

MARIBYRNONG PLANNING SCHEME

AMENDMENT C158mari

PLANNING PERMIT APPLICATION TP160/2018

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Maribyrnong City Council, which is the planning authority for this amendment.

The Amendment has been made at the request of Town Planning Group Pty Ltd on behalf of L & M Murga, who are also the applicants for the concurrent permit application.

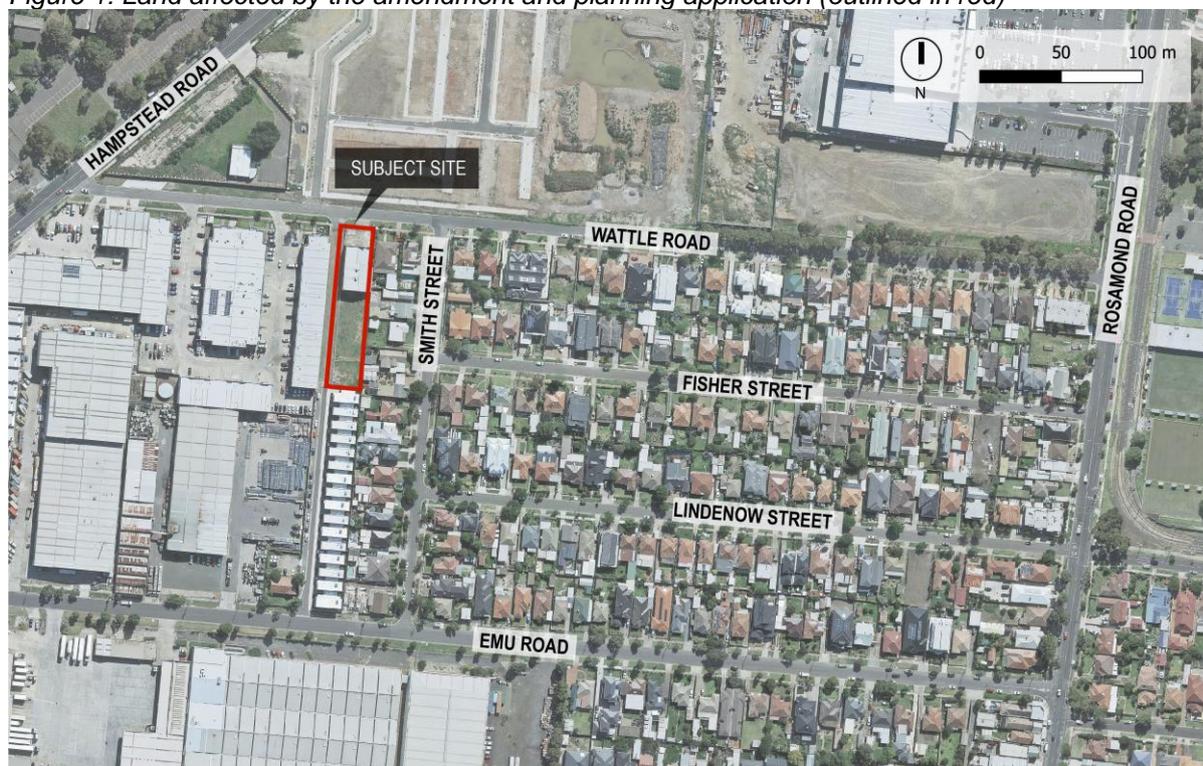
Land affected by the Amendment

The Amendment applies to 53 Wattle Road and 34 George Street, Maidstone. The land is bound by the unconstructed George Street to the west, Wattle Road to the north, Smith Street to the east and 32 George Street to the south. The affected land is shown

A mapping reference table is attached at Attachment 1 to this Explanatory Report.

The Amendment is a combined planning permit application and planning scheme amendment under section 96A of the Act. The planning permit application applies to 53 Wattle Road, Maidstone (Plan CP150094) and 34 George Street, Maidstone (Lot 205, LP1504).

Figure 1: Land affected by the amendment and planning application (outlined in red)



What the amendment does

The Amendment proposes to rezone 53 Wattle Road and 34 George Street, Maidstone from the Industrial 3 Zone to the General Residential Zone and apply an Environmental Audit Overlay to both sites to facilitate a residential development.

The Amendment proposes to:

- Rezone 53 Wattle Road, Maidstone and 34 George Street, Maidstone from the Industrial 3 Zone to the General Residential zone
- Rezone a section of the road reserve of George Street from Industrial 3 Zone to the General Residential Zone to align with the adjoining residential use.
- Apply an Environmental Audit Overlay to 53 Wattle Road, Maidstone and 34 George Street, Maidstone
- Amend Maribyrnong Planning Scheme Map 4
- Amend Maribyrnong Planning Scheme Map 4EAO

The planning permit application seeks approval for:

- the construction of 12 dwellings.

