

*Planning and Environment Act 1987*

**Panel Report**

# Maribyrnong Planning Scheme Amendment C108



**2 September 2015**

*Planning and Environment Act 1987*

Panel Report pursuant to Section 25 of the Act

Maribyrnong Planning Scheme Amendment C108

2 September 2015

A handwritten signature in blue ink, appearing to read 'Brett Davis', with a stylized flourish at the end.

Brett Davis, Chair

A handwritten signature in blue ink, appearing to read 'Peter Newman', with a stylized flourish at the end.

Peter Newman, Member

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## List of Abbreviations

C2Z	Commercial 2 Zone
CEA	Core Employment Area
CWACSP	Central West Activity Centre Structure Plan
DELWP	Department of Environment, Land, Water and Planning
DTPLI	Department of Transport, Planning and Local Infrastructure (former)
EPA	Environment Protection Authority
GRZ	General Residential Zone
ILS	Industrial Land Strategy (2011)
LPPF	Local Planning Policy Framework
MEIDS	Maribyrnong Economic and Industrial Development Strategy
MSS	Municipal Strategic Statement
NRZ	Neighbourhood Residential Zone
RGZ	Residential Growth Zone
SEIA	Strategic Employment Investigation Area

## Executive Summary

### (i) Summary

Amendment C108 implements the recommendations of the Maribyrnong Economic and Industrial Development Strategy (Part 1 and 2) through changes to local policy and inserts the Maidstone Hampstead Road East Framework Plan into the Planning Scheme as a reference document.

The Panel finds it is difficult to navigate through the strategy and is concerned that other users may find the same issue. The Panel has recommended Council provide user friendly executive summaries of the Part 1 and Part 2 documents.

Some submitters confused the broad objectives of the Maribyrnong Economic and Industrial Development Strategy and the Amendment with site specific issues, still subject to detailed Framework Planning. Council's approach with Maidstone - Hampstead Road, outlined what can be achieved once detailed planning takes place.

The Panel forms the view that the supply of industrial and employment land is an important economic resource and agreed with the Council proposition that once it is gone, it does not come back. Maintaining an overall supply of employment land will allow for fluctuations over time.

Primarily, the Panel agrees with the assessment criteria, and felt that no parties effectively provided a more robust alternative. This is not to say that the Panel was convinced with every assessment.

What resonated with the Panel was the preposition that the longevity and adequacy of the employment land cannot be left to random rezoning or current desires of individual landowners based on their own economic plans. It agreed with Council that there should be neither entitlement nor any reasonable expectation that employment land can easily be redeveloped for some non-employment purpose, namely residential.

For precincts that had no submissions, (5 and 7) the Panel endorses the Council recommendation.

Amendment C108 is an ambitious and strategic approach by Council to retain and enhance its employment land for the municipality. The Council is to be commended in its attempt to capture the current and future economic development and employment issues facing its supply of industrially zoned land.

**(ii) Recommendation**

Based on the reasons set out in this Report, the Panel recommends:

**Maribyrnong Planning Scheme Amendment C108 should be adopted as exhibited, subject to the following:**

- 1. Council prepare executive summaries of the Part 1 – Economic Development Strategy and Part 2 – Industrial Land Strategy.**
- 2. Council implement the post-exhibition changes contained in Appendix C.**
- 3. The Maribyrnong Economic and Industrial Development Strategy be included as a Reference Document at Clause 21.12.**
- 4. Amend Clause 22.04 by changing the name of the policy to 'Yarraville Port Core Employment Area Policy' and by adopting the other changes as shown in the post-exhibition version of this clause at Appendix C.**
- 5. Change the designation of Precinct 4.2 to Strategic Employment Investigation Area. Amend plans and policy as necessary to reflect this designation change.**
- 6. Amend the Maidstone Hampstead Road East Framework Plan 2014 at Clause 21.11-8 in the following ways:**
  - a) Delete the designations 'Existing Life Christian Church' and 'Potential for residential development in the longer term', and identify this land as Residential with a 2-4 storey height limit.**
  - b) Subject to this change, include the Maidstone Hampstead Road East Framework Plan 2014 as a reference document in the Maribyrnong Planning Scheme.**



# 1 Introduction

Maribyrnong Planning Scheme Amendment C108 (the Amendment) was prepared by the Maribyrnong City Council as Planning Authority.

## 1.1 The Amendment

The Amendment implements the Maribyrnong Economic and Industrial Development Strategy (MEIDS) Part 1 – Economic Development Strategy (2011) and Part 2 – Industrial Land Strategy (2011), and the Maidstone Hampstead Road East Framework Plan, into the Maribyrnong Planning Scheme.

The changes the Amendment makes to areas currently referred to as industrial areas can be summarised as:

- The three existing core industrial precincts, Yarraville Port, Tottenham and West Footscray Sunshine Road, at Clause 21.08-3 are redesignated as core employment areas.
- Braybrook (North), Hampstead Road (East) Maribyrnong, and South Francis Street Yarraville, are removed from the designation Strategic Employment Investigation Area (Clause 21.04-5).
- Seven Core Employment Areas (CEAs) are created (Clause 21.08-3), with policy detail provided on Hampstead Road (new Clause 21.11-8) and Yarraville Port (existing Clause 22.04-1).
- Gordon & Mephan Streets, and Yarraville Mobil Terminal, are added as new Strategic Employment Investigation Areas (SEIAs) (Clause 21.04-5), to be considered as employment areas until investigation demonstrates otherwise.

In addition, the Amendment would:

- Amend Clause 22.02 Francis Street Mixed Use Policy to update terminology to reflect the findings of the Industrial Land Strategy (2011) which identified the area as a Core Employment Area rather than Industrial Precinct.
- Amend Clause 22.04 Yarraville Port Industrial Precinct Policy to rename the policy, update terminology, and amend mapping to reflect the findings of the Industrial Land Strategy (2011), which identifies the area as a Core Employment Area rather than Industrial Precinct.

### (i) Subject Land

The subject land for the purpose of this Amendment is the land contained in nine industrial related employment precincts which are identified in MEIDS Part 2 – Industrial Land Strategy (the ILS). These precincts are shown in Figure 1.

The Panel notes that smaller isolated industrial parcels did not form part of the ILS due to their remote location from these nine main precincts.

The Amendment does not propose any rezoning. However rezoning can be expected through future amendments which will be required to give effect to the detailed strategic planning work that has already been undertaken for Precinct 6 (the Maidstone Hampstead Road East Framework Plan), and that is already in progress for the other precincts.

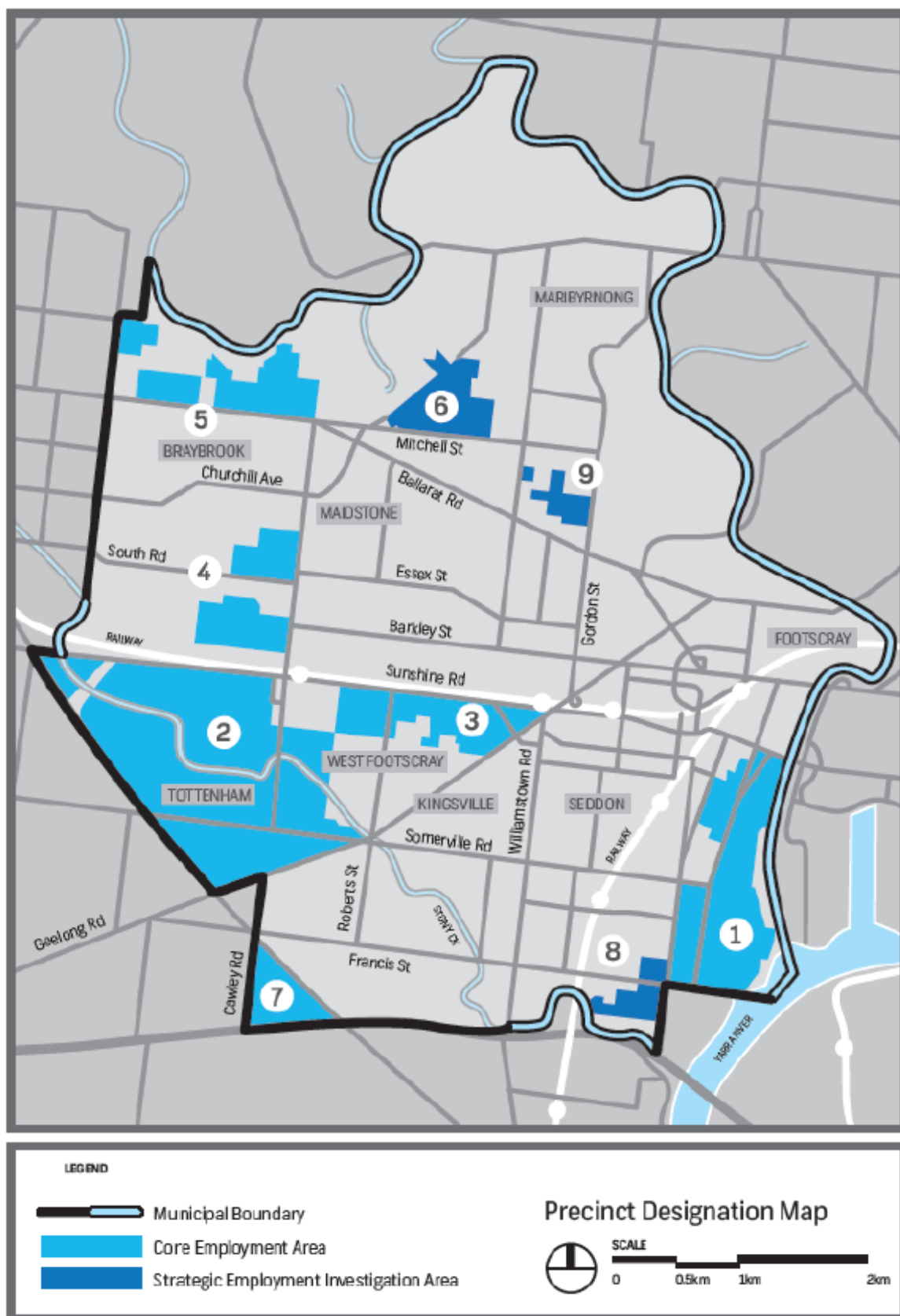


Figure 1 Industrial employment precincts  
Source: Council Part A Submission: 8

## 1.2 Panel Process

The Amendment was authorised by the Department of Environment, Land, Water and Planning (DELWP) on 7 January 2015.

The Amendment was placed on public exhibition between 26 February and 31 March 2015, with 32 submissions received. At its meeting of 24 June 2014, Council resolved to refer the submissions to a Panel. As a result, a Panel to consider the Amendment was appointed under delegation from the Minister for Planning on 29 May 2015 and comprised Brett Davis (Chair) and Peter Newman.

