

Planning Panels Victoria

Hume Planning Scheme Amendment C237hume 2 Northcorp Boulevard, Broadmeadows

Panel Report

Planning and Environment Act 1987

21 September 2026

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 to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

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

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

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

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

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Hume Planning Scheme Amendment C237hume

2 Northcorp Boulevard, Broadmeadows

21 September 2026



Con Tsotsoros, Chair



Gregoria Todaro, Member

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Glossary and abbreviations

C2Z	Commercial 2 Zone
CHMP	Cultural Heritage Management Plan
Council	Hume City Council
EPA	Environment Protection Authority
PE Act	<i>Planning and Environment Act 1987</i>
Planning Scheme	Hume Planning Scheme
Proponent	Lakeside Drive Investments Pty Ltd
PSI report	Preliminary Site Investigation, 2 Northcorp Boulevard, Broadmeadows (Peter J Ramsay & Associates, October 2023)
the section 173 agreement	The proposed draft legal contract between the responsible authority and landowner enabled by section 173 of the PE Act
subject land	2 Northcorp Boulevard, Broadmeadows

Overview

Amendment summary

The Amendment	Hume Planning Scheme Amendment C237hume
Common name	2 Northcorp Boulevard, Broadmeadows
Brief description	Rezones the subject land from Special Use Zone Schedule 5 to Commercial 2 Zone
Subject land	2 Northcorp Boulevard, Broadmeadows
Planning Authority	Hume City Council
Proponent	Lakeside Drive Investments Pty Ltd
Authorisation	3 March 2026, with conditions
Exhibition	29 April to 12 June 2026
Submissions	Number of Submissions: 5

Panel process

The Panel	Con Tsotsoros (Chair), Gregoria Todaro
Directions process	Conducted through written process
Panel process	Submissions considered based on documents
Site inspections	Unaccompanied, 17 August 2026
Parties to the process	Hume City Council and the Proponent
Citation	Hume PSA C237hume [2026] PPV
Date of this report	21 September 2026

Executive summary

Land at 2 Northcorp Boulevard, Broadmeadows (subject land) formed part of the Melbourne Greyhound Racing Association Complex by Greyhound Racing Victoria. It was zoned Special Use Zone Schedule 5 to help facilitate its operations. The subject land later became surplus to its operational requirements and was sold to Lakeside Drive Investments Pty Ltd (the Proponent).

Hume Planning Scheme Amendment C237hume (the Amendment) seeks to rezone the subject land from Special Use Zone Schedule 5 to Commercial 2 Zone to facilitate the use and development of the land for industrial and commercial purposes.

The Proponent requested the Amendment. Hume City Council (Council) exhibited the Amendment from 29 April to 12 June 2026 and received five submissions. Key issues raised in submissions related to:

- whether it is appropriate to apply the Commercial 2 Zone
- the Campbell Creek corridor
- potential land contamination and landfill gas.

Strategic issues

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

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed, noting the more specific issues raised in submissions as discussed in the following chapters.

Applying the Commercial 2 Zone

It is appropriate and justified to apply the Commercial 2 Zone to the subject land. There is no strategic work to support the application of another zone.

Campbellfield Creek corridor

It is appropriate for the proposed draft section 173 agreement (the section 173 agreement) to make Melbourne Water a party and to include a new clause:

A minimum 30 metre setback from the waterway be provided, unless an alternative setback is approved by the relevant floodplain and waterway manager.

The Panel does not make a recommendation for this change because the section 173 agreement does not form part of the Amendment.

The subject land is within a larger business park where potential stormwater and drainage impacts have been previously assessed. A strategic, site-specific stormwater and drainage assessment:

- does not need to be prepared to inform the proposed rezoning and would be disproportionate to the subject land's low-risk profile and planning context
- can be completed through the planning permit stage.

Potential land contamination and landfill gas

The Amendment has appropriately considered potential contamination and landfill gas. The Environmental Audit Overlay which currently exists on the subject land will ensure any sensitive use is subject to further site-specific assessment before it starts.

It is appropriate to implement the section 173 agreement that:

- prohibits the construction of below-ground structures on the subject land in certain circumstances
- requires the appropriate assessment, handling and disposal of any contaminated soil that is encountered on the land.

Recommendation

Based on the reasons set out in this report, the Panel recommends that Council:

- 1. Adopt Hume Planning Scheme Amendment C237hume as exhibited.**

1 Introduction

1.1 Subject land and surrounds

Subject land

Address: 2 Northcorp Boulevard, Broadmeadows (subject land) shown in Figure 1

Area: 1.1 hectares

Land use: Vacant land

Zone: Special Use Zone Schedule 5

Overlays: Environmental Audit Overlay and Melbourne Airport Environs Overlay Schedule 2.

