

MARIBYRNONG PLANNING SCHEME

AMENDMENT C159mari

EXPLANATORY REPORT

Who is the planning authority?

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

The amendment has been made at the request of Maribyrnong City Council.

Land affected by the Amendment

The Amendment applies to the following 25 sites within the City of Maribyrnong:

- Ruby Square Reserve at 2A Ruby Way, Braybrook
- Central Park Avenue Reserve at 8 Air Force Avenue and 21 Boomerang Avenue, Braybrook
- Part of Cranwell Reserve at 56-82 Cranwell Street, Braybrook (Lot Reserve 1 PS421997)
- Ulmara Park at 20 Ulmara Parkway, Maidstone
- Eucalyptus Drive Reserve at 1 Eucalyptus Drive, Maidstone
- 27 Yardley Street and 112 Suffolk Street, Maidstone (Lot 1 PS317370)
- Part of 47 Elphinstone Street, West Footscray (Lot 1 TP133998)
- 19-41 Broad Street, West Footscray
- Amarco Crescent Reserve at 20 Allara Avenue, Maribyrnong
- Harmony Park at 9-21 Kallara Grove, Maribyrnong
- City View Drive Reserve at 11 City View Drive, Maribyrnong (Lot Reserve 4 PS422773)
- Part of 2 Chicago Street, Maribyrnong (Lot 1 LP129567)
- Part of Coulson Gardens at 35-55 Chifley Drive, Maribyrnong
- Part of Burton Crescent Reserve at 2-4 Burton Crescent, Maribyrnong (Lot 11 LP75686)
- Beaurepaire Reserve at 1 Mcdougall Drive, Footscray
- Part of 1C Ballarat Road, Footscray (Plan CP168365)
- Seelaf Square Reserve at 13A Vipont Street, Footscray
- Beevers Street Reserve at 1A Beevers Street, Footscray
- Seddon Scouthall Park at 1B Bellairs Avenue, Seddon
- Cuming Reserve at 68-112 Hyde Street, Yarraville
- Deighton Reserve at 12 Platypus Court, Maribyrnong
- Raffa Park Reserve at 13 Wapiti Street, Maribyrnong
- St Leonards Street Reserve at 8 St Leonards Avenue, Yarraville (Lot 278 LP11390)
- Bellairs Park Reserve at 83 Bellairs Avenue, Yarraville
- Part of Kindersmith Reserve (RecWest Braybrook) at 39 and 55 Lily Street, Braybrook

What the amendment does

The amendment corrects zoning map anomalies related to parks and open space reserves in the Maribyrnong Planning Scheme. The proposed changes are considered to be administrative in nature.

Specifically, the amendment proposes to make the following changes:

Ordinance

- Amends the Land Use Framework Plan in Clause 21.03 (Council Vision) to update the open space areas.
- Amends the Settlement Framework Plan in Clause 21.04 (Settlement) to update the open space areas.

Mapping

Rezoned land from General Residential Zone 1 (GRZ1) to PPRZ for the following sites:

- Ruby Square Reserve at 2A Ruby Way, Braybrook
- Central Park Avenue Reserve at 8 Air Force Avenue and 21 Boomerang Avenue, Braybrook
- Part of Cranwell Reserve at 56-82 Cranwell Street, Braybrook
- Ulmara Park at 20 Ulmara Parkway, Maidstone
- Eucalyptus Drive Reserve at 1 Eucalyptus Drive, Maidstone
- Amarco Crescent Reserve at 20 Allara Avenue, Maribyrnong
- Harmony Park at 9-21 Kallara Grove, Maribyrnong
- City View Drive Reserve at 11 City View Drive, Maribyrnong
- Part of Coulson Gardens at 35-55 Chifley Drive, Maribyrnong
- Part of Burton Crescent Reserve at 2-4 Burton Crescent, Maribyrnong
- Beaurepaire Reserve at 1 Mcdougall Drive, Footscray
- Seelaf Square Reserve at 13A Vipont Street, Footscray
- Beevers Street Reserve at 1A Beevers Street, Footscray
- Seddon Scouthall Park at 1B Bellairs Avenue, Seddon
- Cuming Reserve at 68-112 Hyde Street, Yarraville
- St Leonards Street Reserve at 8 St Leonards Avenue, Yarraville
- Part of Kindersmith Reserve (RecWest Braybrook) at 39 and 55 Lily Street, Braybrook