A Directions Hearing was held on 23 June 2015. A late submission was tabled at the Hearing and Council forwarded this to the Panel for consideration. Following the Directions Hearing, the Panel inspected of the land affected by the Amendment.

The Panel then met in the offices of Planning Panels Victoria on 20, 21 and 22 July 2015 to hear submissions about the Amendment. Those in attendance at the Panel Hearing are listed at Table 1.

Table 1 Parties to the Panel Hearing

Submitter	Represented by
Maribyrnong City Council	Virginia Howe (Council) and Terry Montebello of Maddocks Solicitors who called the following expert witnesses: <ul style="list-style-type: none"> <li>- Mike Scott of Planisphere (Town Planning)</li> <li>- Michael Campbell and Esther Cheong of AEC Group (Economics and Industrial)</li> </ul>
Ledgelike Super Pty Ltd	John Cicero of Best Hooper Solicitors who called the following expert witnesses: <ul style="list-style-type: none"> <li>- Sarah Walbank of Urbis (Town Planning)</li> <li>- Simon Rumbold of Urbis (Economics)</li> <li>- Charmaine Dunstan of Traffix Group (Traffic)</li> </ul>
Alianda Ridge Pty Ltd	John Cicero of Best Hooper Solicitors who called the following expert witness: <ul style="list-style-type: none"> <li>- Sarah Walbank of Urbis (Town Planning)</li> </ul>
GrainCorp	Paul Jemmeson of Beca
Hillsong Church	Aileen Chin of Perry Town Planning
Marsh Street residents	Dennis Dunic
Country Employment Services Pty Ltd	Tim Retro of Pro Urban and Paul Hess of Country Employment Services Pty Ltd
Ali Holdings Pty Ltd	Anthony Msonda-Johnson of Roberts Day
David Poulton	

### 1.3 Background to the Amendment

MEIDS was developed by the AEC Group in association with Jones Lang LaSalle Research in 2011 as a jointly funded project by Maribyrnong City Council and the Department of Planning and Community Development (now DELWP).

Its purpose is to:

- *develop a thorough understanding of the existing Maribyrnong economy and its likely future;*
- *develop strategies for a sustainable economic future; and*
- *determine the future role and land use directions for the City's key industrial precincts.*

MEIDS was broken into two parts. Part 1 is known as the *Economic Development Strategy* (EDS) and Part 2 is the *Industrial Land Strategy* (ILS).

MEIDS is discussed in detail in Chapter 3.

### 1.4 Post-exhibition changes

Post-exhibition changes to the Amendment will be discussed throughout the report. The changes are summarised at Appendix C.

### 1.5 Summary of issues raised in submissions

The Panel has considered all written submissions, as well as the submissions and evidence presented during the Hearing. In addressing the issues raised by this Amendment and the submissions, the Panel has been assisted by its inspections of the Amendment area and surrounds.

The key issues raised in the submissions of the various parties are briefly summarised as follows:

#### (i) Planning Authority

The key issues for the Council were:

- Its desire to maintain industrial employment opportunities in the municipality and minimise the loss of industrial land to other forms of land use by resisting the submissions which opposed classification of land in precincts 1, 2, 3, 4 and part of 6 as CEA.
- Its commitment to give effect to the more detailed planning outcomes for Precinct 6 as recommended by the Maidstone Hampstead Road East Framework Plan.

#### (ii) Individual Submitters

The key issues by submitters were:

- The desire to pursue more lucrative development opportunities on their land than industry, particularly where their land presently contains under-utilised or outdated industrial buildings.
- Concern by residents about the impacts of traffic and other adverse amenity impacts arising from the proximity of industry and, in the case of Precinct 6, from mixed use and

higher density residential development in the eastern part of this precinct as proposed by the Maidstone Hampstead Road East Framework Plan.

Because the submissions relate to particular precincts, the Panel has addressed them on a precinct basis. For each precinct, the Panel has identified the issue(s), outlined what the amendment proposes for the precinct, summarised the submissions and evidence, and discussed the issue(s) before drawing conclusions and making recommendations.

The appendices include the list of all submitters, Panel Hearing documents and a table of post-exhibition changes.

The Panel report deals with the following issues:

- Strategic planning context
- Maribyrnong Employment and Industrial Development Strategy
- Proposed Precincts 1-9
- Other issues.

## 2 Strategic Planning Context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report. The Panel has reviewed the policy context of the Amendment and made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

### 2.1 Policy framework

#### (i) State Planning Policy Framework

Council submitted that the Amendment responds to *Clause 11 Settlement* by providing for land zoned for commercial use and expansion.

#### (ii) Plan Melbourne

Amendment C108 supports and implements the adopted State policy, Plan Melbourne, by recognising that as the economy changes, the planning system needs to recognise and respond to the changing needs of different business sectors, and support the growth of existing and new industries. A key outcome and objective of Plan Melbourne is delivering jobs and investment, by creating a city structure that drives productivity, support investment through certainty and creates more jobs.

Plan Melbourne identifies key State Significant Industrial Precincts, recognising the need to ensure there is sufficient strategically located land available for major industrial development linked to the principal freight network and transport gateways. These areas are to be protected from inappropriate development to allow continual growth in freight, logistics and manufacturing investment. The Tottenham, West Footscray and Yarraville Crawley Core Employment Areas are identified in this Plan as being existing State Significant Industrial Precincts.

In recognising, at a local significant level, the need to maintain industrial land that is economically important to a municipality or subregion or to strategically redevelop unutilised industrial land, Amendment C108 is supported by Plan Melbourne.

Of particular emphasis in Plan Melbourne, Council outlined:

*Plan Melbourne's response to delivering jobs and investment has been mindful of maintaining Melbourne's competitiveness as a place to invest. To maintain competitiveness, we need to ensure that land supply for commercial and industrial development is adequate, well-located and appropriately serviced.*  
(Council emphasis)

Initiative 1.2.1 of Plan Melbourne requires Council's to '*Plan for Industrial land in the right locations across Melbourne's five subregions to support investment and employment.*'

#### (iii) Local Planning Policy Framework

Council submitted that the Amendment supports the following local planning objectives:

- Clause 21.01 Municipal Strategic Statement
- Clause 21.02 Municipal Profile

- Clause 21.03 Council Vision
- Clause 21.04 Settlement
- Clause 21.05 Environment and Landscape Values
- Clause 21.07 Housing
- Clause 21.08 Economic Development
- Clause 21.09 Transport
- Clause 21.11 Local Areas
- Clause 21.12 Reference Document
- Clause 21.14 Further Strategic Work.

## **2.2 Planning scheme provisions**

### **(i) Zones and overlays**

No zones or overlays are proposed to be changed as part of this Amendment.

### **(ii) Other planning strategies**

MEIDS identifies the need for 7 precincts to undergo a framework planning process, of which:

- 4 precincts have recently been completed and framework plans adopted by Council; and
- 3 precincts still require framework plans.

## **2.3 Ministerial Directions and Practice Notes**

Council submitted that the Amendment is consistent with:

- *Ministerial Direction – The Form and Content of Planning Schemes*
- *Ministerial Direction No 1 – Potentially Contaminated Land*
- *Ministerial Direction No 9 – Metropolitan Strategy*
- *Ministerial Direction No 11 – Strategic Assessment of Amendments*
- *Ministerial Direction No 15 – The Planning Scheme Amendment Process.*

## **2.4 Conclusion**

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework.

## 3 Maribyrnong Employment and Industrial Development Strategy

### 3.1 Background

MEIDS is presented in two parts; Part 1 being the Economic Development Strategy (EDS) and Part 2 being the Industrial Land Strategy (ILS). Part 2 relies upon the research set out in Part 1 and other research carried out by the consultants set out in background work.

Council submitted that while MEIDS is a local planning exercise, it has broader implications for Melbourne.

The objectives of MEIDS include:

- *Recommend strategies that assist to ensure the City's long term economic health;*
- *Assist local business, industry and Council in making investment decisions;*
- *Ensure opportunities for local employment are identified and acted upon;*
- *Ensure enough land is available for economic development in the context of pressures for residential development;*
- *Promote continued economic development in the City of Maribyrnong;*
- *Identify core industrial land that must be retained for current and future use including land for alternative uses e.g., residential;*
- *Determine the future strategic direction for industrial and semi-industrial commercial land throughout the City of Maribyrnong; and*
- *Provide guidance on sensitive land use surrounding industrial and semi industrial commercial land, and for major redevelopment opportunities.*

#### (i) Part 1 – Economic Development Strategy (2011)

The EDS provides the context and analysis on the current and future economic conditions facing the City of Maribyrnong. The EDS sets the overall direction for development of the Maribyrnong economy. The EDS provides the basis for demand and supply of industrial land within the city and outlines core strategies and directions to achieve Maribyrnong's economic vision.

Council outlined that the EDS informed Part 2; the Industrial Land Strategy (ILS), by providing an understanding of the current and future economic conditions facing the municipality that affect employment and industrial development.

Council submitted that the assessment and the methodology of the Part 1 document is *detailed, comprehensive, robust and that it is still a sound underpinning for the Part 2 component of the MEIDS.*

#### (ii) Part 2 – Industrial Land Strategy (2011)

The ILS provides the policy provisions that are being put in place through Amendment C108. Council submitted that the ILS guides the retention and development of Industry Related



Employment Land (IREL) in Maribyrnong, and *balances the need for continued Employment areas against the strong pressure for redevelopment for alternative uses such as residential.*

The ILS seeks to:

- *Provide a precinct based approach to industrial land within Maribyrnong;*
- *Provide an economic analysis of each industrial precinct and determine its economic future;*
- *Identify core industrial land that must be retained for current and future use;*
- *Identify underutilised industrial land that exceeds forecast business needs and can be developed and/or redeveloped for commercial and other land uses such as residential;*
- *Detail the elements and studies required for physical framework plans;*
- *Develop an action plan for each industrial precinct;*
- *Provide an implementation plan for actions that identify resources required, potential partners and timelines; and*
- *Develop a monitoring program for the implementation of the strategy.*

The ILS introduces a new way of classifying employment land in Maribyrnong, and the process by which future use and development should be determined. The ILS also includes analysis and strategies for each of the nine precincts.

### **(iii) Performance Criteria used to categorise the IREL**

The ILS introduced Performance Criteria (Table 2) to help inform the categorisation of Industry Related Employment Land as either Core Employment Areas (CEAs) or Strategic Employment Investigation Areas (SEIAs).

The process of categorisation is outlined below in Figure 2.

