

## MARIBYRNONG PLANNING SCHEME

### AMENDMENT C125

#### EXPLANATORY REPORT

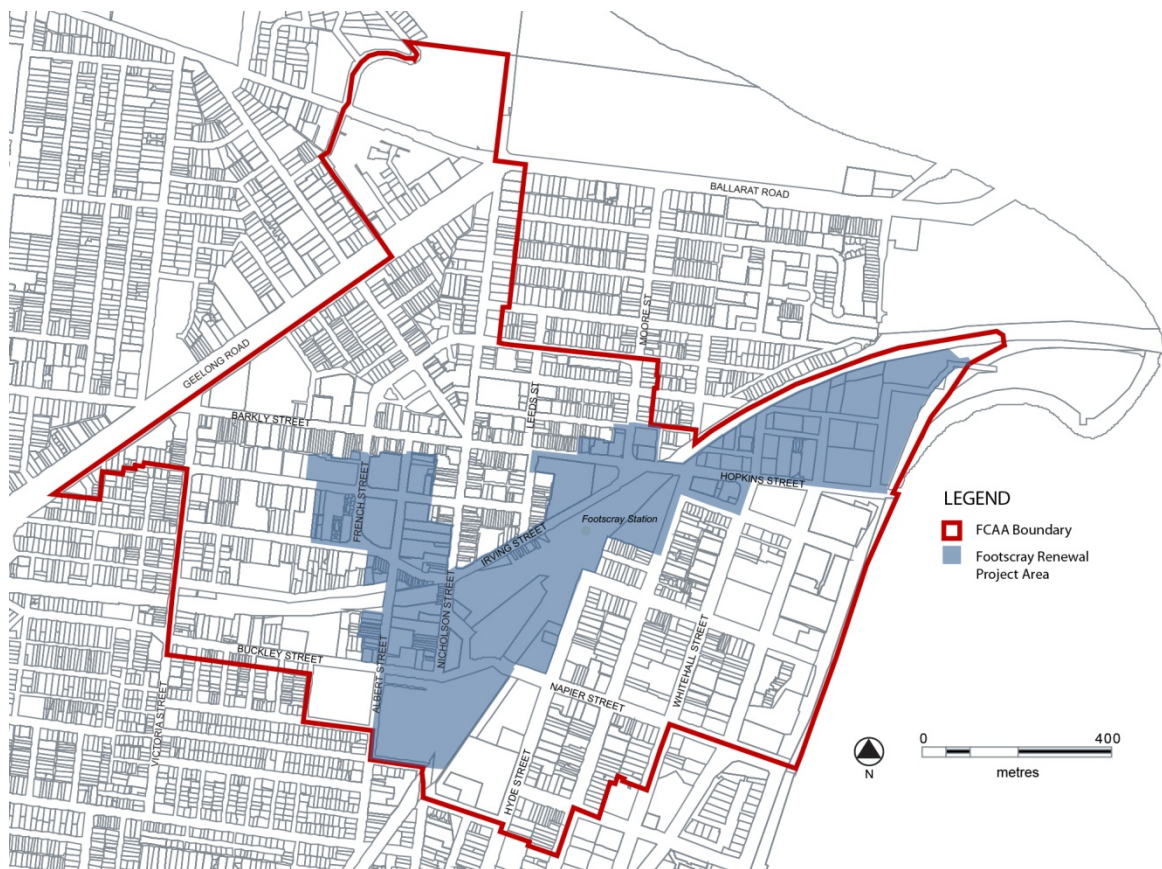
#### Who is the planning authority?

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 Maribyrnong City Council.

#### Land affected by the amendment.

The amendment applies to the land known as the Footscray Central Activities Area (FCAA) as identified in the map below, with borders including Geelong Road, Victoria Street, Victoria University campuses, Bristow Street, Cowper and Whitehall streets, the Maribyrnong River, the railway line to Footscray Station, and Donald Street.



The amendment applies to land covered by the Footscray Renewal Project Area, as shown on the map, for which the Minister for Planning is the Joint Responsible Authority and the Maribyrnong City Council is the planning authority.

