2004* (Vic);
 - (c) are not “public highways” within the meaning of the common law;
 - (d) have not vested in the defendant by operation of law.
3. The costs of and incidental to the proceeding are reserved.

DATE AUTHENTICATED: 19 November 2018



THE HON. JUSTICE CAVANOUGH

Map of “Solomon Heights Estate Southern Section”

Disputed roads claimed by Glen Ora Estate Pty Ltd in S CI 2017 00226

pursuant to paragraphs 2 and 4 of the Third Further Amended Statement of Claim dated 31 October 2017



Solomon Heights – Summary of Planning Options for Solomon Heights Precinct (Precinct)

Options	Key Considerations	Positives	Negatives	Officer recommendation
Option 1 Determine if there is justification to change the land use zone	<ul style="list-style-type: none"> There are a range of issues that support the Industrial 3 Zone including: <ul style="list-style-type: none"> The Melbourne Airport Master Plan 2018 and updated Airport Noise Exposure Forecasts (ANEF) which significantly impact the Precinct. It is anticipated that the Melbourne Airport Environs Overlay (MAEO) will be extended across the Precinct. The location of the industrial activities to the south of the Precinct and associated buffers that may be required to protect existing industry. The location of the rail corridor to the west, including the aviation fuel line which require buffers to sensitive uses. Access through an existing industrial estate to the south from Berkshire Road. The Precinct forms part of the Sunshine National Employment and Innovation Cluster in Plan Melbourne, which has a strong focus on retaining areas of employment and industry. 	<ul style="list-style-type: none"> Provides greater certainty for landowners by resolving the expectation that Council will change the land use zone. Accords with Legislative requirements and planning provisions, as well as anticipated changes to MAEO. Is an effective and efficient use of Council resources: <ul style="list-style-type: none"> Any change to the zone would require strategic justification and a successful planning scheme amendment process. This may not be an effective and efficient use of resources given the risk and uncertainty associated with an alternative zone. This would not preclude the landowners from acting as a collective and pursuing a rezoning, in the same way that the adjacent private property owner is the proponent for an amendment to rezone the northern part of the River Valley Estate. 	<ul style="list-style-type: none"> The current Industrial 3 Zone doesn't provide a positive interface to parts of the River Valley Estate, and residential development proposed. Maintaining the current zone doesn't resolve other development impediments facing property owners. <ul style="list-style-type: none"> Federal Government approval is required for offsetting flora and fauna values, and may not approve removal for all or part of the Precinct. The private road owner may not deliver roads/services. Maintaining the current zone doesn't accord with previous strategic work which has potentially raised expectations about the Precinct's potential. This work was not well understood in terms of the role and responsibilities of landowners, and particularly the need for landowners to support, and facilitate the outcome. 	<p>The current Industrial 3 Zone is a preferred option given the current strategic issues impacting the Precinct.</p>

	<ul style="list-style-type: none"> Future work undertaken by the Department of Jobs, Precincts and Regions may justify reassessment of the zoning. Landowners can also act as a collective to apply for a rezoning (this requires landowners to demonstrate that the proposal is strategically justified). 	<ul style="list-style-type: none"> Concludes previous strategic work and clarifies that Council is not intending to undertake further strategic work. This doesn't preclude landowners from working together to submit their own proposal, which would be appropriate given the private nature of the land. May encourage other State Government Departments to engage with the Precinct. 	<ul style="list-style-type: none"> The Federal Government could potentially approve off site environmental off setting which could result in Precinct being fully developed, and a loss of local biodiversity. This situation is not directly attributed to this option, and could occur even if the zone was changed. 	
Options	Key Considerations	Positives	Negatives	Officer recommendation
Option 2 Prepare strategic work to inform potential establishment of a conservation reserve and potential purchase for all or part of the Precinct	<ul style="list-style-type: none"> Federal Government may not support removal of vegetation values in all or part of the precinct. Council would need to prepare strategic justification to support a decision to purchase all or part of the privately owned Precinct to establish a conservation area. While the environmental values are evident, there is currently insufficient Council policy to support the acquisition, particularly with regard to whether this is a one off acquisition or part of a larger program that Council is pursuing. On this basis strategic work would be undertaken in isolation to a broader policy basis. 	<ul style="list-style-type: none"> If strategically justified, and land could be purchased, it would preserve the environmental values for the area it applies to. May provide opportunity for environmental offsetting in remaining part of the Precinct (and other sites) potentially addressing a key development impediment. There is potential for the private market to establish a conservation reserve negating Council involvement. 	<ul style="list-style-type: none"> Insufficient policy basis creates uncertainty and risk in the preparation of strategic work and Planning Scheme Amendment process. Significant financial resourcing would be required to support potential purchase of land (either by acquisition or otherwise) and may not be an effective or efficient use of resources. <ul style="list-style-type: none"> There is no way to capture the true costs until the end of the process so difficult to budget. Could establish an expectation in the community that Council will intervene in the resolution of private development impediments that are the responsibility of the property owners. There are few precedents for similar sites 	<p>The preparation of strategic work to inform a potential establishment of a conservation reserve for the purpose of removing a development impediment is not a preferred option.</p>