Surrounds

South: Camp Road, Commercial 2 Zone area, Metropolitan Ring Road

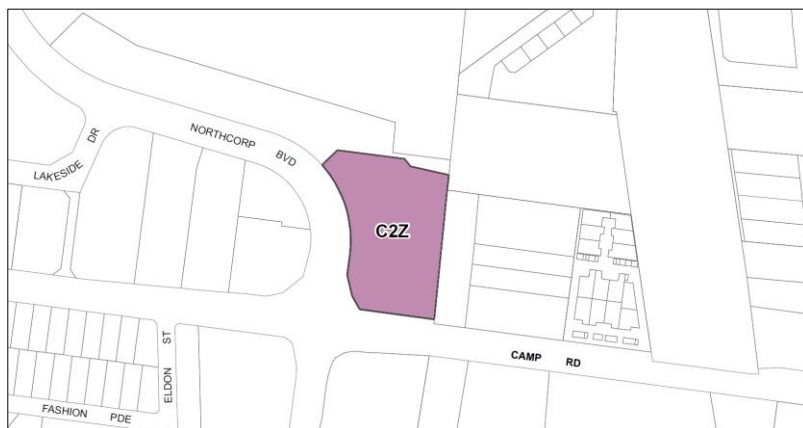
East: Campbellfield Creek, Commercial 2 Zone area and Hume Highway

North: Northcorp Boulevard Reserve

West: Commercial 2 Zone area

Context: About 14 kilometres north of the Melbourne Central Business District
About 1.4 kilometres northwest of Gowrie Train Station
About 550 metres west of Campbellfield Plaza shopping centre.

Figure 1 Subject land



Source: Amendment's explanatory report

1.2 The Amendment

The Amendment seeks to amend the Hume Planning Scheme (Planning Scheme) by rezoning 2 Northcorp Boulevard, Broadmeadows (subject land) from Special Use Zone Schedule 5 to the Commercial 2 Zone (C2Z) to facilitate the use and development of the land for industrial and commercial purposes.

1.3 Procedural matters

Having reviewed the Amendment and matters raised in referred submissions, the Panel found submissions did not raise a major issue of policy.

The Panel wrote to submitters on 20 July 2026, inviting them to comment on its proposal to base the process on documents without the need for a Hearing while allowing:

- a submitter to provide a further written submission by 13 August 2026
- Council to provide a submission which responds to any submission by 27 August 2026.

Council and the Proponent agreed to the process. No other submitter responded. On 11 August 2026, the Panel notified parties of its decision to consider issues based on documents.

1.4 The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visit, submissions and other material presented to it during the process. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the report.

This report deals with the issues under the following headings:

- Strategic issues
- Issues
 - Applying the Commercial 2 Zone
 - Campbellfield Creek corridor
 - Potential land contamination and landfill gas.

1.5 Limitations

The Panel has reviewed the five submissions made in response to the Amendment.

Aboriginal cultural heritage

The Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation suggested a voluntary Cultural Heritage Management Plan (CHMP) be prepared for the subject land.

Council explained the Proponent engaged a heritage consultancy that prepared a cultural heritage assessment which found:

- the subject land has been significantly disturbed by extensive earthworks and the risk of harm to Aboriginal cultural heritage places is negligible
- a mandatory CHMP is therefore not required.

Council submitted a mandatory CHMP is not required through the Amendment because:

- the *Aboriginal Heritage Regulations 2018* does not classify a planning scheme amendment or rezoning of land as a high impact activity

- the heritage assessment advised a CHMP is not required
- the planning scheme amendment process does not provide a legislative mechanism to require a CHMP.

Council added:

- it can only encourage a voluntary CHMP as a risk management measure to better supporting cultural heritage protection
- a mandatory CHMP may be considered and potentially required at the planning permit stage based on the potential future use and development application for the subject land.

The Proponent submitted that any decision about a CHMP would be considered after the Amendment.

The Panel agrees with submissions that a CHMP forms part of the planning permit application process which is beyond the scope of the Amendment.

Melbourne Airport protection

Melbourne Airport noted the subject land is within the Number Above contours and Melbourne Airport Environs Overlay Schedule 2. It advised it would not accept any responsibility or liability regarding any matter arising from aircraft noise.

The Proponent acknowledges that the subject land may be subject to aircraft noise associated with Melbourne Airport. The C2Z supports future uses and development of the subject land that do not prejudice the curfew status or optimum usage of the Melbourne Airport and are consistent with Melbourne Airport Environs Overlay Schedule 2.

Council did not specifically respond to the protection of Melbourne Airport.

The Panel does not discuss these two submissions further in this report.

Proposed section 173 agreement

As referred to in Chapter 3, a draft section 173 agreement was prepared concurrently with the Amendment. The Amendment's explanatory report states:

A draft Section 173 Agreement has been prepared to give effect to these recommendations and will be exhibited as part of the amendment documentation.

However, the agreement does not form part of the Amendment. This is because the Amendment does not propose planning provisions that require such an agreement.