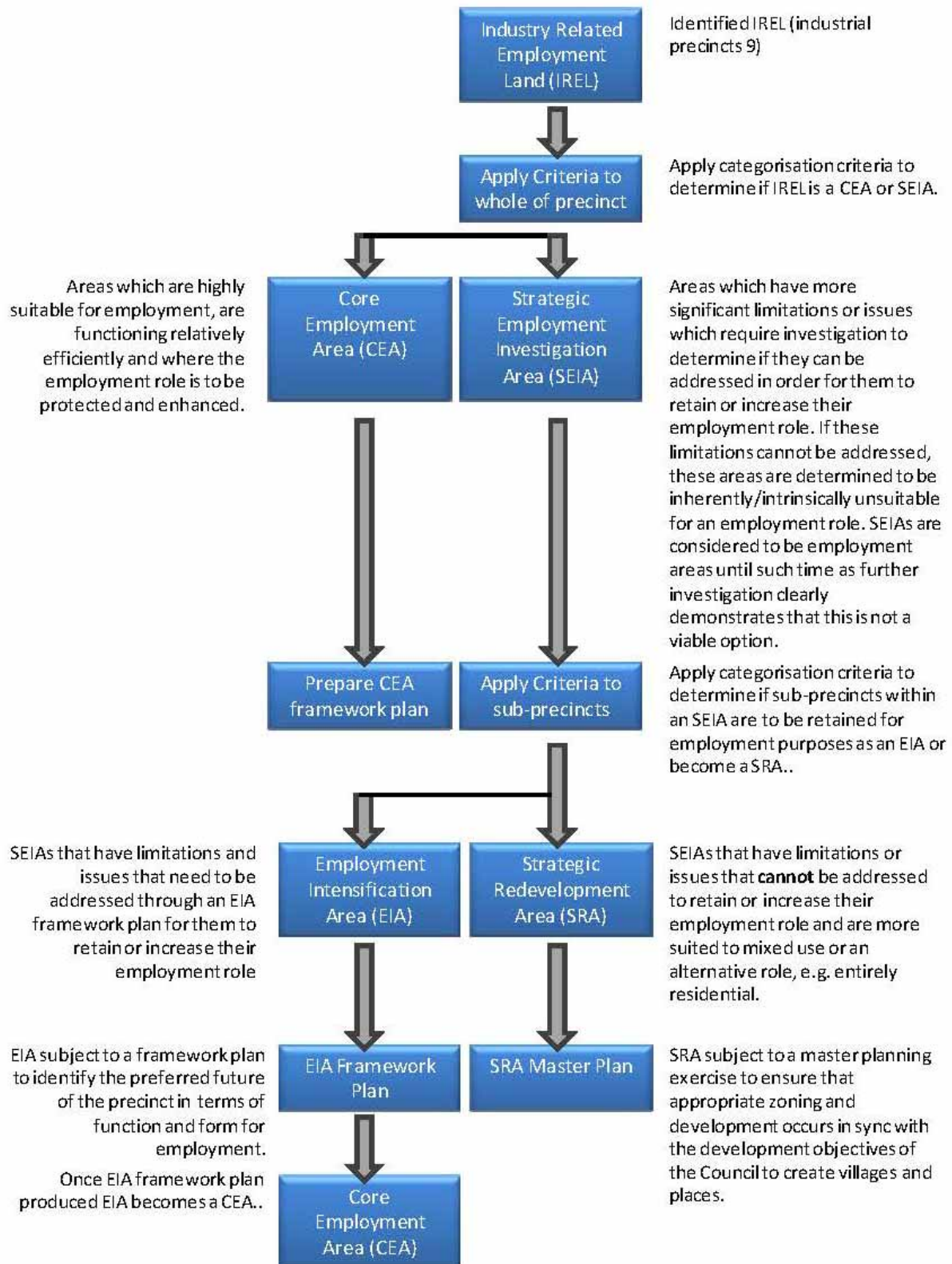


Figure 2 Industrial Related Employment Land Categorisation Process  
Source: MEIDS Part 2:10

The eight performance criteria as set out in Table 2 were applied.

	<b>Criterion</b>	<b>Description</b>	<b>Measures/Indicators</b>
1	Use/Purpose	Current use is predominately employment based, including industrial and/or commercial	Proportion of land devoted to uses which may provide employment e.g. factory, warehouse, retail, office, service industry is significantly greater than proportion of land which is vacant, residential or other non-employment generating land use.
2	Transition / Buffer Role	Currently forms a transition buffer between heavier industrial and sensitive uses or high amenity	Provides a separation between Industrial 1 zoned land, special purpose facilities such as oil and chemical storage and sensitive uses and/or provides for a higher amenity edge to prominent roads or activity centre precincts.
3	Statutory Buffer	Land is located within a statutory, legislated or recommended buffer of a nearby use.	EPA recommended threshold buffers as contained in Clause 52.10 and/or Worksafe Major Hazard Facility buffers
4	Co-location	Within an area of similar, related or dependent industrial/commercial activities.	Example: <ul style="list-style-type: none"> <li>Businesses relying on Port of Melbourne or other freight handling facilities which are located together for this reason.</li> </ul>
5	Capital investment	This is significant sunk capital in the precinct, or recent levels of reinvestment.	Examples: <ul style="list-style-type: none"> <li>Presence of one or more large scale manufacturing plants in the precinct.</li> <li>Recent refurbishment/investment in businesses in the precinct.</li> </ul>
6	Employment	Precinct has a significant number of employees	More than 200 employees or in line with State employment density benchmarks
7	Access	Existing or planned direct (i.e. not through residential areas) access to key transport networks.	Direct connection to the Principal Freight Network (PFN) or connected to PFN road or rail by a sealed local road providing direct access of sufficient quality for heavy freight vehicle use and HPPV accessibility in some instances.
8	Legislative/ Policy Framework	The precinct is recognised for its economic and/or employment role in the planning scheme or other policy/legislative strategic frameworks.	National or State Planning/Economic Policy. Regional Economic Policies / Strategies Local Planning Policy Port Environs Boundary

Table 2 Performance Criteria Source: MEIDS Part 2:11

## 3.2 Core Employment Areas

CEAs are defined as:

*Areas which are highly suitable for employment are functioning relatively efficiently and where the employment role is to be protected and enhanced.*

A precinct was judged to be a CEA if it complies with the clear majority of the performance criteria (over 60%).

The following precincts were identified as CEAs on the basis of this assessment:

- Precinct 1 – Yarraville Port
- Precinct 2 – Tottenham
- Precinct 3 – West Footscray
- Precinct 4 – Braybrook Ashley Street (part of Central West Activity centre)
- Precinct 5 – Braybrook Ballarat Road
- Precinct 7 – Yarraville Cawley.

In areas which are designated as CEA, the intention is that these areas will remain in industrial zoning. As a consequence of the Maidstone Hampstead Road East Framework Plan, part of Precinct 6 was classified as a CEA. This is discussed in Chapter 9.

## 3.3 Strategic Employment Investigation Areas

SEIAs are defined as:

*Areas which have more significant limitations or issues which require investigation to determine if they can be addressed in order for them to retain or increase their employment role. If these limitations cannot be addressed, these areas are determined to be inherently/ intrinsically unsuitable for any employment role. SEIAs are considered to be employment areas until such time as further investigation clearly demonstrates that this is not a viable option.*

A precinct was judged to be a SEIA if it scored less than 60% when assessed against the performance criteria.

The following precincts were identified as SEIAs on the basis of this assessment:

- Precinct 6 – Maidstone Hampstead Road (part)
- Precinct 8 – Yarraville Mobil Terminal
- Precinct 9 – Gordon & Mephan Streets.

These areas need to be assessed at a greater level of detail (i.e. sub-precinct) to determine if their limitations as industrial employment precincts can be addressed in order for them to retain or intensify their employment role, or if they are more suited to mixed use or an alternative role, e.g. residential.

Areas which are designated as SEIA may be redesignated as CEA if further investigation (through a framework planning process) identifies their suitability as Employment Intensification Areas (EIA). Alternatively these areas might be considered for alternative forms of development.

### **3.4 Strategic Directions following classification**

For precincts classified as a CEA, the future of these precincts will be identified through Framework Plans.

For precincts classified as a SEIA, a further level of assessment was undertaken in the ILS (Table 2.3 at p. 17 of ILS) to determine whether they should be further developed as Employment Intensification Areas (EIA) or Strategic Redevelopment Areas (SRA).

### **3.5 Framework Plans**

Framework Plans are prepared to identify the preferred future of a particular precinct in terms of function and form. A Framework Plan will identify a Vision and set out the Objectives and Strategies to achieve this.

The MEIDS (Part 2) identified the need for seven Framework Plans to be developed. The status of these is as follows:

- Draft Framework Plans have been completed for Precinct 2 (Tottenham), Precinct 3 (West Footscray) and Precinct 6 (Maidstone Hampstead Road). Amendment C56 implements the Framework Plan for Precinct 6 into the Planning Scheme. The Framework Plans for Precincts 2 and 3 have been endorsed by Council for the purpose of consultation drafts.
- The Panel notes that a Framework Plans for Precinct 7 (Yarraville Cawley) was due to be completed by February 2015.
- In respect of the Framework Plan for Precinct 9 (Gordon & Mephan Streets), the Panel notes that this was completed in February 2015. An isolated section of land (30 Rosamond Road, Maribyrnong) that formed part of Precinct 9 was rezoned to residential via Amendment C95 in 2013.
- Framework Plans for Precinct 5 (Braybrook Ballarat Road) and Precinct 8 (Yarraville Mobil Terminal) are planned to be completed by June 2016.

Framework Plans for Precinct 1 (Yarraville Port) and Precinct 4 (Braybrook Ashley Street) were determined not to be required on the basis that the Planning Scheme already includes adequate guidance for these precincts (see local area policy at Clause 21.11-3 Central West Major Activity Centre and local planning policy at Clause 22.04 Yarraville Port Industrial Precinct Policy – to be renamed Yarraville Port Core Employment Area Policy).

Council mapped the status of its Framework Plans in its submission (refer to Figure 3 below).