Rezoned land from Comprehensive Development Zone 1 (CDZ1) to PPRZ for the following sites:

- Deighton Reserve at 12 Platypus Court, Maribyrnong
- Raffa Park Reserve at 13 Wapiti Street, Maribyrnong

Rezoned land from Neighbourhood Residential Zone 1 (NRZ1) to PPRZ for the following site:

- Bellairs Park Reserve at 83 Bellairs Avenue, Yarraville

Rezoned land from PPRZ to GRZ1 for the following sites:

- 27 Yardley Street and 112 Suffolk Street, Maidstone
- Part of 47 Elphinstone Street, West Footscray
- 19-41 Broad Street, West Footscray
- Part of 2 Chicago Street, Maribyrnong

Rezoned land from PPRZ to Mixed Use Zone for the following site:

- Part of 1C Ballarat Road, Footscray

Refer to the Mapping Reference Table in Attachment 1 for the affected Planning Scheme maps.

Strategic assessment of the Amendment

Why is the Amendment required?

The amendment is required to make corrections to various mapping anomalies in the Maribyrnong Planning Scheme which have been identified through ongoing management of the Planning Scheme.

Some of these anomalies originated from the incorrect application of the municipal cadastral map during the translation of the old format Planning Scheme to the new format Planning Scheme in 1999. Other anomalies occurred over time as a result of changes to property boundaries or land uses. For some of the sites, it is likely that at the time of subdivision all the land was automatically zoned for residential including the open space reserves.

A strategic assessment is provided below.

Land to be rezoned from GRZ1 to PPRZ:

A total of 17 sites throughout the municipality are zoned GRZ1 in whole or parts, but are presently utilised and identified as public open space in the *Maribyrnong Open Space Strategy 2014*. All 17

sites are Council-owned or Committee of Management Crown land. The amendment will rezone the sites to PPRZ to formally recognise the correct land use on these sites.

Land to be rezoned from CDZ1 to PPRZ:

A review of the Planning Scheme has identified two CDZ1 sites with incorrect zoning. The sites are Council owned parks and are listed as public open space in the *Maribyrnong Open Space Strategy 2014*. The amendment will rezone these sites to PPRZ to reflect their use as open space.

Land to be rezoned from NRZ1 to PPRZ:

Bellairs Park Reserve is currently zoned NRZ1 and is Council-owned. Despite its zoning, it is utilised and identified as an open space in the *Maribyrnong Open Space Strategy 2014*. The amendment will rezone the site to PPRZ to reflect its use as open space.

Land to be rezoned from PPRZ to GRZ1 /MUZ:

27 Yardley Street and 112 Suffolk Street Maidstone, and 19-41 Broad Street West Footscray are owned by the Director of Housing Victoria and have existing public housing on them. The Department of Health and Human Services have advised that they intend to retain the public housing. The amendment will rezone the sites to GRZ1, which is the zone common to housing in the surrounding neighbourhood.

47 Elphinstone Street West Footscray and 2 Chicago Street Maribyrnong are affected by two zones, part PPRZ and GRZ1. The sites are privately owned and have existing housing on them. The Ministerial Direction on the Form and Content of Planning Schemes specifies that a planning scheme may only include land in the PPRZ if the land is Crown land, or is owned by, vested in or controlled by a Minister, government department, public authority or municipal council. The amendment will rezone the PPRZ part of the sites to GRZ1, consistent with the zoning in the rest of the site and their use as residences.

The site at 1C Ballarat Footscray is subject to the same zoning anomaly discussed above, with the eastern side in PPRZ (about 9m wide) and the western side in MUZ. As the land is privately owned, the amendment will rezone the eastern side to MUZ consistent with the rest of the lot.

As a result of the proposed rezoning of land, any planning application in the rezoned land will need to meet the relevant requirements of the new zone.

Corrections to the Land Use Framework Plan in Clause 21.03 and Settlement Framework Plan in Clause 21.04 reflect the above changes. See Attachment 2 for details.