The Panel has considered the section 173 agreement's content within this context.

2 Strategic issues

2.1 Planning context

This chapter identifies planning context relevant to the Amendment.

Table 1 Planning context

	Relevant references
Victorian planning objectives	- section 4 of the PE Act
Municipal Planning Strategy	- Clause 2.03-7 (Economic development)
Planning Policy Framework	- Clause 11.01-1S (Settlement) - Clauses 13.04-1S (Contaminated and Potentially Contaminated Land) and 13.07-1S (Land Use Compatibility) - Clauses 17.01-1S (Diversified Economy) and 17.03-1S (Industrial supply) - Clause 18.01-1S (Land use and transport planning)
Other planning strategies and policies	- <i>Plan for Victoria</i> (previously Plan Melbourne 2017-2050) - <i>Melbourne Industrial and Commercial Land Use Plan</i>
Planning scheme provisions	- Commercial 2 Zone - Environmental Audit Overlay - Melbourne Airport Environs Overlay
Ministerial directions	- Ministerial Direction (Form and Content of Planning Schemes) - Ministerial Direction 9 (Metropolitan Strategy) - Ministerial Direction 11 (Strategic Assessment of Amendments)
Planning practice notes	- Planning Practice Note 30 (Potentially Contaminated Land) - Planning Practice Note 46 (Strategic Assessment Guidelines) - Planning Practice Note 97 (Strategic planning for waterways)

2.2 Strategic justification

(i) The issue

The issue is whether the Amendment has sufficient strategic justification to progress.

(ii) Evidence and submissions

No submission considered the Amendment had insufficient strategic justification.

Council submitted:

- Special Use Zone Schedule 5 restricts use and development to regional sporting facilities and no longer reflects the site's context or strategic role

- C2Z will enable broader commercial uses that are more consistent with the surrounding industrial area
- the Amendment will support economic activity and employment generation in Broadmeadows, leveraging the site's strategic location next to the Hume Highway and within the State Significant Industrial Precinct.

(iii) Discussion

No submission requested the Amendment be abandoned due to insufficient strategic justification. Greyhound Racing Victoria demonstrated the subject land is surplus to its needs when it sold it to the Proponent. The subject land currently remains vacant and is within a commercial and industrial area predominantly zoned C2Z. It needs to be rezoned to achieve the same uses and development within the surrounding industrial precinct.

As noted by Council, the Amendment, which simply seeks to rezone the subject land to C2Z, will support economic activity and generate employment in an area where such outcomes are sought – the State Significant Industrial Precinct. Accordingly, the Amendment will contribute towards delivering net community benefit and sustainable development as required by Clause 71.02-3.

(iv) Conclusions and recommendation

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

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

The Panel recommends Council:

- 1. Adopt Hume Planning Scheme Amendment C237hume as exhibited.**

3 Issues

3.1 Applying the Commercial 2 Zone

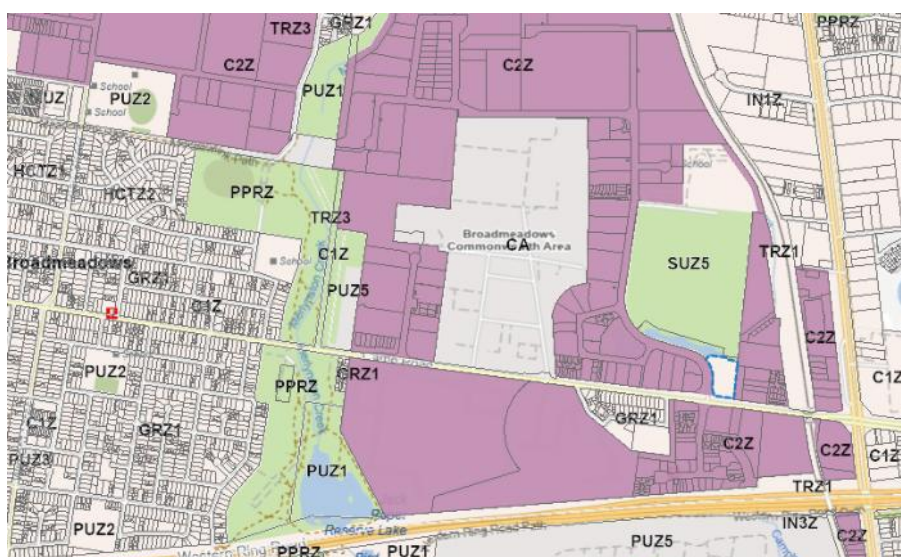
(i) The issue

The issue is whether it is appropriate and justified to apply the C2Z to the subject land.

(ii) Background

The C2Z applies to most of the area surrounding the subject land.