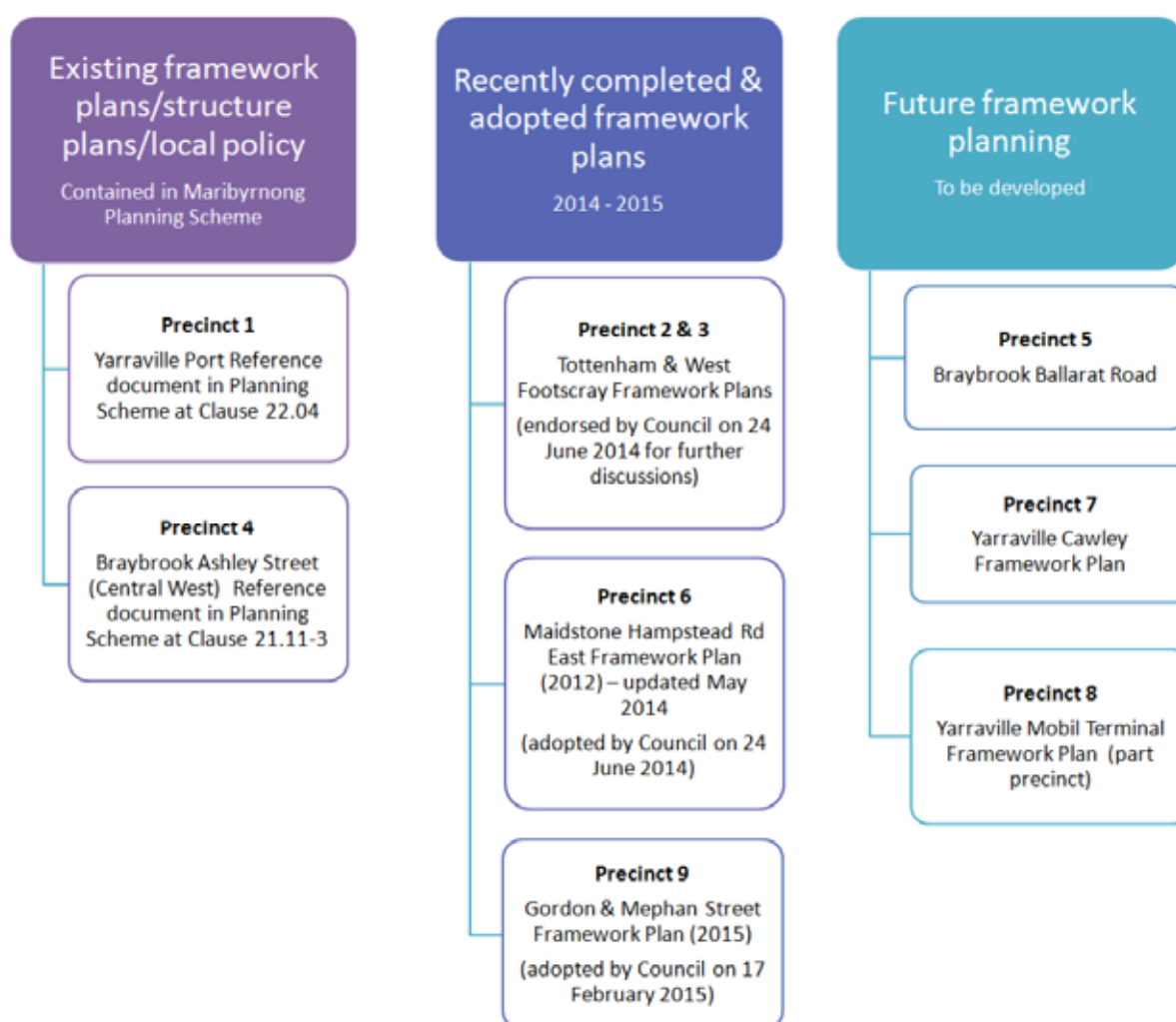


Figure 3 Status of Framework Plans  
Source: Part A Statement: 13

### 3.6 What type of employment is MEIDS seeking to retain?

An issue which arose during the course of the Panel hearing, particularly in respect of submissions relating to Precincts 4 and 6, related to the type of employment opportunities MEIDS is seeking to retain.

Council submitted that the MEIDS is not a strategy which seeks to maximise employment opportunities in the City of Maribyrnong, but rather a strategy to retain and enhance industrial employment opportunities. This was confirmed on behalf of Council in the evidence of Mr Michael Campbell, a senior consultant with AEC and the principal author of MEIDS Part 1 (EDS).

Mr Campbell made it clear in response to questioning by Mr Cicero (acting for Ledgelike Super in Precinct 4) that the MEIDS Part 1 Strategy is about maintaining Industrial related employment and is *not a general employment strategy*. With reference to his expert

evidence statement<sup>1</sup>, Mr Campbell identified Manufacturing, Wholesale trade, and Transport/postal/warehousing as the industrial employment type uses that the MEIDS is concerned about. He emphasised the importance of retaining industrial employment in Maribyrnong by reference to graphs which showed manufacturing industry's contribution to Maribyrnong's GRP had fallen from 17.1% in 2009-10 to 12.4% by 2012-13<sup>2</sup>.

Mr Cicero called expert economic evidence from Mr Rumbold about the Ledge-like Super land in Precinct 4. He gave evidence that the 200-300 existing jobs in the northern part of Precinct 4 (sub-precinct 4.2) is "appallingly low", noting that the true employment level in this area is confused given there are other employers in the same Destination Zone (e.g. schools and a community centre). In his view the level of employment in this sub-precinct was less than one-fifth of what should be expected, basing this observation on the results of a Perth Land Use Survey. He considered the area should be providing 1500 jobs (based on 15 jobs/ha) and that the fact that it wasn't means the area is not working as an employment area.

Mike Scott, providing expert town planning evidence on behalf of Council noted that the Council's translation of MEIDS was 'generally sound', and suggested a number of terminology changes in order to make the exhibited policies clearer. Specifically, Mr Scott suggested changes to Clause 21.08-3 *Industrial Related Employment Land* with revisions to ensure that rezoning to a non-employment use will only be entertained in exceptional circumstances, such as when a framework plan has been prepared in accordance with the framework planning principles of the Maribyrnong Industrial Land Strategy.

Mr Scott then suggested that the redraft of Clause 21.08-3 include the following:

*Generally the supply of employment land contained in CEAs should not be diminished. In exceptional cases, it may be appropriate to consider redevelopment and if necessary a change in zoning if:*

- *A framework plan or a structure plan has been prepared for the precinct or sub-precinct in accordance with the framework planning principles of the Maribyrnong Industrial Land Strategy and the framework plan or the structure plan recommends the change in land use and the rezoning;*
- *The new land uses will not adversely impact or restrict existing business/employment uses or near the precinct particularly where the existing business is in an area which will remain as a CEA;*

### **3.7 Discussion**

The MEIDS document was thoroughly tested throughout the Panel Hearing. Council's translation of such a complex document raised inconsistencies (minor) and misinterpretations by some submitters. These are generally detailed on a precinct by precinct basis throughout this report.

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<sup>1</sup> Table 6.6 – Intervention Scenario Projections of Employment, at page 29 of his evidence

<sup>2</sup> 'Industry Contribution to GRP' Maribyrnong 2009-10 and 2012-13 pie charts at pages 8 and 9 of his evidence

The question that constantly arose related to the objective of MEIDS in defining and retaining industrial employment opportunities for the municipality. During evidence and cross examination, it became apparent to the Panel that the MEIDS objective of retaining industrial employment opportunities in Maribyrnong has not been appreciated by Mr Rumbold. The Panel considers that Mr Rumbold's evidence can only lead to a conclusion that none of the industrial employment areas in Maribyrnong works as employment area.

However the Panel in its reading of the MEIDS Part 1 (EDS) did not find this emphasis on 'industrial' employment to be apparent. The need to identify core industrial land that must be retained for current and future use only appears as the seventh of nine objectives of the MEIDS project as set out in Chapter 1.3 of the EDS.

The emphasis on industrial employment becomes clearer in the Industrial Land Strategy (ILS) which comprises Part 2 of the MEIDS Strategy, with the objectives of the ILS including *Identify core industrial land that must be retained for current and future use*. In order to retain and enhance the industrial employment opportunities in Maribyrnong, the ILS assessed nine precincts identified as 'Industrial Related Employment Areas' against eight Performance Criteria. If a precinct achieved a score greater than 50%, then it was designated as a Core Employment Area (CEA) which is highly suitable for industrial employment. However, the Panel considers that even after such land is identified in the ILS as a CEA, the definition of a CEA as stated in Figure 2.1 'Industrial Related Employment Land Categorisation Process' (Figure 2) does not specifically mention the word 'industry' in the context of the employment role that is to be protected and retained.

Similarly, in respect of those areas which are not identified as being a CEA and which are therefore designated as Strategic Employment Investigation Areas (SEIA), it may well be accepted that the purpose of the further investigations required is to determine whether these areas are inherently/intrinsically unsuitable for an "industrial" employment role, but the Panel notes that this is not made clear in the definition as stated in the same figure. Mr Scott's evidence echoed this confusion, and sought to clarify it through his recommendations.

### **3.8 Conclusions and recommendations**

MEIDS Parts 1 and 2 is a sound strategic document and its inclusion as a Reference Document within the Planning Scheme is supported. The Council is to be commended in its attempt to capture the economic development and employment issues facing its supply of industrially zoned land.

The Panel did find navigating the strategy difficult. If it did so, then it is also concerned that less informed users may find the same issue. In addition to changes submitted by Mr Scott, the Panel considers that it would be desirable for a user-friendly executive summary of the MEIDS Strategy that clearly outlines definitions and criteria for land classification.

For precincts that had no submissions, (5 and 7) the Panel supports their inclusion as CEAs.

The Panel recommends

- 1. Council prepare executive summaries of the Part 1 – Economic Development Strategy and Part 2 – Industrial Land Strategy.**



- 2. Council implement the post-exhibition changes contained in Appendix C.**
- 3. The Maribyrnong Economic and Industrial Development Strategy be included as a Reference Document at Clause 21.12.**

## **4 Yarraville Port (Precinct 1)**

### **4.1 The issue**

The issue is whether the CEA designation should extend over that part of Precinct 1 which is in the IN3Z, and how Council could address amenity concerns raised by submitters.

### **4.2 What is proposed?**

The Yarraville Port Precinct is proposed to be designated as a CEA.

The area concerned comprises the 'Core Industrial Precinct' as presently shown on the Land Use Framework Plan at Clause 21.03, as well as the IN3Z land between the Core Industrial Precinct and Hyde Street.

Other associated changes to Clause 21 are as follows:

- The Environmentally Sustainable Development Framework Plan at Clause 21.05 is to be amended by changing the designation 'Industrial Precinct: potential for sustainable industry' to 'Core Employment Area – potential for sustainable industry', with the area concerned to be extended to Hyde Street.
- The Housing Framework Plan at Clause 21.07 is to be amended by changing the designation 'Core Industrial Areas' to 'Core Employment Areas', with the area concerned to be extended to Hyde Street. The 'Industrial Buffer' designation shown on the existing plan (which applies over the IN3Z land) is to be retained on the amended plan.
- The Industrial Related Employment Land Framework Plan at Clause 21.08 has the same designations over Precinct 1 as the Housing Framework Plan at Clause 21.07 and is proposed to be amended in the same way.

The Amendment also proposes to change the title of the Clause 22.04 'Yarraville Port Industrial Precinct Policy' to 'Yarraville Port Core Employment Area Policy', with this name change being reflected throughout the policy itself.

### **4.3 Evidence and submissions**

Submissions 5, 13, 16, 19 and 24 (Donovan, Badenoch, Skiathitis, O'Donnell and Mulholland) were received from the owners of residential properties located within the IN3Z over which the CEA is proposed to be extended. In summary, submitters were concerned with the potential impacts of industry on residential amenity.