## **What the amendment does.**

The amendment implements the land use and built form directions from the Footscray Structure Plan by:

- Replacing Clause 21.11-1 Footscray Central Activities District in the Maribyrnong Planning Scheme with a new clause.
- Updating the Reference Documents listing at Clause 21.12:
  - Under the Economic Development heading - listing the Footscray CAA Structure Plan (2013) and the Footscray Skyline Study 2012; and deleting the Footscray CAD Comprehensive Development Plan 2010.
  - Under the Built Environment and Heritage heading – listing the Footscray CAA Heritage Citations 2012.
  - Under the Transport heading – listing the Footscray Car Parking Study (GTA, 2013).
- Updating the Reference Documents listing at Clause 22.01-18 to list the Footscray CAA Heritage Citations 2012.
- Deleting Schedule 1 to Clause 37.06 Priority Development Zone which currently applies to the land covered by the Footscray Station Precinct Development Plan (2004) and replacing with a section of the new ACZ Schedule.
- Deleting Schedule 2 to Clause 37.06 Priority Development Zone which currently applies to land covered by the Joseph Road Urban Framework Plan and replacing with a section of the new ACZ Schedule.
- Introducing a new zone, Clause 37.08 – Activity Centre Zone into the Maribyrnong Planning Scheme.
- Introducing Schedule 1 to the Activity Centre Zone for the Footscray Central Activities Area into the Maribyrnong Planning Scheme that defines eight precincts within the centre and prescribes the form of development in each precinct and sub-precincts that will meet the planning objectives for the FCAA.
- Rezoning all land within the Footscray CAA (excluding land zoned Public Use 2, Education; Public Use 4 , Transport and Road Zone 1) to the Activity Centre Zone (ACZ).
- Updating the schedule to Clause 43.01 Heritage Overlay to provide individual heritage protection to 17 sites by:
  - Introducing a heritage overlay at:
    - 72 Buckley St, Former Air Raid Precautions Centre: HO193
    - 81-99 Buckley St, Fabian's Centennial Terrace: HO194
    - 92 Cowper St: HO195
    - 48 Hopkins St, Footscray Hotel: HO196
    - 37 Hyde St, Victorian shop/residence: HO197
    - 59 Napier St, Station Hotel: HO198
    - 42-44 Leeds St, Masonic Hall: HO199
    - 5 Wingfield St, St Joseph's Convent: HO201
    - 16 Parker St, Luke Greenwood House: HO203
    - 60 Paisley St, Footscray Baptist Church: HO204
    - 43 Victoria St, Victoria Hotel: HO205

- Revising the existing heritage overlay from an archaeological overlay to an architectural and archaeological overlay:
    - HO172: 49 Whitehall St Victorian House
    - HO173: 56 Whitehall St Junction Hotel
    - HO145: 98-100 Moreland St Mitchell's Bakery Shop and Residence.
  - Making consequential changes to the Incorporated document *Historical Archaeological Management Plan* and the schedule at Clause 81.01.
  - Introducing an individual heritage overlay on sites within a heritage precinct:
    - 166-168 Nicholson St, Courthouse Hotel: HO200
    - 10 Paisley Street, Former Grand Theatre: HO202
  - Making consequential changes to local heritage policy Clause 22.01-4 *HO3 Footscray Commercial Heritage Area* to list the two buildings (Courthouse Hotel at 166-168 Nicholson Street, Footscray and Former Grand Theatre at 10 Paisley Street, Footscray) in the listing of individually protected buildings.
- Applying Clause 45.03 Environmental Audit Overlay to five sites:
    - 11-13 Whitehall St Footscray (Ryco Hydraulics)
    - 17 Whitehall St Footscray (Ryco Hydraulics)
    - 43-57 Buckley St Seddon (Melbourne bus lines depot)
    - 32-50 Napier St Footscray BP (Service station)
    - 20A Whitehall St Footscray (Budget).
  - Introducing Clause 45.09 Parking Overlay into the Maribyrnong Planning Scheme. Applying Parking Overlay 1 to the inner parking precincts and applying Parking Overlay 2 to the outer parking precincts.
  - Replacing the existing schedule to Clause 52.28-4 (Prohibition of a gaming machine in a strip shopping centre) with an amended schedule.
  - Updating the Schedule to Clause 61.03 (Maps comprising part of this scheme) to include the new parking overlays (PO1 and PO2) in the list of maps in both maps 8 and 9.

## Strategic assessment of the amendment

### ● Why is the amendment required?

Footscray was designated as a Central Activities District (now referred to as Central Activities Areas – CAAs) in 2008. It is one of six CAAs designated in *Melbourne 2030: a planning update - Melbourne @5 million*, the most recent reference document for the Metropolitan Strategy.

CAAs are envisaged to be the focus of a substantial proportion of future employment growth and public investment. *Melbourne @5million* defines the six CAAs as providing significant CBD type jobs and commercial services, a strong and diverse retail sector, specialised goods and services to a large regional catchment, significant opportunities for housing redevelopment, high levels of accessibility and vibrant centres of community activity with a range of public facilities.

Prior to its designation as a CAA, in 2002 Melbourne 2030 designated Footscray as a Principal Activity Centre and as a Transit City. To progress the revitalisation of central Footscray, Maribyrnong City Council and the Victorian Government prepared the (re)visioning Footscray plan in 2005. In 2007 the Footscray Renewal project, a joint State

and Council project, gave further impetus to develop planning policies and controls to support the centre's regional role and give more certainty in shaping its future.