The draft planning permit is attached as a separate document to this Explanatory Report.

Strategic assessment of the Amendment

Why is the Amendment required?

The amendment is required to facilitate a residential development which can only occur through the rezoning of the sites. The Maidstone Hampstead Road East Framework Plan (2015) in Clause 21.11-8 of the Maribyrnong Planning Scheme identifies the two properties as a strategic redevelopment sites suitable for transition to residential use. It also recommends that the residential development to be 2-3 storeys, and include screening planting along sensitive interfaces. The rezoning of the two sites and the development of 12 dwellings would ensure that the vision for the precinct can be achieved.

The sites are identified within a substantial change area in accordance with Clause 21.07 Housing of the Maribyrnong Planning Schemes which seeks to provide opportunities to new residential development and ensure that it integrates with existing areas and communities.

The proposed rezoning will form a more logical boundary between the residential and industrial interfaces, with existing residential uses to the north, south and east and the industrial land use to the west of George Street.

The application of a Section 173 Agreement will ensure that the unmade northern section of George Street will be constructed to a sealed road standard, benefiting the broader community and improving accessibility in the area. This will improve the overall amenity of the precinct and is in accordance with the Maidstone Hampstead Road East Precinct.

The amendment will provide benefit to the community by reducing industrial and residential land conflict on the interface by providing a clear boundary between the uses through the construction of George Street.

How does the Amendment implement the objectives of planning in Victoria?

The Amendment implements the following objectives of planning in Victoria as specified in Section 4(1) of the *Planning and Environment Act 1987*:

- To provide for the fair, orderly, economic and sustainable use, and development of land;
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- To facilitate development in accordance with the above objectives; and
- To balance the present and future interests of all Victorians.

The amendment also implements section 12(1)(a) of the Act by ensuring that Council as the planning authority implements the objectives of planning in Victoria.

How does the Amendment address any environmental, social and economic effects?

Environmental Effects

The amendment will generate a range of positive environmental effects, including:

- Redevelopment of the site will provide for increased levels of amenity for nearby residential land to the east, and provide a buffer to the industrial land through the use of George Street;
- Provide a defined buffer with the development of the George Street roadway which ensures industrial properties are protected from residential encroachment with a hard edged consisting of the roadway;
- Assisting the urban consolidation objectives of the scheme by making efficient use of existing services and infrastructure and sustainable transport options, which include public transport, cycling and walking; and
- Introducing an Environmental Audit Overlay (EAO) over the land which ensures that land previously used for industrial purposes is suitable for residential development, and improving the environmental conditions of the land.

Social Effects

The proposed amendment is expected to have a number of positive social impacts including:

- Enabling the land to be redeveloped for a variety of dwelling sizes and layouts to meet the needs of the local community and contribute to housing diversity in this locality;
- Growing the population of the area, supporting local jobs, services and community facilities; and
- Redeveloping surplus industrial land, contributing to improved amenity for the community.

Economic Effects

The amendment provides for a number of positive economic impacts including:

- Contributing population to the catchment to support the local economy;
- Making efficient use of identified surplus industrial land.

Does the Amendment address relevant bushfire risk?

The Amendment will not increase the risk to life, property, community infrastructure and the natural environment from bushfire. The site is not located in or near a designated bushfire prone area.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The Amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under Section 7(5) of the *Planning and Environment Act 1987*.

The Amendment is consistent with *Ministerial Direction 1 Potentially Contaminated Land* which requires a planning authority to satisfy itself that the site is suitable for sensitive uses, which in this case is residential use. An Environmental Site Assessment has been carried out by Tonkin + Taylor dated February 2018, for 53 Wattle Road & 34 George Street, Maidstone.

The report concluded that the use of the site for the beneficial uses is considered acceptable provided certain works are undertaken and consideration of garden treatments and surfacing. The Environmental Audit Overlay is proposed to be applied as a part of this amendment which will require a certificate or statement of Environmental Audit to be provided before the land can be used for residential purposes.