Submissions stated that the residential properties which exist in this industrial precinct need to be protected from the adverse impacts of industry and that future development applications by industry need to adequately consider the residential properties. Some submitters suggested that the residential properties should be rezoned to a residential zone. Others suggested the existing policy (Clause 22.04) should be amended to include statements regarding the design of industrial buildings (articulation and visual bulk) and landscaping and the like.

To address concerns about amenity impacts (raised by submitters Badenoch, Skiathitis and O'Donnell), Council made post-exhibition changes to the Clause 22.04 Policy Objectives and 22.04-4 Decision Guidelines to ensure new developments achieve a high quality built form

and that interfaces with adjoining land use activity is considered. These changes are directed towards the maintenance of residential amenity in the Industrial 3 (IN3Z) areas (which fall into 'Area C' under this policy).

Council's position with respect to these submissions is that a non-conforming use in an IN3Z cannot expect the same level of protection that a residential property in a residential zone may be afforded.

None of the submitters presented to the Panel.

#### **4.4 Discussion**

The land to the east of Hyde Street which is proposed to be included in the CEA is already in the IN3Z and that this amendment does not propose to change this zoning. The buffer protections under the IN3Z will remain.

#### **4.5 Conclusions**

The Panel supports the inclusion of Precinct 1 in the CEA.

The Panel is satisfied that the post-exhibition changes to Clause 22.04 adequately address the issues raised by the submitters.

#### **4.6 Recommendations**

The Panel recommends:

- 4. Amend Clause 22.04 by changing the name of the policy to 'Yarraville Port Core Employment Area Policy' and by adopting the other changes as shown in the post-exhibition version of this clause at Appendix C.**

## **5 Tottenham (Precinct 2)**

### **5.1 The issue**

The issue is whether the proposed inclusion in the CEA of that part of Precinct 2 (namely sub-precinct 2.1) which is presently identified as a strategic change area conflicts with Council's Settlement and Housing Strategies.

### **5.2 What is proposed?**

The Tottenham Precinct is proposed to be designated as a CEA.

The area concerned comprises the 'Core Industrial Precinct' and an adjoining area designated 'Strategic Redevelopment Site – Areas of Substantial Change' (being the land bounded by Indwe Street, Paramount Road, Stony Creek and Clara Street) as presently shown on the Land Use Framework Plan at Clause 21.03.

Other associated changes to Clause 21 that relate to this precinct are:

- The Open Space Framework Plan and the Settlement Framework Plan both included at Clause 21.04 are to be amended by deleting the designation 'Strategic Redevelopment Sites – Areas of Substantial Change' which applies to part of the land which falls into this Precinct.
- The Environmentally Sustainable Development Framework Plan at Clause 21.05 is to be amended by changing the designation 'Industrial Precinct: potential for sustainable industry' to 'Core Employment Area – potential for sustainable industry', and by extending the latter designation over the land which is presently shown as 'Strategic Redevelopment Sites – Areas of Substantial Change'.
- The Housing Framework Plan at Clause 21.07 is to be amended by changing the designation 'Core Industrial Areas' to 'Core Employment Areas' and by extending the latter designation over the land which is presently shown as 'Areas of substantial change'. The 'Industrial Buffer Areas' designation which presently applies to some of the land in the Precinct (being the land which is zoned IN3Z) is to be retained.
- The Industrial Related Employment Land Framework Plan at Clause 21.08 has the same designations over Precinct 2 as the Housing Framework Plan at Clause 21.07 and is proposed to be amended in the same way. This Plan includes an 'Industrial Buffer Areas' designation which is proposed to be retained, although the extent of such buffer land is different to what is shown on the Housing Framework Plan in that it does not include land on the east side of Paramount Road.

### **5.3 Draft Tottenham Precinct Framework Plan**

The Tottenham Framework Plan, April 2014 prepared for Council by Tract Consultants has been adopted by Council for the purpose of consultation only. It has not been placed on public consultation at the time of writing but is considered by Council as a seriously entertained proposal. Ultimately the implementation of this plan will need to proceed through a separate amendment. However, it is worth noting the content of the Framework Plan which as Council submitted is very comprehensive.

## 5.4 Evidence and submissions

Stony Creek Properties Pty Ltd (submission 33) own 7 hectares of land at 25-27 Indwe Street, West Footscray which is within sub-precinct 2.1 (Figure 4). The land in this sub-precinct is shown on the Housing Framework Plan at clause 21.07 as an 'Area of Substantial Change'. This designation (and similar designations shown on the other framework plans at clause 21) is proposed to be removed by Amendment C108 and replaced by the CEA.

In relation to the Stony Creek Properties site, Mr Montebello added:

*Planning for the Tottenham and West Footscray Precincts has taken into account all available information on the East-West Link and associated projects at the time. Proposed land use patterns (in the PFP) respond to the opportunity the project/s creates but allows flexibility for development in the short to medium term to occur outside of land affected by the proposed projects. Of particular note, are the parcels affected by the tunnel entrance at Cala Street and Indwe Street.*



Figure 4 Precinct 2 Structure  
Source: ILS: 44

Mr Carey on behalf of Stony Creek Properties submitted that Council's Settlement Strategy (Clause 21.04) seeks to encourage residential development in the identified substantial change areas, and that this is also an objective of the Housing Strategy (Clause 21.07). He also submitted that this particular area was only recently designated as a substantial change area (Amendment C82 gazetted 15/09/11), and that this was reinforced by Amendment C111 (gazetted on 13/12/2012) which introduced the Maribyrnong Housing Strategy as a reference document.

Mr Carey referred to chapter 5.2.6 in the ILS 'Most Appropriate Use Analysis' where it acknowledged that although the majority of Precinct 2 scored highly in terms of suitability for continued industrial/employment land use, the land in sub-precinct 2.1 is an exception to this. He referred to chapter 5.2.7 of the ILS 'Vision & Objectives' which identifies a future for this sub-precinct in which the east side of Paramount Road (south of Indwe Street) would be developed with office/warehouses and office/showroom premises and the land behind for residential. He submitted that Amendment C108 therefore doesn't deliver what the ILS has actually identified for Sub-Precinct 2.1, and posed the question 'Is this area to be housing or CEA?'

Mr Montebello for the Council responded to this submission by noting that the Housing Strategy did not appear to contain any analysis or explanation of why this part of the Tottenham Precinct had been designated as an 'area of substantial change'. He acknowledged however that the proposal to include Sub-Precinct 2.1 in the CEA is in conflict with the changes introduced by Amendment C82 (MSS review).

Council submitted that any support for land rezoning within the indicative alignment of east west link is inappropriate until plans for the preferred/final alignment are available to ensure an appropriate development response ensues.

Ms Bravo (submission 28) is a resident of the residential area which adjoins Precinct 2 and made a submission in which she put forward a number of ideas that would benefit residents and employees in the area. She submitted that businesses other than just manufacturing should be encouraged, and that other actions were required to improve the traffic and general amenity of the area.

## **5.5 Discussion**

The proposed change of designation to sub-precinct 2.1 is due to this area being identified on the Tottenham Framework Plan as a 'Catalyst Project Area' for future Office/Business/Support retail Use in respect of the western half of this sub-precinct, with the eastern half of this sub-precinct (being the land owned by Stony Creek Properties) as being directly affected by the proposed East-West Link, with the whole of the property being identified as Road Reserve.

The Panel notes that the Framework Plan is only a consultation draft and will ultimately be implemented through a separate amendment. The Panel also notes that Council accepts the Framework Plan will need to be revisited if the Western Link component of East West Link is no longer a prospect, but that it understands this is not the case.

From the Panel's perspective, the future of sub-precinct 2.1, and the future of Stony Creek Properties' land, is uncertain for the following reasons:

- It is currently identified in the MSS as a substantial change area likely to be residentially developed.
- It is identified in the ILS as being partly developed for commercial purposes, and the balance (Stony Creek Properties land) for residential.
- The draft Framework Plan shows commercial development for the western half of Precinct 2.1, but the eastern part owned by Stony Creek Properties as being affected by the western link of the Proposed East-West Link.

The Panel notes that sub-precinct 2.1 is not the only land in Precinct 2 which is affected by the East-West alignment, although it is the only land which had been identified for future residential development.

## 5.6 Conclusions

Whilst sympathetic to the change of designation to the land owned by Stony Creek Properties (as a consequence of the East-West Link), the Panel concludes that the whole of Precinct 2 should be included in a CEA, as exhibited. Council's assertion that the western link component of the East-West Link is not necessarily resolved was a key factor in this decision.

If the East West Link had proceeded, then the designation of sub-precinct 2.1 under the Housing Strategy would have been rendered defunct, as the Stony Creek Properties land would have been extensively affected by the western link tunnel. In this scenario, the Panel notes that residential development would not have been a likely outcome for the balance of the Stony Creek Properties land not affected by the Link.

The Panel considers that any alternative outcome for sub-precinct 2.1, or indeed for any other part of Precinct 2, needs to be resolved through the Framework Plan process and is premature given the Western Distributer proposal connecting the Port to the Westgate currently being considered.

In respect of the matters raised by Ms Bravo, the Panel considers these to be detailed matters which could be considered as part of the framework plan process, whereas Amendment C108 is concerned with the implementation of a higher level strategy.

The Panel supports the inclusion of Precinct 2 in the CEA.

## **6 West Footscray (Precinct 3)**

### **6.1 The issue**

The issue is whether some of the IN3Z land which is proposed to be included in the CEA should be designated as SEIA instead.

### **6.2 What is proposed?**

The West Footscray Precinct is proposed to be designated as a CEA.

The area concerned comprises the 'Core Industrial Precinct' as presently shown on the Land Use Framework Plan at Clause 21.03, as well as the IN3Z land to the south.

Other associated changes to Clause 21 are:

- The Environmentally Sustainable Development Framework Plan at Clause 21.05 is to be amended by changing the designation 'Industrial Precinct: potential for sustainable industry' to 'Core Employment Area – potential for sustainable industry', and by extending the latter designation over the IN3Z land to the south.
- The Industrial Related Employment Land Framework Plan at Clause 21.08 is to be amended by changing the designation 'Core Industrial Areas' to 'Core Employment Areas' and by extending the latter designation over the IN3Z land to the south.

### **6.3 Draft West Footscray Precinct Framework Plan**

The Draft West Footscray Framework Plan, April 2014 prepared for Council by Tract Consultants has been adopted by Council for the purpose of consultation only. It has not been placed on public exhibition at the time of writing but is considered by Council as a seriously entertained proposal. Ultimately this plan will need to be implemented through a separate amendment (it is not referenced in Amendment C108). The content of the Draft West Footscray Framework Plan is very comprehensive.