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 provide for the protection of natural and manmade resources and the maintenance of ecological processes and genetic diversity;*
- *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria; and*
- *To balance the present and future interests of all Victorians.*

The amendment will ensure the appropriate zones and land use controls apply to land, so the Planning Scheme can be properly administered by the Maribyrnong City Council. The correction of anomalies will provide greater certainty for applicants and the community.

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

The amendment is administrative in nature and is not expected to have any adverse environmental, social and economic impacts.

The proposed rezoning will have positive social effects on the community as it will officially recognise land uses that are presently occurring on the land and ensure orderly planning and update of the Planning Scheme.

Does the Amendment address relevant bushfire risk?

The amendment will not increase bushfire risk, as no additional land is being introduced to parks. It is an administrative amendment to formalise park areas which are presently managed for safety and fire risk.

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

Ministerial Direction – The Form and Content of Planning Schemes

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes, in particular its direction that a planning scheme may only include land in the PPRZ if the land is Crown land, or is owned by, vested in or controlled by a Minister, government department, public authority or municipal council. The rezoning of privately owned land at 1C Ballarat Road Footscray, 47 Elphinstone Street West Footscray, and 2 Chicago Street Maribyrnong from the PPRZ to a residential zone is consistent with this direction.

Ministerial Direction 1 – Potentially Contaminated Land

Maribyrnong City Council, as planning authority, are satisfied that the environmental conditions of the sites are appropriate for the proposed zone because:

- The amendment will not rezone any existing industrial or commercial land to a zone suitable for sensitive use.
- Sites with a Statement of Environmental Audit, namely 1 Mcdougall Drive Footscray, 8 Air Force Avenue Braybrook, 21 Boomerang Avenue Braybrook, 56-82 Cranwell Street Braybrook, and 20 Allara Avenue Maribyrnong, allow their use as public open space.
- The amendment will not remove existing Environmental Audit Overlays from the abovementioned sites.

Ministerial Direction 9 – Metropolitan Planning Strategy

The amendment is consistent with Ministerial Direction 9, which requires that all planning scheme amendments to have regard to Plan Melbourne 2017-2050. The directions and policies of Plan Melbourne relevant to this amendment are:

- *Direction 2.1 Manage the supply of new housing in the right locations to meet population growth and create a sustainable city.*
 - *Policy 2.1.4 Provide certainty about the scale of growth in the suburbs.*
- *Direction 5.4 Deliver local parks and green neighbourhoods in collaboration with communities.*
 - *Policy 5.4.1 Develop a network of accessible, high-quality, local open spaces.*
- *Direction 6.4 Make Melbourne cooler and greener.*
 - *Policy 6.4.2 Strengthen the integrated metropolitan open space network*

Ministerial Direction 11 – Strategic Assessment of Amendments

The amendment has been prepared having regard to Ministerial Direction 11.

Ministerial Direction 19 – Information for Authorisation or Preparation of Amendments that may significantly impact the Environment, Amenity and Human Health

The amendment has been prepared having regard to Ministerial Direction 19, which requires planning authorities to seek early advice from the Environment Protection Authority (EPA) when undertaking strategic planning processes and preparing planning scheme amendments that may significantly impact Victoria's environment, amenity and/or human health. The EPA were consulted and recommended removing Environmental Audit Overlays (EAO) from sites with Certificates of Environmental Audits and applying strategic planning mechanisms on sites with Statements of Environmental Audits to give effect to the statement conditions. Council advised it would consider the removal of EAOs as part of a separate amendment subject to detailed investigations. The EPA is supportive of this approach.

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

The correction of zoning anomalies will keep the Planning Scheme up-to-date and provide an accurate accounting of land use in the City of Maribyrnong. This assists Council in making informed land use decisions and is consistent with Clause 71.02-1 (Purpose of the Planning Policy Framework):

"The Planning Policy Framework provides a context for spatial planning and decision making by planning and responsible authorities. The Planning Policy Framework is dynamic and will be built upon as planning policy is developed and refined, and changed as the needs of the community change."