Figure 2 Application of the Commercial 2 Zone in the vicinity of the subject land



Subject land shown in blue outline | Source: <https://mapshare.vic.gov.au/vicplan/>

The C2Z purpose is to:

- implement the Municipal Planning Strategy and the Planning Policy Framework
- encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services
- ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

(iii) Submissions

Objecting submission

The proposed C2Z restricts land to single-use commercial development and:

- will not sufficiently support the growth of jobs and business
- does not allow for the potential of the land to be realised effectively.

The Commercial 3 Zone is more suitable for the subject land because:

- it would unlock more effective use of the land while serving community and industrial needs by allowing for flexibility and adaptability

- it is intended for areas where mixed-use employment outcomes would serve the locality better than 'single-use zoning'
- the subject land is next to residential and commercial areas, well serviced by public transport
- it enables residential and retail with office and other commercial spaces (C2Z does not permit this)
- it would achieve better opportunities for job creation and business
- it would better supporting the local community and Northcorp Industrial Park's state significance as an industrial park.

Proponent submission

The subject land formed part of the Melbourne Greyhound Racing Association Complex by Greyhound Racing Victoria and as zoned Special Use Zone Schedule 5 to help facilitate its operations. It later became surplus to Greyhound Racing Victoria's operational requirements and was sold to the Proponent.

C2Z is the most appropriate zone when having regard to the physical and strategic context of the subject land, existing conditions and zoning context of surrounding land.

The subject land is:

- zoned Special Use Zone Schedule 5 that no longer reflects its strategic role or development future
- identified in the Melbourne Industrial and Commercial Land Use Plan as state significant industrial land so it should be zoned to enable industrial and commercial uses.

The C2Z purpose is consistent with what is sought to be achieved on the subject land.

The Commercial 3 Zone enables residential use, and this is not sought for the subject land. The Amendment has not considered whether this outcome would be appropriate.

Melbourne Water

On initial observation, the subject land should be in the Special Use Zone with parkland uses and complementary land uses alongside Campbellfield Creek.

Council submission

The existing zoning restricts use and development to regional sporting facilities and no longer reflects the site's context or strategic role. The proposed rezoning to CZ2 will enable a broader range of commercial uses that are more consistent with the surrounding industrial area including the Northcorp Industry Park and consistent with the site's location in a State Significant Industrial Precinct. This will in turn support economic activity and employment generation within Broadmeadows, leveraging the site's strategic location adjacent to the Hume Highway corridor and is within the State Significant Industrial Precinct under the Melbourne Industrial and Commercial Land Use Plan 2020.

The Amendment enables intensification of the use and development of existing urban land, facilitating industrial or commercial development and will enhance the supply of land fostering local jobs and employment in sectors such as industry, warehousing,

service business, hospitality, entertainment, other retail uses, and associated business and commercial services.

The Amendment is generally in accordance with State and Local planning policies in the Planning Scheme and the broader objectives for planning in Victoria including *Plan for Victoria*, specifically Action 8. The proposal will help unlock industrial and commercial land in a significant industrial precinct.

(iv) Discussion

The Panel agrees that Special Use Zone Schedule 5 no longer reflects its strategic role or development future. It is considered good planning to apply the same zone in the surrounding area, being the C2Z. Rezoning the subject land to C2Z will enable a broader range of commercial uses that are more consistent with the surrounding industrial area including the Northcorp Industry Park and consistent with the site's location in a State Significant Industrial Precinct. This will support economic activity and employment opportunities within Broadmeadows, leveraging the site's strategic location adjacent to the Hume Highway corridor and within the State Significant Industrial Precinct identified in the *Melbourne Industrial and Commercial Land Use Plan 2020*.

The Panel was not presented with good strategic reasons to apply C3Z to the subject land rather than the proposed C2Z.

(v) Conclusion

The Panel concludes it is appropriate and justified to apply the Commercial 2 Zone to the subject land.

3.2 Campbellfield Creek corridor

3.2.1 The issues

The issues are whether:

- the section 173 agreement should require a minimum 30-metre setback from Campbellfield Creek
- a strategic, site-specific stormwater and drainage assessment should be required to inform the proposed rezoning rather than a detailed permit-stage Stormwater Management Strategy.

3.2.2 Background

As shown in Figure 3, the subject land's eastern boundary abuts the Campbell Creek corridor, and the Special Building Overlay applies to its south-eastern portion.

Figure 3 Subject land – aerial map and extent of the Special Building Overlay

Subject land shown in blue outline | Source: <https://mapshare.vic.gov.au/vicplan/>

Planning Scheme Clause 12.03-1S:

- applies to land in proximity to a waterway, including all land within 200 metres from the centreline of a waterway
- seeks to protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs.

One of its policy guidelines is to locate *“development a minimum of 50 metres from the banks of waterway systems”*.

Planning Practice Note 97 (Strategic planning for waterways) advises:

In defining the waterway corridor, consider:

- clause 12.03-1S of the Victorian Planning Policy Framework: Requires a minimum 50-metre setback from the top of each bank

...