	<ul style="list-style-type: none"> • If strategic justification could be achieved, Council would need to allocate a significant budget for future acquisition and ongoing management costs. Anecdotally land is being sold for in excess of \$150,000, and there are more than 400 lots within the Precinct. Council may be able to reduce ongoing management costs through environmental off-setting, although this will not cover the cost of purchase. • Applying a Public Acquisition Overlay (PAO) requires a Planning Scheme Amendment which is strategically justified. • An alternative option to a PAO is to consider a limited offer to purchase lots for a nominated price for a limited time. This would give owners the opportunity to sell the land directly to Council. This would not compulsorily require landowners to sell, and would invariably be an amount less than the open market value. As landowners aren't required to sell, this strategy may never achieve the strategic objective of establishing a conversation reserve. • There is potential for landowners to establish a private environmental offset. 		elsewhere however many examples exist where landowners acquire or own undevelopable or constrained land.	
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Options	Key Considerations	Positives	Negatives	Officer recommendation
<p>Option 3</p> <p>Prepare strategic work to inform preparation of a Restructure Overlay to address limitations in the current residential subdivision layout</p>	<ul style="list-style-type: none"> • Council would need to prepare strategic justification to support the preparation of a Restructure Overlay. • If the Restructure Overlay was successfully introduced into the Brimbank Planning Scheme, it would require lot consolidation prior to any development. • While the subdivision is not ideal for an industrial precinct, the same layout applies to the industrial precinct to the west. This industrial precinct is considered economically viable. • While a Restructure Overlay would address limitations in the current subdivision, it would add a further impediment to development, and could take many years to realise. 	<ul style="list-style-type: none"> • Would facilitate appropriate lot sizes and access associated with contemporary industrial precincts. • May have benefits for flora and fauna values as it will result in a reduction in fragmentation of lots and reduce the number of lot owners. • Lot consolidation may result in greater investment and development interest in the long term. 	<ul style="list-style-type: none"> • Restructure Overlays, once applied, often take a considerable amount of time to result in consolidation of lots. This is in addition to the initial Planning Scheme Amendment process. • Lot consolidation requires landowners to work together to formulate an outcome – this has not worked in the past. • Unlikely to be supported by landowners given the additional impediment it would create. • May be difficult to justify given that the current subdivision layout hasn't prevented the industrial precinct to the west from developing. • The preparation of a Planning Scheme Amendment may not be an effective and efficient use of Council resources given the uncertainty and risk associated with the outcome, including the strategic justification. • Landowners may perceive a lack of support from Council in adding an additional planning requirement that further delays the prospect of resolving development impediments. 	<p>The preparation of strategic work to inform a Restructure Overlay is not a preferred option.</p>

Options	Key Considerations	Positives	Negatives	Officer recommendation
<p>Option 4</p> <p>Continue to advocate to the Federal and State Governments and other private entities about the conservation values on the land, and for their support to help achieve an outcome.</p>	<ul style="list-style-type: none"> The Precinct is part of the Sunshine National Employment and Innovation Cluster, and potentially part of the Sunshine Priority Precinct. There are a range of Federal and State Government Departments with a direct or indirect interest in the Precinct including, but not limited to: <ul style="list-style-type: none"> Federal Departments including Department of Infrastructure, Transport, Cities and Regional Development, and Department of Environment and Energy State Government including Department of Jobs, Precincts and Regions, Department of Environment, Land, Water and Planning, Victorian Planning Authority, and Parks Victoria. There may be private interest in the establishment of a private environmental offset to facilitate other development. There may be opportunities for organisations like Trust for Nature to support any future establishment of an environmental offset. 	<ul style="list-style-type: none"> The timing for advocacy is good considering the interest in Sunshine and Melbourne's west from Federal and State Governments. The environmental values of Solomon Heights are significant and there are limited opportunities for environmental off setting which could make it potentially attractive to the private sector. Is considered an effective and efficient use of Council resources. Aligns with Council adopted strategies and policies. 	<ul style="list-style-type: none"> While advocacy can be an effective strategy, it can take time, which is frustrating for landowners. Advocacy doesn't deliver certainty for landowners in the short term, although could in the longer term if effective. 	<p>Continued advocacy about the environmental values and government support to help achieve an outcome is a preferred option.</p>