The rezoning of land with existing housing on them to GRZ1 supports land supply policies in the PPF in Clause 11.02-1S (Supply of urban land):

Objective

- *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses*

Strategies

- *Ensure that sufficient land is available to meet forecast demand.*

The rezoning of existing park land to PPRZ supports open space planning policies in the PPF in Clause 19.02-6S (Open Space):

Objective

- *To establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community.*

Strategies

- *Plan for regional and local open space networks for both recreation and conservation of natural and cultural environments.*
- *Ensure that land is set aside and developed in residential areas for local recreational use and to create pedestrian and bicycle links to commercial and community facilities.*

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

The rezoning of existing park land to PPRZ is consistent with Clause 21.04-4 (Open Space network) in the Planning Policy Framework:

Objective

- *To expand and improve the network of open space throughout the municipality.*

Strategies

- *Provide new open space in areas identified as underserved.*
- *Improve access to open space and recreational facilities for the increasing residential and worker population.*

The rezoning of land with existing housing on them to GRZ1 will provide certainty to landowners and is consistent with Clause 21.07-1 (Residential capacity and location) in the Planning Policy Framework:

Objective

- *To provide incremental opportunities for new residential development in incremental change areas and incremental change activity centres.*

Strategies

- *Encourage the retention of existing housing that positively contributes to preferred neighbourhood character.*

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

The amendment corrects errors and anomalies to zoning maps to ensure the Victorian Planning Provisions are correctly applied.

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

The Department of Health and Human Services and the Department of Environment, Land, and Water and Planning (through the Manager of Crown land) were consulted during the preparation of amendment and expressed no objection to the amendment. The views of relevant agencies and Prescribed Ministers will be sought during public exhibition.

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

The amendment will not impact the transport system and as such the requirements of the Transport Integration Act 2010 are not applicable.

Resource and administrative costs

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

The amendment corrects minor anomalies and is unlikely to impact upon the resourcing and administrative costs of the responsible authority.

Where you may inspect this Amendment

Due to restrictions imposed in response to the Covid-19 pandemic, the amendment is not available for inspection in person. In accordance with the *Covid-19 Omnibus (Emergency Measures) Act 2020*, the amendment is available for public inspection online at the following websites:

Maribyrnong City Council website: www.maribyrnong.vic.gov.au/AmendmentC159

Maribyrnong City Council community engagement site www.yourcityyourvoice.com.au

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by 12 April 2021. A submission must be sent to:

Post Maribyrnong City Council
 City Futures Amendment C159
 PO Box 58 FOOTSCRAY VIC 3011
Online: www.yourcityyourvoice.com.au
Email AmendmentC159@maribyrnong.vic.gov.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 of 31 May 2021
- panel hearing: Week of 28 June 2021

ATTACHMENT 1 – Mapping reference table

Location	Land/Area Affected	Mapping Reference
Braybrook	Ruby Square Reserve at 2A Ruby Way, Braybrook	Maribyrnong C159 007znMap06
Braybrook	Central Park Avenue Reserve at 8 Air Force Avenue and 21 Boomerang Avenue, Braybrook	Maribyrnong C159 007znMap06
Braybrook	Part of Cranwell Reserve at 56-82 Cranwell Street, Braybrook	Maribyrnong C159 003znMap03
Braybrook	Part of Kindersmith Reserve (RecWest Braybrook) at 39 and 55 Lily Street, Braybrook	Maribyrnong C159 014znMap03
Maidstone	Ulmara Park at 20 Ulmara Parkway, Maidstone	Maribyrnong C159 004znMap04
Maidstone	Eucalyptus Drive Reserve at 1 Eucalyptus Drive, Maidstone	Maribyrnong C159 004znMap04
Maidstone	27 Yardley Street and 112 Suffolk Street, Maidstone	Maribyrnong C159 006znMap04
West Footscray	Part of 47 Elphinstone Street, West Footscray	Maribyrnong C159 008znMap07
West Footscray	19-41 Broad Street, West Footscray	Maribyrnong C159 008znMap07
Maribyrnong	Amarco Crescent Reserve at 20 Allara Avenue, Maribyrnong	Maribyrnong C159 005znMap05
Maribyrnong	Harmony Park at 9-21 Kallara Grove, Maribyrnong	Maribyrnong C159 005znMap05
Maribyrnong	City View Drive Reserve at 11 City View Drive, Maribyrnong	Maribyrnong C159 001znMaps01_02
Maribyrnong	Part of 2 Chicago Street, Maribyrnong	Maribyrnong C159 001znMaps01_02
Maribyrnong	Part of Coulson Gardens at 35-55 Chifley Drive, Maribyrnong	Maribyrnong C159 002znMaps02_05
Maribyrnong	Part of Burton Crescent Reserve at 2-4 Burton Crescent, Maribyrnong	Maribyrnong C159 002znMaps02_05
Maribyrnong	Deighton Reserve at 12 Platypus Court, Maribyrnong	Maribyrnong C159 011znMap04
Maribyrnong	Raffa Park Reserve at 13 Wapiti Street, Maribyrnong	Maribyrnong C159 011znMap04
Footscray	Beaurepaire Reserve at 1 Mcdougall Drive, Footscray	Maribyrnong C159 008znMap07
Footscray	Part of 1C Ballarat Road, Footscray	Maribyrnong C159 010znMaps08_09
Footscray	Seelaf Square Reserve at 13A Vipont Street, Footscray	Maribyrnong C159 010znMaps08_09
Footscray	Beevers Street Reserve at 1A Beevers Street, Footscray	Maribyrnong C159 010znMaps08_09
Seddon	Seddon Scouthall Park at 1B Bellairs Avenue, Seddon	Maribyrnong C159 009znMap08
Yarraville	Cuming Reserve at 68-112 Hyde Street, Yarraville	Maribyrnong C159 009znMap08
Yarraville	Bellairs Park Reserve at 83 Bellairs Avenue, Yarraville	Maribyrnong C159 013znMap08
Yarraville	St Leonards Street Reserve at 8 St Leonards Avenue Yarraville	Maribyrnong C159 012znMap11