### **6.4 Evidence and submissions**

Council submitted that the role of the West Footscray Precinct as a CEA should be strengthened by protecting existing major employers and delivering improved amenity and connectivity. It submitted that there is an opportunity to attract new businesses to the precinct, to capitalise on its key strategic location near the City and Port, and utilise major transport infrastructure connections, and that new development should make the most of the Sunshine Road interface, address Hansen Reserve, and improve interfaces with adjoining public and residential areas.

This precinct attracted a number of submissions which are addressed below under a separate heading for each submitter.

#### **(i) GrainCorp**

GrainCorp Limited (submission 10) has operated a food oils production facility at 1 Roberts Street, West Footscray since 1964. The site is presently undergoing a major redevelopment that will see it transformed into a state of the art food production facility. GrainCorp



supports the proposed designation of its land as a CEA and the policy directives which derive from this.

Mr Jemmeson, Beca Consulting, represented GrainCorp at the hearing. In response to a question from the Panel, he said that GrainCorp supports the CEA being applied to the IN3Z land to the south of its land.

**(ii) Innotherm Pty Ltd**

Innotherm Pty Ltd (submission 25) owns three titles in this precinct (25-29 Roberts Street West Footscray) and supports the designation of this area as CEA.

**(iii) Country Employment Services**

Country Employment Services (CES) (submission 9) owns land at 40-44 Robbs Road, West Footscray. CES purchased the land in 2014 and believes the best economic use of the land would be residential zoning for the southern part (south of Braid Street) and mixed use for the northern part (north of Braid Street).

Tim Retro, of Pro-Urban, appeared at the hearing for CES, as did the owners Paul & Pauline Hess. Mr Retro referred to the recent approval of 49 town houses immediately to the south following a rezoning of this land from IN3Z to Residential (Amendment C44 approved in 2008). He supported the West Footscray Framework Plan to the extent it recommends the CES land in Robbs Street be rezoned to residential. He added it was logical for this boundary to be pushed north so it aligns with Braid Street and that the CES land to the north of that would be more appropriately developed over the medium term for mixed uses. His justification for this included that a decline in industrial tenants in Maribyrnong's industrial zones, and the need to rejuvenate the area south of Sunshine Road. Mr Retro highlighted a previous Panel report in January 2011 for Amendment C82 (MSS review) commented that the southern portion of the land may be a good location for housing in the future.

Mr Hess (the landowner) submitted that allowing the land to be redeveloped for residential was appropriate given it adjoins Hansen Reserve and that mixed use development for that part of the land to the north of Braid Street would be complementary. He said Currajong Street (which forms the eastern boundary of the land) is used by residents to access the train station and that there is a need in this area for family dwellings.

Mr Hess informed the Panel that the land, which he bought 18 months ago, is leased to the former owners on a 5 year lease, plus 5 year option. He submitted that the buildings on the land are in need of upgrading and would be otherwise difficult to lease. He also submitted that there is very little employment associated with the present use of the buildings and that the capital required for an industrial redevelopment is prohibitive. By contrast, he considered housing development would be an economic driver which would bring a corresponding demand for shops/offices.

**(iv) David Poulton**

David Poulton (submission 23) owns a property at 23 Roberts Street, West Footscray. The property is 700m<sup>2</sup> and located in the IN3Z and backs onto Hansen Reserve. He submitted that many of the properties in this area including his own contain specific and significant

building stock that was erected over time for specific uses and which lacks the flexibility to be utilised for other purposes. He considers a finer grade of assessment is required and a process put in place whereby owners or corporations might redevelop for other purposes to arrest the planning blight this area faces. He does not support the inclusion of this area in the CEA for this reason.

In support of his submission, Mr Poulton gave an interesting overview of the condition of the older industrial buildings in this area. Many have heritage significance and are not suitable for contemporary industrial uses. As a result, the former Granota building is now used for second hand office furniture sales, the Woolstore building has been gutted, and the former Southern Can Factory building is used as a warehouse/ distribution. He considered the 9500m<sup>2</sup> site at 95 Sunshine Road would not easily find a tenant had it not been leased to Council.

Mr Poulton considers the entire Precinct is in transition and that some lateral thinking is required. Turning to his own property, he commented that it is one of six titles in a small pocket bounded by the GrainCorp car park to the north, a green space (Hansen Reserve) to the east, and a swimming pool to the south. He said that despite this area being included in the IN3Z there is no adjoining residential development to be buffered. He submits that this area could be imaginatively redeveloped with a small industry and residential focus which took advantage of the City views over Hansen Reserve. From Mr Poulton's perspective, the Amendment shouldn't be a case of industrial or residential, but rather industrial and residential.

**(v) Marek Niedzwiecki**

Marek Niedzwiecki (12) submitted the industrial buildings in this area, including around Hansen Reserve, should be removed and the area transformed into residential or small scale business and/or technology park. This submission therefore raises similar issues to those raised by Mr Poulson.

**(vi) Kym Hall and David Willie**

Kym Hall and David Willie (15) had concerns about the impacts of industry on the residential area including property values, access to public transport and about the type of industries targeted for this area.

## **6.5 Discussion**

The Panel acknowledges the difficulties associated with utilising some of the older buildings in this Precinct, but considers that this is no different to the situation in other precincts. The purpose of the MEIDS is to retain land for industry and employment and provide the opportunity for redevelopment.

The Panel questions on Mr Hess's submission that the CES land should be utilised for non-industrial purposes because the existing buildings are out-dated, will be difficult to lease in the longer term, and too expensive to redevelop for industrial purposes. If the land purchased by Mr Hess only 18 months ago is so unsuited for industry, then why then was the land purchased?

It is possible the land was purchased with the expectation that it would be allowed to be developed for a higher and better purpose than industry. The Panel has already commented that it agrees with Council that there should be no expectation by the owners of industrial land that their land should be allowed to be redeveloped for other purposes such as residential. This goes to the heart of why the MEIDS is necessary – to prevent the incremental loss of industrial land which, as the Council has submitted, never comes back.

The Panel accepts that the Framework Plan as it presently stands identifies the southern part of the land owned by CES as suitable for residential use, but notes that other than identifying an opportunity for some amenity improvements, the area subject of Mr Poulton's submission has not been identified for change despite this also having an abuttal to Hansen Reserve.

Although the Panel was impressed by the impassioned case made by Mr Poulson for some lateral thinking with respect to the area in which his land is located, it considers that the future of that land and the CES land needs to be addressed by the Framework Plan and is not a matter to be considered by the Panel. The Panel notes that Council's position with respect to the Framework Plan is that this is only a consultation document at this stage and that rezoning and other changes which might arise as a result of this Plan will be a matter for another future Amendment.

The Panel notes the concerns of submitters Hall, Willie and Niedzwiecki about the impacts of ongoing industrial activity in this Precinct, but considers that this needs to be balanced against the fact that this is principally an existing industrial area and the Council's desire to reinforce the importance of maintaining employment.

## **6.6 Conclusions**

The Panel concludes that the CEA designation is appropriate for the existing 'Core Industrial Area'. The Panel agrees with Council that the designation should also apply to the IN3Z areas pending the finalisation of the West Footscray Framework Plan.

The Panel supports the inclusion of Precinct 3 in the CEA.

## **7 Braybrook Ashley Street (Precinct 4)**

### **7.1 The Issue**

The issue is whether the northern part of this Precinct (i.e. the Industrial Precinct to the north of South Road) should be designated as a CEA.

### **7.2 What is proposed?**

The Braybrook Ashley Street Precinct (which comprises two parts) is proposed to be designated as CEA. The ILS identifies the northern part as sub-precinct 4.2 (which is the land at issue) and the southern part as sub-precinct 4.1.

The area concerned is presently shown as part of a 'Principal Activity Centre and Central Activities District' on the Land Use Framework Plan at Clause 21.03. The Central West Shopping Centre is at the centre of this 'Principal Activity Centre and Central Activities District', but will retain its existing designation (i.e. it is not proposed to be included in the CEA given it is a retail use).

Other associated changes to Clause 21 are as follows:

- The Environmentally Sustainable Development Framework Plan at Clause 21.05 is to be amended by changing the designation 'Principal Activity Centre and Central Activities District' where it appears over the two parts which make up this Precinct to 'Core Employment Area – potential for sustainable industry'. The shopping centre however will retain its existing designation.
- The Housing Framework Plan at Clause 21.07 is to be amended by changing the designation 'Areas of incremental change' where it appears over the two parts which make up this Precinct to 'Core Employment Area'. The shopping centre however will retain its existing 'Areas of incremental change' designation.
- The Industrial Related Employment Land Framework Plan at Clause 21.08 is to be amended by changing the designation 'Principal Activity Centre and Central Activities District' where it appears over the two parts which make up this Precinct to 'Core Employment Area'.

### **7.3 Central West Activity Centre Structure Plan (2008)**

The 'Central West Activity Centre Structure Plan', Tract Consultants, 2008 (CWACSP) relates to the land in Precinct 4. It informed the Local Policy at clause 21.11-3 'Central West Major Activity centre, Braybrook' which includes the structure plan as a Framework Plan. This is reproduced below:

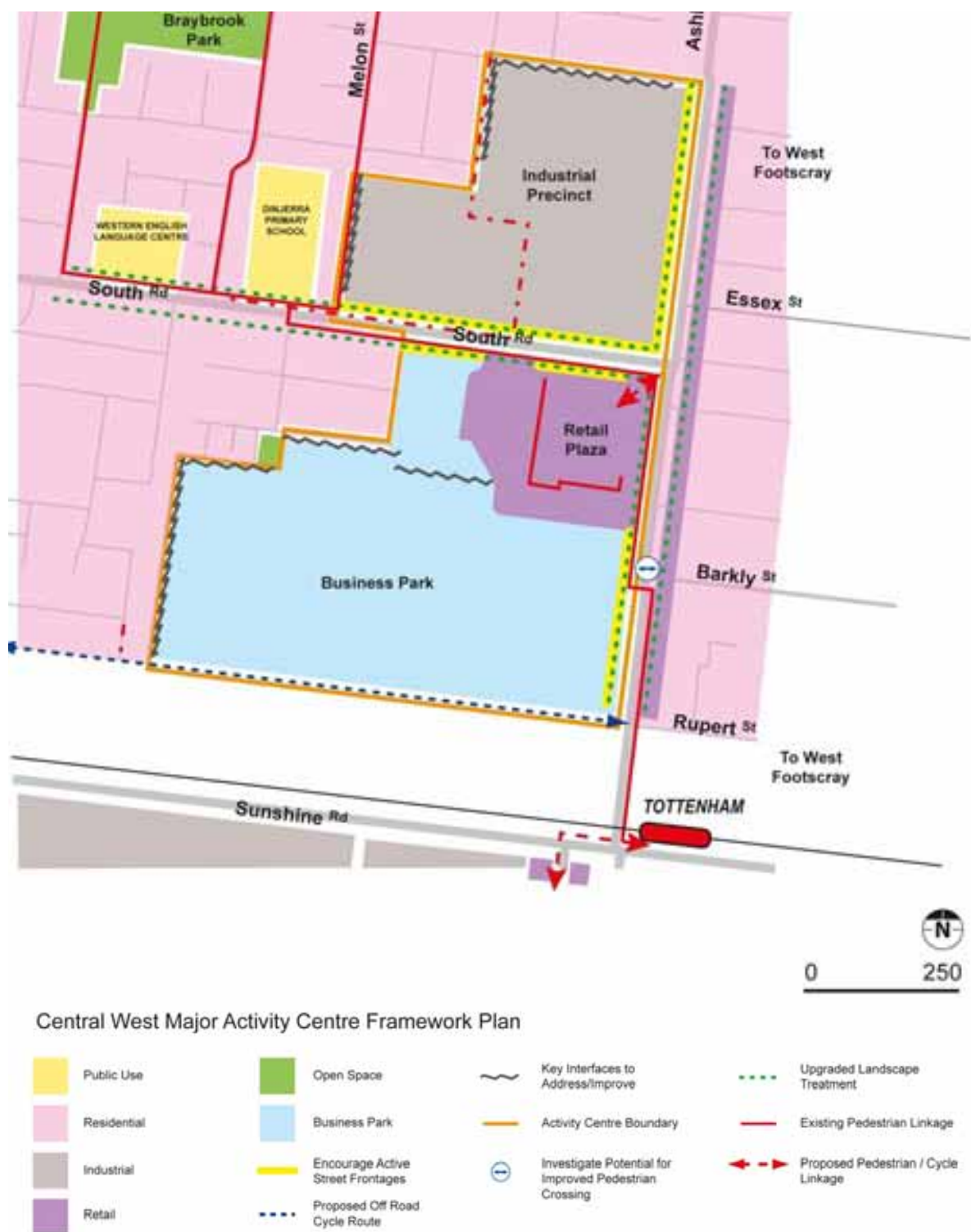


Figure 5 Central West Framework Plan Source: Tract Consultants

The Framework Plan divides the Precinct into sub-precincts – an ‘Industrial Precinct’ north of South Road, ‘Retail Plaza’ at centre, and ‘Business Park’ to south of South Road.

## 7.4 Evidence and submissions

As the result of the recent closure of carpet manufacturing activities (Feltex carpets) which used to operate from this precinct, Mr Cicero, on behalf of the landowner Ledgelike Super (submission 20) is a major landowner in the northern part of this Precinct. Mr Cicero argued that Ledgelike Super has been left with large purpose-built industrial buildings which are not readily adaptable for other industrial uses and which are either unable to be rented or can only be rented for a very low rate of return.

Ms Walbank gave expert planning evidence on behalf of Ledgelike Super. She outlined that the land concerned is held in three distinct parcels as follows:

- *South Road site (3.2 ha) – previously used for carpet manufacturing.*
- *Rutland Street site (0.85 ha) – vacant land free of structures.*
- *Crowthers Street site (2.4 ha) – contains 2 warehouses only recently let after 2 years.*

Ms Walbank submitted its land should be designated as SEIA instead of CEA because:

- *The land in this part of the Precinct is underperforming as an industrial precinct, with limited opportunity for renewal.*
- *Insufficient studies were undertaken to inform the MEIDS.*
- *The major businesses referenced in MEIDS (Felix Carpets) have relocated.*
- *Except for its parcel which fronts South Road, its land has a number of constraints including poor access via local streets and an interface with residential areas.*
- *Key opportunities (non-industrial) exist in the precinct to maintain employment generating uses, whilst also providing for a mixed use interface.*

Ledgelike submitted that the closure of the carpet manufacturing (Feltex) is significant given the CWACSP identified this activity as “unlikely to change”. Despite this, the Structure Plan identifies its South Road site as a ‘Major Development Site’, with potential to extend Residential subdivision into part of this site.

In response to questions by Mr Cicero, Mr Campbell confirmed that the industry types he had identified as the types the CEA is seeking to retain and encourage (including food manufacturing) were unlikely to be attracted to sub-precinct Precinct 4.2 because they require main road access and large land areas greater than 20 hectares. He acknowledged that good access is important for smaller industries, which prefer main road access instead of access off residential streets.

Mr Cicero outlined that the CWACSP recognises Site 1 (Feltex) as a key development site, with a ‘Key Action’ of the plan providing for residential development into this precinct. As such, he argued that the CEA designation was at odds with the key action and therefore does not sit comfortably with the Structure Plan. He added:

*There is ample industrial land at this location (west of Melbourne) and this is a good example of why there is a case to be made for Regional Councils that take a regional wide view and not just confined to land within their borders.*

**(i) Sunk capital**

Another important theme to arise during the hearing related to Performance Criteria 5 (Capital Investment) in the ILS. (This definition can be found in Table 2 Chapter 3). Assessment requires a 'Yes' or 'No' answer to the question of 'Whether there is significant sunk capital in the precinct, or recent levels of reinvestment'.

Mr Campbell agreed with Mr Cicero's assessment of Ledgelike Super's buildings on South Road, but disagreed with him that reinvestment would not be justified based on the current 22% oversupply of industrial land. In response to a proposition by Mr Cicero that the land is being required to remain as industrial based on the results of a broad scale study, notwithstanding that 50% of the land is vacant, he said that the land may still be used, perhaps for storage. He conceded however that his analysis (MEIDS Part 1) is high-level and that he was not sure if the northern part of Precinct 4 is required for industry or not.

Mr Cicero put a series of questions to Ms Cheong, Principal of property economics and valuations at AEC, and who was engaged by Council to review the recommendations for Precinct 4. Mr Cicero sought to establish whether the northern part of Precinct 4, had it been assessed independently from the southern part of the precinct (which he had separately argued it should be), could be said to satisfy the 'sunk capital' requirements of Performance Criteria 5 (PC5). The questions were important because if PC5 was not satisfied then the northern part of Precinct 4 if assessed on its own would have achieved a score of less than the 60% required for it to be categorised as a CEA and would have been categorised as a SEIA instead. Ms Cheong said the answer was dependent on capital investment.

While agreeing with Mr Cicero that there is more value in a building that is functional, than the buildings owned by Ledgelike Super, Ms Cheong disagreed (as had Mr Campbell) that the existing buildings had no value. She argued that there are two aspects that need to be considered, the first being the value of the existing buildings (Sunk Capital), and the second being reinvestment.

Mr Rumbold in his evidence submitted that Precinct 4 should have scored only 4 out of 8 when assessed against the eight performance criteria, and that if sub-precinct 4.2 was assessed separately the score would be only 3.5 out of 8. He considered the substantial extent of old buildings in the sub-precinct 4.2 and submitted:

*The Capital Investment criterion is not satisfied, and that the Employment criteria are only satisfied in sub-precinct 4.1. As such Precinct 4 should be classified as a SEIA.*

In response to questioning by Mr Montebello about the meaning of 'sunk capital', Mr Rumbold agreed that his assessment related only to the current value of past investment, and that he had not considered 'reinvestment'. He agreed with Mr Montebello that prior to the redevelopment of sub-precinct 4.1, buildings in that area may have reached the end of their useful life. He also agreed that the two parts of Precinct 4 share similarities and that the Ledgelike Super land is large and could be master planned just as the Business Park in sub-precinct 4.1 had been.

**(ii) Co-dependency of sub-precincts 4.1 and 4.2**

In response to a proposition put by Mr Cicero that the main reinvestment that had occurred in Precinct 4 was in the Business Park in the southern part of the precinct (sub-precinct 4.1), which had no physical or even visual connection to sub-precinct 4.2, Ms Cheong responded that both areas are part of the same market and part of an employment cluster. She agreed however under cross-examination that the two parts of Precinct 4 are not reliant on each other to justify their existence, and that if the northern part was redeveloped residentially this would not be an issue for the southern precinct.

**(iii) Precinct Rents**

Ms Cheong agreed with Mr Cicero that she had no direct knowledge of his clients' property and its intentions, but was aware they were struggling to lease the old buildings. She said that good building stock at this location should rent for \$75/m<sup>2</sup>, good secondary stock for \$60/m<sup>2</sup> and poor stock for between \$35-\$40/m<sup>2</sup>, and was surprised to hear that Ledgelike Super was only able to lease its new building at 77-79 Ashley Street (rebuilt after a fire) to TIC for \$40/m<sup>2</sup>, and was unable to lease its other floor space at even \$20/m<sup>2</sup>. She considered however that there would be a demand for smaller buildings in this area if the existing 35,000m<sup>2</sup> of obsolete buildings were to be demolished and rebuilt. In response to Mr Cicero suggesting these kinds of businesses do not require industrial land, she replied that the kinds of businesses she was referring to are the type that would locate in the C2Z or MUZ (this land being in the C2Z).

**(iv) Market Demand**

Ms Cheong agreed with Mr Cicero that large floor-plate industries (e.g. logistics and transport based uses) would not be attracted to his clients' land. However she considered that service industry would be attracted, and that potential conflicts with residential land could be managed due to the size of the land.

Ms Cheong also agreed with Mr Cicero that the Ledgelike Super land had a potential for urban renewal given, among other things, it is opposite a shopping centre and close to Tottenham Railway Station. She disagreed however that there was a case to be made for employment and residential, saying that residential should not be an option because there are other residential redevelopment areas in Maribyrnong where this should be pursued, and because encouragement should be given in this particular area to employment uses. She considered that the whole of the land should be used for employment uses (and not just the part of the site with frontage to South Road and Ashley Street) and that bringing residential uses into the area would simply replicate the existing interface problem.

**(v) Self-containment of Employment**

In his evidence, Mr Rumbold stated that he considers the objective of self-containment of employment in any given area to be inappropriate and unrealistic. He said that only 20% of people in every municipality work where they live, and that the rest work outside the municipality because they are always looking for the best opportunity. However he did not dispute the proposition put to him by Mr Montebello that however misguided employment security might be, it is planning policy to provide jobs where people live.



**(vi) Urban renewal**

Ms Cheong agreed with Mr Cicero that the Ledgelike Super land had a potential for urban renewal given, among other things, it is opposite a shopping centre and close to Tottenham Railway Station. She disagreed that there was a case to be made for employment and residential, saying that residential should not be an option because there are other residential redevelopment areas in Maribyrnong where this should be pursued, and because encouragement should be given in this particular area to employment uses. She considered that the whole of the land should be used for employment uses (and not just the part of the site with frontage to South Road and Ashley Street) and that bringing residential uses into the area would simply replicate the existing interface problem.