The Amendment is consistent with the *Ministerial Direction No. 9 Metropolitan Planning Strategy*, which seeks to ensure that amendments have regard to Plan Melbourne 2017-2050. The amendment

will facilitate housing growth and deliver housing close to public transport and jobs in accordance with the directions and policies in Plan Melbourne 2017-2050. These include:

- Direction 1.2 Improve access to jobs across Melbourne and closer to where people live
- Policy 1.3.2 Plan for new development and investment opportunities on the existing and planned transport network
- Direction 2.1 Manage the supply of new housing in the right locations to meet population growth and create a sustainable city
- Direction 2.2 Deliver more housing closer to jobs and public transport.
- Direction 2.5 Provide greater choice and diversity of housing
- Policy 3.3.3 Improve local transport choices
- Policy 5.1.1 Create mixed-use neighbourhoods at varying densities
- Direction 5.2 Create neighbourhoods that support safe communities and healthy lifestyles

The Amendment has been prepared having regard to *Ministerial Direction No. 11 Strategic Assessment of Amendments*, and *Ministerial Direction No. 15 The Planning Scheme Amendment Process*.

The Amendment has also been prepared in accordance with *Ministerial Direction No. 19 Preparation and content of amendments that may significantly impact the environment, amenity and human health*. The Environment Protection Authority (EPA) have been referred the amendment and planning permit documentation.

How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?

The amendment implements the Planning Policy Framework by supporting urban consolidation and providing housing in close proximity to major activity centres and public transport.

In particular, the amendment is consistent with Clause 11.01-1S- Settlement. This clause promotes the sustainable growth and development of Victoria, and ensures choice and opportunity for land use and development for all Victorians. The amendment and development supports Clause 11.02-1S Supply of urban land by ensuring that sufficient land is available to meet demand and is supported by existing infrastructure.

Additionally, the amendment is consistent with:

Clause 11.02-1S Supply of urban land by ensuring that sufficient land is available to meet demand and should consider neighbourhood character.

Clause 13.04-1S Contaminated and potentially contaminated land by facilitating the remediation of contaminated land through the application of the Environmental Audit Overlay.

Clause 13.07-1S Land use compatibility to safeguard community amenity while facilitating appropriate commercial, industrial or other uses by ensuring appropriate setbacks and landscaping.

Clause 15.01-1S Urban Design by creating urban environments that are safe, healthy, functional and enjoyable which contributes to a sense of place.

Clause 15.01-2S Building design that seeks to achieve building design outcomes that contribute positively to the local context and enhance the public realm and existing residential areas.

Clause 15.01-5S Neighbourhood character which seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place through the provision of residential development.

Clause 16.01-1S Integrated housing which promotes a housing market that meets community needs as well as housing in established areas.

Clause 16.01-1R Integrated Housing – Metropolitan Melbourne to allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing. The amendment and planning permit application seeks to provide housing in an established area that adds to the overall amenity of the area.

Clause 16.01-2S Location of residential development by locating new residential development in designated locations that offers good access to existing jobs, services and transport.

Clause 16.01-3S Housing Diversity as it provides for a new housing types to meet diverse needs of the community.

Clause 18.02-1R Sustainable personal transport – Metropolitan Melbourne as it improves local access through the construction of George Street and enhances walking and cycling to support 20 minute neighbourhoods.

Clause 18.02-3S Road system as the development integrates within the existing transport network and encourages a safe and efficient network.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The Amendment is consistent with the following Clauses contained in the Local Planning Policy Framework of the Maribyrnong Planning Scheme:

Clause 21.04-2 Housing Growth

The Maribyrnong municipality needs to accommodate between 14,000 and 16,000 additional households by 2030. The rezoning and proposed development of the two sites will ensure sufficient housing supply is available to sustain the anticipated growth and contribute to additional housing within the municipality.

Clause 21.06-1 Urban Design

The proposal respects the identified character of neighbourhoods and is consistent with the surrounding residential development.

Clause 21.07 Housing

The rezoning and development implements the policy guideline to “support the rezoning of strategic redevelopment sites to provide for high density residential and mixed use development”, as well as protecting and maintaining existing buffers to the core employment areas.

Clause 21.08 Economic Development

The amendment and planning permit application appropriately facilitates the reuse of the sites for residential purposes. The Maidstone Hampstead Road East Framework Plan (2015) identified the two sites as strategic redevelopment sites of residential uses which complement and enhance the amenity for the existing residential community.

Clause 21.09 Transport

The development will support the use of sustainable transport alternatives, and is in walking distance to variety of public transport options, and local services and facilities. The continuation of George Street has been designated as a key pedestrian and cycle link under the Maidstone Hampstead Road East Framework Plan, and the construction of George Street will ensure this can be achieved.