ATTACHMENT 2 – Land Use Framework Plan and Settlement Framework Plan corrections

Location	Land/Area Affected	Proposed change
The amendment will update the open space information on the Land Use and Settlement framework plans to reflect corrections to zoning anomalies described in Attachment 1, and:		
Maidstone	13 Finch Walk, Maidstone	Add to open space information as the site is in the PPRZ.
Maidstone	145 Mitchell Street, Maidstone	Remove from open space information as the site is in the GRZ1.
Footscray	Southeast part of 14 Rosamond Road, Footscray	Remove from open space information as the site is in Public Use Zone 2 (Education).
West Footscray	Land in the railroad corridor north of Sunshine Road and south of Rupert Street	Remove from open space information as the land in the Public Use Zone 4 (Transport).
Maribyrnong	Northern part of Burndap Park (Frog's Hollow Wetland) at 76 Cumberland Drive, Maribyrnong	Add to open space information as the site is in the PPRZ.
Maribyrnong	49 Edgewater Boulevard, Maribyrnong	Add to open space information as the site is in the PPRZ.
Maribyrnong	2 and 15A Sea Rush Street, Maribyrnong	Add to open space information as the site is in the PPRZ.
Maribyrnong	12A and 21 Magazine Way, Maribyrnong	Add to open space information as the site is in the PPRZ.
Maribyrnong	Western part of 65 Magazine Way, Maribyrnong	Add to open space information as the site is in the PPRZ.
Maribyrnong	81 and 81A Edgewater Boulevard, Maribyrnong	Add to open space information as the site is in the PPRZ.
Maribyrnong	337 Gordon Street, Maribyrnong	Add to open space information as the site is in the PPRZ.
Maribyrnong	Land bounded by Skyline Drive, Edgewater Boulevard, and Jack Wood Reserve (land on sides of The Grand).	Remove from open space information as the land in Comprehensive Development Zone 3.
Yarraville	Land in the railroad corridor roughly bounded by the Werribee and Williamstown rail line, Somerville Road, and Woods Street	Remove from open space information as the land is in the Public Use Zone 4 (Transport) and NRZ.
Yarraville	5 Globe Street Yarraville	Remove from open space information as the land is in the Special Use Zone 2 (Utility Installations).
Yarraville	Part of 24 Hughes Street Yarraville	Remove from open space information as the land is in the Industrial 3 Zone.
Yarraville	125 Francis Street Yarraville	Remove from open space information as the land is in the GRZ1.
Yarraville	9-11 Ducker Street Yarraville	Remove from open space information as the land is in the GRZ1.
Yarraville	Southern part of 1A Sanderson Street, Yarraville	Remove from open space information as the land is in the Special Use Zone 2 (Utility Installations).