Waterway corridor: The full extent of the waterway, from the headwaters to the sea with a minimum corridor width of 50 metres either side of the waterway measured from the top of the bank.

3.2.3 Waterway setback

(i) Evidence and submissions

Melbourne Water submission

A uniform 50-metre setback may not be achievable in all circumstances, particularly in a State Significant Industrial Precinct. A minimum 30-metre setback from the top of Campbellfield Creek bank is an appropriate starting point to:

- protect and enhance the waterway corridor
- provide opportunities for riparian revegetation and waterway management
- maintain ecological connectivity
- accommodate future waterway corridor functions.

A reduced setback may be supported where it can be demonstrated a proposal can achieve the relevant waterway, floodplain and environmental protection objectives.

There should be sufficient land to protect and improve Campbellfield Creek and accommodate any associated drainage, stormwater management and waterway health requirements. The final corridor width should be informed by a site-specific assessment and may need to be increased if additional land is required to achieve these outcomes.

It supported investigating planning mechanisms like a section 173 agreement to protect and manage waterway outcomes after the required corridor extent has been determined. For the Amendment, the setback requirement should be expressed as:

A minimum 30 metre setback from the waterway must be provided, unless an alternative setback is approved by the relevant floodplain and waterway manager.

If the zoning is changed to allow a more intensive class of use and development, measures must be considered to ensure the site responds appropriately to its waterway interface. This should be consistent with Clause 12.03-1S (River and Riparian Corridors, Waterways, Lakes, Wetlands and Billabongs) and Clause 14.01-1S (Catchment Planning and Management) of the Victorian Planning Provisions in the Planning Scheme.

Melbourne Water articulated specific considerations of the subject land, which included that the subject land is subject to flooding from the Campbellfield Creek. That is, that the applicable 1% Annual Exceedance Probability flood level grades from 98.07-metre Australian Height Datum at north-east corner of the property down to 95.66-metre Australian Height Datum at south-east corner of the property. Campbellfield Creek is also a designated waterway under the Water Act 1989. It is envisaged by Melbourne Water that any future proposals relating to 2 Northcorp Boulevard would need to undergo preparation of a Stormwater Management Strategy and that buildings and works would need to manage both flooding risks and interfaces with waterways and water bodies. The Stormwater Management Strategy would be required to demonstrate that site runoff is treated in accordance with Best Environmental Practice and that the 1% AEP and 10% AEP flows are attenuated to pre-development levels. Development would also need to satisfy the performance criteria outlined in the 2019 *Guidelines for Development in Flood Affected Areas*.

The section 173 agreement (or an alternative planning control, as further advised by the planning authority) should include a 'Campbellfield Creek Corridor Protection' clause to prevent future encroachment and protect waterway health and access. This together with considerations around the existing landfill gas/below-ground structure audit trigger; and the proposed Campbellfield Creek Corridor Protection clause (as above), including triggers, required evidence, and enforcement and maintenance responsibilities, would be considered as part of the section 173 agreement.

Proponent submission

The Proponent supports Melbourne Water's approach for determining an appropriate setback and other requirements for protecting Campbellfield Creek through an evidence-based assessment. However, a detailed assessment could be addressed at the planning permit stage rather than through the Amendment. While a section 173 agreement could be implemented to address this issue, such an agreement is not a substitute for planning scheme provisions or permit conditions. They should not be used where the relevant objective can be achieved through the Planning Scheme or a planning permit condition. This would introduce unnecessary complexity and create an additional regulatory pathway outside the ordinary planning assessment process.

Clause 12.03-1S of the Planning Scheme applies to all land within 200 metres of a waterway highlighting the broad policy position on the issue of building setbacks to waterways. In this context, the default 50-metre setback is not required and an

appropriate setback would be considered within the context of any future permit application. This is when Clauses 19.01-3L and 15.01-2L-03 would provide an appropriate policy framework for assessing stormwater management outcomes.

Council submission

There may be merit in revising the section 173 agreement to:

- make Melbourne Water a party to the agreement
- insert a new clause that seeks a minimum 30 metre setback from the waterway, unless an alternative setback is approved by the relevant floodplain and waterway manager.

The Amendment is unlikely to have any significant impacts on the environment despite the subject land abutting Campbellfield Creek. Any future permit application proposing to develop the subject land will need to demonstrate alignment with the zoning and overlay provisions and the associated state and local planning policy. This will include a response to the Campbellfield Creek. Any future development proposal would need to address the environmentally sustainable design and industrial stormwater management policies at Clauses 15 and 19.03- 3L.

There is an alignment between waterway protection and the State and local planning policy in the Planning Scheme at Clauses 12.03-1S and 14.02-1S and in the recently introduced Planning Practice Note 97 (Strategic Planning for Waterways) which recommends an indicative 50-metre development setback.