In May/June 2010 Amendment C90 was exhibited with a Comprehensive Development Zone proposed as the main tool to guide development. The amendment was subsequently abandoned in October 2010. However, the information prepared as part of the amendment provides a starting point for the current amendment. The submissions to C90 also provide valuable direction on the gaps to be addressed.

The Footscray Structure Plan has been prepared for the Footscray CAA. The plan reflects the objectives of the Metropolitan Strategy and the status of Footscray as the CAA closest to Melbourne's CBD. The amendment is required in order to give effect to the objectives and strategies contained within the structure plan. As a CAA the area is expected to see a significant level of change, and a comprehensive and cohesive set of planning tools is needed to ensure this change is appropriately managed.

The structure plan proposes an Activity Centre Zone as the appropriate tool to shape Footscray's future in preference to the mixture of zones and controls currently applying to the area. The schedule to the Activity Centre Zone takes into account the findings of the C90 amendment process. In particular, this includes notice and appeal rights and the need for clarity on expectations of built form and uses in various parts of the centre.

- **How does the amendment implement the objectives of planning in Victoria?**

The amendment implements the objectives of planning in Victoria by:

- Providing for the fair, orderly, economic, and sustainable use, and development of land (section 4(1)(a) of the Act) by facilitating the rejuvenation and redevelopment of the Footscray Central Activities Area.
- Securing a pleasant, efficient and safe working living and recreational environment for all Victorians and visitors to Victoria (section 4(1)(c) of the Act) by facilitating the redevelopment of a centre with excellent access to public transport that offers diverse housing, shopping, employment and recreational opportunities.
- Facilitating development in accordance with the above objectives (section 4(1)(f) of the Act).
- Balancing the present and future interests of all Victorians (section 4(1)(g) of the Act) by facilitating the redevelopment of a designated Central Activities Area, in accordance with state and local planning policy to consolidate a mix of activities in a designated centre with excellent access to public transport.

- **How does the amendment address the environmental effects and any relevant social and economic effects?**

#### *Environment*

The amendment will give statutory effect to the *Footscray Structure Plan 2013* which considers ESD objectives relating to new development. The amendment will assist in improving the built environment by ensuring integrated development that incorporates high quality design and energy efficiency in an activity centre encouraging sustainable travel patterns.

The amendment introduces the Environmental Audit Overlay (EAO) to a number of sites within the FCAA where potentially contaminated land may be used for sensitive uses in the future. This will require a Statement or Certificate of Environmental Audit be issued prior to the land being used for sensitive uses.

The amendment also references Council's existing and pending new Clause 22.03 Potentially Contaminated Land Policy.

#### *Social*

The amendment is expected to have a positive social impact by improving the range of commercial, employment and housing opportunities available in the centre.

#### *Economic*

The amendment will assist in promoting economic growth by stimulating private and public investment in Footscray, increasing competitiveness in the regional retail environment and providing a range of direct and indirect employment opportunities.

- **Does the amendment address relevant bushfire risk?**

The amendment will not result in any increase to the risk to life as a priority, property, community infrastructure or the natural environment from bushfire.

- **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 Act.

The amendment is consistent with Ministerial Direction 1- Potentially Contaminated Land by applying the Environmental Audit Overlay over potentially contaminated land being rezoned to zone allowing a sensitive use.

The amendment meets the relevant requirements of Ministerial Direction 9 (Metropolitan Strategy) which relates to *Melbourne 2030* and the update, *Melbourne @ 5 million* in particular:

- **Direction 1 - A More Compact City:** The amendment will facilitate the redevelopment of the Footscray Central Activities Area, in accordance with the objectives of *Melbourne 2030/Melbourne @ 5 Million*.
- **Direction 2 - Better Management of Metropolitan Growth:** The amendment facilitates concentration of growth in a designated CAA which will serve to expand the range of housing, retail and other facilities available in the region, in an appropriate location well served by public transport and within the Urban Growth Boundary.
- **Direction 4 - A More Prosperous City:** The amendment will facilitate the redevelopment of the Footscray Central Activities Area, which will assist in strengthening the regional economy, increasing employment opportunities and consolidating development around the Principal Public Transport Network.
- **Direction 5 - A Great Place to Be:** The amendment introduces objectives promoting good urban and environmental design and encourages a mix of land uses that support increased activity and vibrancy, consistent with CAA objectives.
- **Direction 6 - A Fairer City:** The amendment enhances housing, retail and employment opportunities for the region.
- **Direction 7 - A Greener City:** The amendment will facilitate the development of a designated CAA with excellent access to public transport which will assist in consolidating urban activity, minimising car trips and encouraging walking, cycling and use of public transport.