Clause 21.11-8 Maidstone Hampstead Road East Precinct

The two sites are identified in the Maidstone Hampstead Road East Framework Plan (2015) as transitioning to residential uses of two to three storeys. The amendment and associated planning permit will ensure the overall amenity of the precinct is improved and screening planting along sensitive interfaces is achieved.

Clause 22.03 Potentially Contaminated Land Policy

The amendment supports Clause 22.03 by ensuring an assessment of the suitability of the subject sites for a residential use occurs prior to the commencement of a sensitive use.

Clause 22.05 Preferred Neighbourhood Character Statements

The sites are located within the Garden Suburban 2 neighbourhood character precinct and considered to respond well to the existing built form. The design of the residential dwellings generally addresses the streetscape and respects the existing and emerging neighbourhood character.

Clause 53.10 Uses with Adverse Amenity Potential

It is considered that the proposed rezoning and planning permit application will not encroach on the threshold distance of any known uses with adverse amenity potential. The existing built form with the proposed road and screening plantings will provide as a buffer to sensitive uses. An adverse amenity impact assessment concluded that noise measurements taken at the site boundary are generally compliant with the outdoor noise limits for the zone, and no significant sources of odour or dust have been identified that are considered likely to adversely impact the proposed residential development.

Does the Amendment make proper use of the Victoria Planning Provisions?

The proposed amendment makes appropriate use of the Victoria Planning Provisions through the implementation of the General Residential Zone and the Environmental Audit Overlay.

The General Residential Zone (GRZ) encourages a variety of housing types with moderate growth, while respecting neighbourhood character. The GRZ is consistent with the neighbouring residential properties to the south and east.

The application of an Environmental Audit Overlay will ensure that any potentially contaminated land is suitable for residential uses.

How does the Amendment address the views of any relevant agency?

In May 2018 the views of the Environment Protection Authority were sought of the amendment and planning permit application as part of a pre-amendment consultation. The amendment and associated documentation were sent to EPA again as part of the requirement in Ministerial Direction 19 in August 2019. The views of the EPA have informed the preparation of the amendment. The EPA considered that the identified contamination and gaps in information should be addressed through the 53X environmental audit under the *Environment Protection Act 1970*. The EPA supported the application of the Environmental Audit Overlay as part of the amendment to ensure that the environmental condition of the land is suitable for the proposed residential use. The EPA also recommended for Council to consider 'reverse buffers' due to the adjoining industrial uses.

The amendment and draft planning permit were also referred to the Department of Environment, Land, Water and Planning (DELWP) for discussion prior to the formal request of an amendment. DELWP considered there is strategic merit to the amendment.

Further advice will be sought from the relevant agencies during the public exhibition stage of the amendment and planning permit process.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The *Transport Integration Act 2010* establishes a framework for the provision of an integrated and sustainable transport system in Victoria. The Act provides for a system in which all transport activities and modes work together and recognises the interdependency of transport and land use.

The amendment will facilitate development, which integrates with and promotes a sustainable transport system.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

It is not expected that the amendment will give rise to any unreasonable resource or administrative costs for Maribyrnong City Council.

Where you may inspect this Amendment

The Amendment is available for public inspection online at the websites of:

- Maribyrnong City Council www.maribyrnong.vic.gov.au/AmendmentC158
- Maribyrnong City Council community engagement site www.yourcityyourvoice.com.au
- Department of Environment, Land, Water and Planning www.planning.vic.gov.au/public-inspection

The Amendment is also available for public inspection, free of charge, during office hours at the following places:

Maribyrnong City Council
Municipal Office- Reception Area
Corner Napier and Hyde streets
Footscray VIC 3011

Maribyrnong Library
200 Rosamond Road,
Maribyrnong VIC 3032

NOTE: Due to restrictions imposed in response to the Covid-19 pandemic, the above offices may be closed. However, the Amendment can still be inspected free of charge online at the above websites.

Submissions

Any person who may be affected by the Amendment and planning permit may make a submission to the planning authority. Submissions about the Amendment and planning permit must be received by **Monday 7 December 2020**.

A submission must be sent to:

Post Maribyrnong City Council
 Strategic Planning Amendment C158
 PO Box 58
 Footscray VIC 3011

Email AmendmentC158@maribyrnong.vic.gov.au

Online www.yourcityyourvoice.com.au

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: week commencing 8 March 2021
- panel hearing: week commencing 10 May 2021

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Maribyrnong	53 Wattle Road and 34 George Street, Maidstone	Maribyrnong C158 001 Zones Map4 Exhibition Maribyrnong C158 002eaoMap4 Exhibition