There is sufficient policy justification to consider a development setback from Campbellfield Creek. The question is whether this be done through Amendment as proposed by Melbourne Water or during the planning permit process. There is merit in applying the waterway setbacks through the Amendment because Melbourne Water has:

- provided an outcome specific to the subject land
- requested a 30-metre interface setback rather than the default 50-metre setback outlined in State policy.

The site-specific minimum setback of 30 metres is appropriate. It is consistent with the previous setback for waterways pursuant to Clause 12.03-1S when the Amendment was first lodged in 2018.

Melbourne Water's request to revise the section 173 agreement to include its recommended clause requiring a minimum 30-metre setback is supported. The section 173 agreement is a means to implement site-specific development restrictions and considerations, which can be varied at permit stage if additional assessments are undertaken. Adding Melbourne Water as a party to the agreement and its proposed wording is a convenient method to secure this and to be reasonable in this context.

Council officers prefer Melbourne Water's proposed use of the section 173 agreement, having considered the following alternative planning provisions:

- Environmental Significance Overlay
- Design and Development Overlay.

The Environmental Significance Overlay has not been supported through a technical assessment or justification and therefore would be inconsistent with the approach to waterway protection in the Hume Planning Scheme.

The Design and Development Overlay could be used to specify development setbacks, siting and landscape requirements and potentially establish Melbourne Water as a referral authority under Clause 66.06 of the Planning Scheme however, it does not lend itself to require further assessments based on the environmental functions of Campbellfield Creek.

(ii) Discussion

The Panel agrees with Council and Melbourne Water that a minimum 30-metre setback from Campbellfield Creek is appropriate. There is broad policy support to apply a setback, and there is robust technical support to specify this measure.

The Amendment would have benefitted from specifying the minimum 30-metre setback from Campbellfield Creek through an appropriate overlay such as the Design and Development Overlay. However, it would not be appropriate to apply such an overlay through the Amendment:

- if no other design and development provisions are sought to be included
- because this would go beyond the scope of the Amendment – to rezone the subject land.

For similar reasons, the Panel agrees with Council it is not appropriate to introduce the Environmental Significance Overlay through the Amendment.

While not as transparent as overlay provisions, the section 173 agreement provides a practical mechanism for requiring a minimum 30-metre setback unless specified otherwise by Melbourne Water. This process should be implemented through a separate statutory process because the Amendment does not propose any head of power to require such an agreement.

3.2.4 Stormwater and drainage assessment

(i) Evidence and submissions

Melbourne Water submission

Clauses 19.01-3L and 15.01-2L-03:

- provide an appropriate policy framework for the assessment of stormwater management outcomes at the planning permit stage
- help ensure future development incorporates water sensitive urban design, stormwater treatment measures and environmentally sustainable development outcomes.

A strategic, site-specific stormwater and drainage assessment should be prepared to inform the proposed rezoning rather than a detailed permit-stage Stormwater Management Strategy. Existing local policies establish objectives for future development, but they do not assess whether these requirements can be physically accommodated on the land proposed for rezoning.

A strategic assessment would:

- demonstrate that future development can accommodate drainage infrastructure, stormwater quality treatment measures, overland flow paths, flood conveyance requirements and waterway protection outcomes
- provide confidence the subject land can be zoned without negatively impacting waterways, drainage systems or future development outcomes
- supplement, rather than duplicate, the stormwater requirements that would apply at subsequent planning permit stage.

Proponent submission

The Amendment is not the appropriate planning juncture for specific metrics or controls to be considered or implemented for the protection of the Campbellfield Creek, which sits at the northern end of the subject land. The proposal is simply to rezone the subject land from Special Use Zone Schedule 5 to C2Z. In response to Melbourne Water's pragmatic and evidence-based outcome for future development, the Proponent supports the approach of determining an appropriate setback and other requirements for the protection of the Creek through an evidence-based assessment. This matter can be properly addressed at the planning permit application stage.

Council submission

The subject land was originally planned for, subdivided and sold as part of the broader subdivision and development of the surrounding Northcorp Precinct Park Plan in the 1990s. It is part of the original Northcorp Industry Park plan referred to at Clause 15.01-1L-04 of the Planning Scheme.

Drainage requirements of the Industry Park were considered as part of the overall engineering design, including infrastructure intended to service the future development of 2 Northcorp Boulevard. Specifically, runoff from the subject land would be managed through the Lakeside Drive ponds and wetland system immediately north of the subject land, which form part of the catchment's broader Water Sensitive Urban Design network. This demonstrates that the estate's drainage network was planned and constructed with sufficient capacity to accommodate development of the site. Future runoff from the subject land would therefore most likely be managed through infrastructure already designed for this purpose, together with any specific onsite stormwater management requirements that come from a future Stormwater Management Strategy at the planning permit stage.