- **Direction 8 - Better Transport Links:** The amendment facilitates the expansion and redevelopment of a designated CAA which provides a major transport interchange for metropolitan passenger rail within Melbourne's west and also supports freight and regional/interstate passenger rail.

The amendment is consistent with Ministerial Direction 11 (Strategic Assessment Guidelines).

- **How does the amendment support or implement the State Planning Policy Framework(SPPF)?**

The Amendment directly supports the following Clauses of the SPPF:

- Clause 11 (Settlement): by providing a planning framework for the Footscray Central Activities Area. The amendment meets the objective of encouraging the concentration of major developments into activity centres which provide a variety of land uses and are highly accessible, and making more efficient use of existing infrastructure, especially public transport provision, and provides for greater housing and employment opportunities in a centre with excellent access to services and public transport.
- Clause 12 (Environmental and Landscape Values): by facilitating development that will house the projected population growth within a designated CAA capitalising on opportunities for a larger population to live within a relatively small ecological footprint.
- Clause 15 (Built Environment and Heritage) by providing heritage protection to 17 sites within the CAA, and encouraging high quality urban design, and by ensuring that new land uses and development responds to the built form and cultural context of the centre.
- Clause 16 (Housing) by providing for a diverse range of housing.
- Clause 17(Economic Development) by ensuring that the centre has opportunities for commercial and residential growth, and providing a framework for the location and management of that growth within the centre.
- Clause 18 (Transport) by encouraging and facilitating growth and development within the Footscray CAA which is well served by public transport.

- **How does the amendment support or implement the Local Planning Policy Framework (LPPF) and specifically the Municipal Strategic Statement?**

The amendment is consistent with the LPPF in particular the following policies:

- *Clause 21.04-1 (Activity Centre Planning):* By facilitating a mix of uses within the Footscray Central Activities Area and providing for higher density housing, a range of retail options, services and employment opportunities in an existing centre with excellent access to public transport.
- *Clause 21.04-2 (Housing Growth):* By facilitating a diverse range of housing.
- *Clause 21.06-1 (Urban Design):* By facilitating the creation of well designed urban environment.
- *Clause 21.06-2 (Environmentally Sustainable Development):* By encouraging sustainable building design.
- *Clause 21.06-3 (Heritage)* by protecting places of heritage significance.
- *Clause 21.07 (Housing)* Through the facilitation of a diverse range of housing and by directing increased residential development to identified precincts within the Footscray Central Activities Area.

- *Clause 21.08 (Economic Development)*: By facilitating a wide range of compatible activity in the centre and applying development guidelines which provide for positive design outcomes for the area.
- *Clause 21.09 (Transport)*: By facilitating development of centre which encourages use of public transport and provides for upgrades of existing public transport infrastructure.
- *Clause 21.10 (Community and Development Infrastructure)*: By facilitating the provision of appropriate infrastructure.

The amendment introduces a new local areas policy for the Footscray CAA at Clause 21.11-1 that introduces land use and built form directions for the centre from the Footscray Structure Plan.

- **Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the VPP's, in particular through the use of the:

- Activity Centre Zone which includes the key purposes of encouraging a mixture of uses and the intensive development and delivering a diversity of housing at higher densities to make optimum use of the facilities and services.
- Environmental Audit Overlay on sites which have been identified as being potentially contaminated.
- Heritage Overlay to significant sites within the centre.
- Parking Overlay, reflecting parking demand and constraints in the various precincts of Footscray.

- **How does the amendment address the views of any relevant agency?**

The amendment has been informed by documents that have been formulated in consultation with the Department of Planning and Community Development and other relevant agencies. During exhibition of the amendment feedback will be sought from the relevant agencies.

- **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment complies with the relevant requirements of the Transport Integration Act, specifically Part 2, Division 2, 11- *Integration of transport and land use*. The proposed Activity Centre Zone will encourage the location of housing, employment and services in close proximity to a major rail, tram and bus transport interchange. Improvements to the access arrangements at the Footscray interchange are outlined in the FCAA Structure Plan.

## **Resource and administrative costs**

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

It is expected that the new planning scheme provisions will have a limited impact on the resource and administrative costs of the Maribyrnong City Council. The greater clarity and simplicity of the proposed provisions may assist in the interpretation of the planning scheme.

The Minister for Planning will remain responsible for approving and amending applications within the Footscray Renewal Project Area for which the Minister for Planning is the Joint Responsible Authority.

**Where you may inspect this Amendment.**

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

- Maribyrnong City Council website: [www.maribyrnong.vic.gov.au](http://www.maribyrnong.vic.gov.au)
- Maribyrnong City Council Offices, Corner Hyde and Napier Streets, Footscray.

The amendment can also be inspected free of charge at the Department of Planning and Community Development web site at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) .