Asset condition assessments undertaken by Council's asset management team in 2024 found the system to be performing at an average and acceptable standard, confirming its ongoing effectiveness in managing flows and treating stormwater. It is unnecessary to require a stormwater assessment through the Amendment because the existing planning provisions, the subject land's low-risk profile and established drainage infrastructure provide an appropriate level of assurance.

(ii) Discussion

The Panel agrees with Council's submission regarding the stormwater and drainage assessment. The subject land is part of a broader business park area which was previously assessed for potential stormwater and drainage impacts. The subject land

does not need further assessment through the Amendment because this would be disproportionate to the subject land's low-risk profile and planning context.

The planning permit application stage is the appropriate process for any further potential stormwater and drainage consideration because that is when development design details will be known and potential impacts can be better understood.

3.2.5 Conclusions

The Panel concludes:

- It is appropriate for the section 173 agreement to make Melbourne Water a party and to include a new clause:
A minimum 30 metre setback from the waterway be provided, unless an alternative setback is approved by the relevant floodplain and waterway manager.
- A strategic, site-specific stormwater and drainage assessment:
 - does not need to be prepared to inform the proposed rezoning and would be disproportionate to the subject land's low-risk profile and planning context
 - can be completed through the planning permit stage.

3.3 Potential land contamination and landfill gas

(i) The issue

The issue is whether the Amendment has appropriately considered potential contamination and landfill gas.

(ii) Background

Environmental Audit Overlay

The subject land was formerly part of the broader former Broadmeadows Landfill area. The Environmental Audit Overlay applies to the former landfill area, as shown in Figure 4.

Figure 4 Subject land – Environmental Audit Overlay



Subject land shown in blue outline | Source: <https://mapshare.vic.gov.au/vicplan/>

The Environmental Audit Overlay includes a purpose to “ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination”. As required by the overlay, the Proponent engaged Peter J Ramsay & Associates who the *Preliminary Site Investigation, 2 Northcorp Boulevard, Broadmeadows* (PSI report) in October 2023.

PSI report

The PSI report concluded the subject land:

- has a low potential for soil and groundwater contamination from its historic land uses
- has a potential for groundwater contamination from offsite sources
- will only expected exposure to groundwater contamination for a commercial/ industrial land use if groundwater is abstracted for use
- has a relatively low risk of landfill gas generation from the former Broadmeadows Landfill
- had elevated carbon dioxide concentrations measured at all three landfill gas monitoring bores
- had relatively low landfill gas flow rates (elevated methane concentrations were not measured).

Ministerial Direction 19

Ministerial Direction 19 requires a planning authority preparing a planning scheme amendment to seek the views of the Environment Protection Authority (EPA) about the potential impacts of the amendment and any strategies, policies, plans or reviews forming the strategic basis for amendment on the environment, amenity and human health. It also requires an explanatory report to state how the amendment addresses EPA’s views.

Section 173 agreement

The Amendment is accompanied by a section 173 agreement that:

- identifies the subject land as having medium potential for contamination
- recognises the PSI report for the subject land
- prohibits below-ground structures except in accordance with the landfill gas risk assessment report to the satisfaction of Council
- requires the appropriate assessment, handling and disposal of any contaminated soil on the subject land.

(iii) Submissions

EPA submission

EPA advised on 9 February 2023 under Ministerial Direction 19 that:

- a sensitive use would trigger the Environmental Audit Overlay to address both potentially contaminated land and the landfill gas assessment
- the recommended approach for the Amendment (based on the commercial use) is a PSI
- the Landfill Gas Risk Assessment prepared for the Proponent does not explicitly exclude below-ground structures

- if below-surface structures are not prohibited then Council will need to refer to the guidance for an appropriate assessment level.

EPA did not review the PSI report or the section 173 agreement. Its previous comments remained relevant because it was unclear if recommendations in the PSI report had been implemented. It acknowledged the section 173 agreement prohibits below-surface structures.

Proponent submission

The Amendment is unlikely to result in significant environmental impacts and the existing Environmental Audit Overlay remains in place and ensures any sensitive use is subject to further site-specific assessment before it starts.

The Proponent referred the Amendment to the EPA for early involvement in this process. In response to the EPA's advice and the PSI report recommendations, the section 173 agreement was prepared for the subject land. The section 173 agreement:

- addresses the principal residual risks
- prohibits below ground structures unless a suitably qualified environmental consultant has prepared a landfill gas risk assessment to Council's satisfaction and any required recommendations are implemented
- requires contaminated soil encountered during use or development to be assessed, handled and disposed of appropriately.

The remaining PSI recommendations are appropriately addressed through the general environmental duty as required by the *Environmental Protection Act 2017*. The PSI report includes a review of site history, soil sampling and landfill gas monitoring. It concluded there was a negligible risk of land fill gas migration and that the land is thus suitable for the proposed industrial and commercial use.

Council submission

The existing Environmental Audit Overlay on the subject land will remain unaffected. This will enable any development to address potential for contamination and trigger assessment requirements for any proposed sensitive uses. The PSI report concluded that risks associated with soil contamination and landfill gas for the proposed industrial and commercial development is low. The PSI report recommend that any section 173 agreement prohibit below-ground structures before undertaking an audit assessment. This will be assessed by the relevant responsible authority.

Contamination is a risk that must be managed now and into the future as the subject land was part of a broader former council landfill.

The Amendment has been developed with reference to the PSI report including its eight recommendations.

EPA raised the following key matters relating to contamination:

- The uncertainty regarding implementation of the eight recommendations presented in the PSI report.
- Clarification of the plans assessed in the PSI report and referenced in the section 173 agreement (as part of post-exhibition correspondence).

PSI report recommendations 1 and 2, concern site-specific development constraints and have been incorporated through the draft section 173 agreement accompanying the Amendment. The section 173 agreement (specifically Clauses 3.1– 3.4) restricts construction of below-ground structures across the site and mandates that all enclosed and habitable spaces including offices, sanitary facilities, tea rooms and gatehouses—be confined to the site's southern portion, consistent with the Site Plan (Revision C, October 2024). The Site Plan (Revision C, October 2024) is referenced in the agreement under Clauses 1.21 and 3.1. Recommendations 3, 4, 5, 6, 7 and 8 refer to establish general environmental and development standards that area currently applicable regardless of a specific planning outcome. This includes provisions for safe waste removal and compliance with EPA requirements for imported fill materials.

These obligations constitute ongoing duties under the general environmental duty (*Environment Protection Act 2017*) and apply to the landowner irrespective of whether development proceeds under current zoning or the proposed C2Z. They cannot be directly implemented through Amendment provisions but remain binding legal obligations.

EPA requested clarity on the Plan in Appendix F of the PSI report, which was implemented in the section 173 agreement under sections 1.20 and 3.1 in the form of Site Plan Revision C dated 22 October 2024.

All relevant contamination and environmental risk mitigation measures have been appropriately addressed, including those sought in the PSI report. Council officers outlined its position to the EPA's correspondence dated 30 June 2026 on 6 August 2026. No additional response from the EPA has been received.

Council added:

It is also worth noting that any contamination risk will be managed by the proposed rezoning of Commercial 2 Zone (C2Z) and the existing Environmental Audit Overlay (EAO). Both controls will trigger any further assessment and planning considerations where sensitive uses are proposed on the site.

(iv) Discussion

No submission disputes the subject land once formed part of a broader council landfill with the potential for land contamination. The Amendment will rezone the subject land to C2Z, but this does not enable future sensitive land uses without the need for future approvals. The Environmental Audit Overlay which currently exists on the subject land will ensure any sensitive use is subject to further site-specific assessment before it starts.

The Panel is satisfied that all relevant contamination and environmental risk mitigation measures have been appropriately addressed for the purposes of rezoning the subject land to C2Z, including those sought in the PSI report. The PSI report recommendations concerning site-specific development constraints are proposed to be addressed in the section 173 agreement.

(v) Conclusions

The Panel concludes:

- The Amendment has appropriately considered potential contamination and landfill gas.
- It is appropriate to implement the section 173 agreement that:
 - prohibits the construction of below-ground structures on the subject land in certain circumstances
 - requires the appropriate assessment, handling and disposal of any contaminated soil that is encountered on the land.

Appendix A Document list

No.	Date	Description	Provided by
2026			
1	15 Jul	Council report seeking authorisation of the Amendment	Hume City Council (Council)
2	15 Jul	Authorisation letter from the Department of Transport and Planning	Council
3	15 Jul	Amendment documents	Council
4	15 Jul	Preliminary Site Assessment (Peter J Ramsay & Associates, October 2023)	Council
5	15 Jul	Draft section 173 agreement (2 Northcorp Boulevard, Broadmeadows)	Council
6	15 Jul	Submissions 1 to 5	Council
7	20 Jul	Notice under section 158F of the PE Act to consider the Amendment based on documents, without a Hearing	Planning Panels Victoria
8	23 Jul	Correspondence from Melbourne Water to Council, 15 July 2026	Council
9	27 Jul	email – agreement to proceed based on documents	Council
10	3 Aug	email – agreement to proceed based on documents	Lakeside Drive Investments Pty Ltd (Proponent)
11	12 Aug	Planning report for subject land (February 2019)	Council
12	12 Aug	email – EPA further comments to Council (31 July 2026)	Council
13	13 Aug	email – EPA to Council (28 March 2024)	Council
14	13 Aug	Submission to Panel	Proponent
15	27 Aug	Submission to Panel with attachments: a) Site context plan b) Proposed rezoning c) Northcorp Precinct Plan from the Planning Scheme	Council