Ms Walbank in her evidence argued that the Central West Activity Centre Structure Plan' (p. 63) encourages residential development and Mixed Uses in Parcel 1. She also noted that the land is in the Commercial 2 Zone (C2Z), not Industrial 3 Zone.

In response, Mr Montebello (in support of the area being designated as CEA) noted that industry is an as-of-right use in the C2Z and that the local policy at clause 21.11-3 refers to the Central West Activity Centre as a business and employment centre, not a Mixed Use area.

**(vii) Traffic**

Ms Dunstan gave evidence on behalf of Ledgelike Super that the access arrangements in sub-precinct 4.2 are less than optimal. She said the local streets were not accessible by B-Doubles and that this meant manufacturing and warehouses of any significant size would not be attracted to this area. In response to the suggestion that many parts of Maribyrnong have roads that are not optimal, and that B-Doubles don't have to have access to all industrial areas, she responded that those areas tend to be in decline and cited examples of this (e.g. Altona North). In response to a question from the Panel about the type of industries that would locate in a C2Z, she replied that small factoryettes and the like that could get by with small tray trucks.

**7.5 Discussion**

The designation of the land in sub-precinct 4.1 as CEA is uncontested. The issue is whether the land in sub-precinct 4.2 should also be given this designation.

Mr Montebello queried Mr Rumbold regarding the lack of reference in his evidence to the documents that formed the basis for his evidence and Amendment C108 (as required by Practice Note 18 – Guide to Expert Evidence). As an example, Mr Montebello noted Mr Rumbold's evidence made no reference to *Plan Melbourne* or the CWACSP for this area. In addition Mr Montebello managed to highlight through cross examination that Mr Rumbold had never prepared an industrial strategy before.

As such the Panel considers that this has affected the weight given to the evidence by Mr Rumbold. Even so, it still did not detract from the issue at hand. This was, upon site inspection and as revealed through Ms Walbank's evidence that the area is dilapidated, predominately vacant and reliant on an outdated Structure Plan predicated on the major industry (Feltex) that has since left the precinct.

The Panel agreed with Mr Montebello's assertions not to be caught by the employment density for the area as purported by Mr Rumbold and the Perth Land Use Study example.

## **7.6 Conclusions**

Having carefully considered the justifications for and against including sub-precinct 4.2 in the CEA, the Panel is not persuaded that this is appropriate. The existing Commercial 2 Zone provides for a wider of uses than would be expected under a CEA designation. Whilst the land in sub-precinct 4.1 is also zoned C2Z, that land has already been comprehensively developed as a Business Park and the change of designation to CEA and even a change of zone to IN3Z would will be almost immaterial.

Whilst the CWACSP designates the land as an Industrial Precinct, it is obvious that this was due to the entrenched carpet manufacturing activities in the precinct at that time. In addition, despite the Structure Plan identifying the precinct as Industrial, it also identified the option of residential incursion into the area.

The two sub-precincts are physically separated and to all intents and purposes operate quite independently one from the other. They even sit separately in the CWACSP with different designations. Whilst they may be part of the same market and employment cluster as suggested by Ms Cheong, the employment in this cluster is mostly commercial (Business Park and Shopping Centre) rather than industrial.

The Panel supports the inclusion of Precinct 4.1 in the CEA.

The Panel considers that the land in sub-precinct 4.2 requires further investigation in light of the above and that it should be designated as SEIA pending the outcomes of that investigation.

## **7.7 Recommendations**

The Panel recommends:

- 5. Change the designation of Precinct 4.2 to Strategic Employment Investigation Area. Amend plans and policy as necessary to reflect this designation change.**

## **8 Maidstone Hampstead Road (Precinct 6)**

### **8.1 The issues**

The first issue is whether a parcel of land (owned by Alianda Ridge Pty Ltd) at the western end of Emu Road should be designated as CEA.

The second issue relates to the details in the framework plan proposals for the Mixed Use area and whether the document should be included as a reference document.

### **8.2 What is proposed?**

The Maidstone Hampstead Road Precinct is proposed to be partly designated as a CEA (the western part) and partly as a Strategic Redevelopment Site (the eastern part).

Amendment C108 proposes to retain the existing 'Strategic Redevelopment Sites – Areas of Substantial Change' designation over the land on the north-west side of Hampstead Road, and designate the remainder of Precinct 6 (being the land on the south east side of Hampstead Road) as a combination of CEA and Strategic Redevelopment Sites – Areas of Substantial Change'.

Other associated changes to Clause 21 are:

- Clause 21.04 is proposed to be changed as follows:
  - The Open Space Framework Plan is proposed to be amended so that it also shows the SRS land as designated on the Land Use Framework Plan at Clause 21.03
  - By deleting the reference to Hampstead Road (East) from Clause 21.04-5 'Strategic Investigation Area'
  - The Settlement Framework Plan is proposed to be amended by deleting the 'Strategic Investigation Area' designation from the land on the south-east side of Hampstead Road and showing the SRS land as designated on the Land Use Framework Plan at Clause 21.03.
- The Environmentally Sustainable Development Framework Plan at Clause 21.05 is proposed to be amended in the same way as the Land Use Framework Plan at Clause 21.03.
- The Housing Framework Plan at Clause 21.07 is proposed to be amended so that the land on the south-east side of Hampstead Road is shown as CEA and 'Areas of substantial change'.
- The Industrial Related Employment Land Framework Plan at Clause 21.08 is proposed to be amended in the same way as the Land Use Framework Plan at Clause 21.03.
- Clause 21.11 'Local Areas' is proposed to be amended by introducing new provisions 'Maidstone Hampstead Road Core Employment Area' at Clause 21.11-8. The new provisions introduce the Hampstead Road East Precinct Framework Plan.

### **8.3 Background**

The Maidstone Hampstead Road East Framework Plan 2014 (the Framework Plan) is proposed to be implemented by Amendment C108. Mr Scott was the Project Director responsible for the Framework Plan and presented evidence on the process which was

undertaken in preparing the Framework Plan and how it was informed by MEIDS. He also responded to the submissions to Amendment C108 which relate to Precinct 6.



Figure 6 Maidstone Hampstead Road East Framework Plan  
Source: Council Part A:10

### (i) The Framework Plan process

Mr Scott was the Project Director responsible for the Framework Plan and presented evidence on the process which was undertaken in preparing the Framework Plan and how it was informed by MEIDS. He also responded to the submissions to Amendment C108 which relate to Precinct 6.

Mr Scott explained that a Framework Plan was required to guide the future planning and development of the Maidstone Hampstead Road East Precinct as a consequence of the MEIDS ILS identifying it as a SEIA.

In his evidence he described the extensive background review and analysis and consultation that was undertaken, and that two options were developed:

- Option 1 – Retention and improvements of industrial land
- Option 2 – Industrial / Mixed Use / Residential.

Option 2 was selected as the preferred option:

*This option includes the retention of industrial land located to the west and north of the site, with future opportunities for rezoning of the central part of the site to mixed use to allow for the retention of a range of employment uses such as office and medium density residential uses. In addition, the eastern section could be rezoned to accommodate low to medium density residential development. Vehicular and pedestrian permeability would be enhanced through the development of a number of new north-south and east-west roads.*

Mr Scott in his evidence explained that Option 2 responds to the demand analysis (contained in the 'Hampstead Road Framework Plan Economic and Business Assessment report', Urban Enterprises, July 2012) which recommended that 80,000m<sup>2</sup> of industrial zoned land in the precinct be retained for industrial use. Excess land was allocated for residential development. His evidence was that the eastern part of the Framework Plan area was identified as the area for change because:

- *It has larger land parcels where new industrial businesses are not expected to establish in the future.*
- *The owners of these sites are planning or considering relocation in the future or these sites are vacant or disused.*
- *Change of use on these sites to a mix of uses would provide a buffer between existing residential to the south and east of the precinct and the industrial area.*
- *The key drivers for growth in the precinct will be small-to-medium size industrial development better suited to sites on the western edge with access to Hampstead Road and Wattle Roads.*

Mr Scott stated that no option was sought to rezone all the existing industrial zoned land to other uses because of the projected demand for industrially zoned land in the precinct. However, he explained how, to allow for flexibility, the 80,000m<sup>2</sup> of industrial zoned land identified as being required in this precinct has been split across the industrial zone (35,000m<sup>2</sup>) and the employment component of the proposed mixed use zone (46,000m<sup>2</sup>).

Mr Scott's evidence also elaborates upon the built form provisions in the Framework Plan. In relation to building height controls, his evidence is that these seek to provide a gradual transition in scale from the existing 4-5 storey residential development along Hampstead Road west, down to the 1-2 storey established residential areas to the east. This is to improve the interface between residential and industrial areas through the gradual reduction in bulk and scale from west to east.



Figure 7 Scale Transition Example  
Source: Mike Scott Evidence:13

In relation to interface issues, Mr Scott's evidence was that the interface between residential and industrial would be improved by the proposed mixed use transition zone, allowing separation of uses and removing the 'side fence' industrial interfaces with current residential properties. The Framework Plan also provides for screen planting to be included along sensitive interfaces (e.g. Mitchell Street) to act as a buffer between industrial and residential areas. However finer grain interface issues are matters of detail to be dealt with as part of the development approval process.

Mr Scott's evidence also includes detailed commentary post exhibition changes and a consolidated version of these can be found at Appendix C.

## **8.4 Evidence and submissions**

This precinct attracted a number of submissions which are addressed below under a separate heading for each submitter.

### **(i) Alianda Ridge**

Alianda Ridge (Submission 14) submitted that its land at 79 Emu Road would be more appropriately designated as SRS instead of CEA, and that the Framework Plan should be amended to show the site as Mixed Use.

Alianda Ridge was represented at the hearing by Mr Cicero. He submitted that his clients' site is part of an obsolete industrial area in which no new buildings have been built over the past 10 years, and that the CEA designation is inappropriate because it would be the only industrial site remaining in Emu Road. He submitted that the use of the site for industry would be constrained by its abuttal to a reception centre to the west, and a Mixed Use Zone to the east in which residential development of up to 5 storeys is possible. He also confirmed that Firefly Coaches, the present occupier of the site, intend to relocate from the area.

Mr Cicero submitted that this Precinct needs a Vision, and that the Framework Plan fails in this regard. He submitted that, whilst it is admirable for Council to seek to protect industrial employment areas, this area is not suitable for industry and he asked what would be gained by keeping the IN3Z. He referred to the land to the east (owned by Ali Holdings) and submitted that it should be designated for residential development instead of mixed use, noting that if it was developed at 4-5 storeys it could yield 1500 dwellings which could result in 3000 more people to bring life to this area. He submitted that his clients land and other land to the west should be zoned as Mixed Use.

Ms Walbank's evidence supported Mr Cicero's contention that the Alianda Ridge site should be included in a Mixed Use area, and that there was a danger it could otherwise be left as the only industrial site in Emu Road. She submitted that, with a site area of 6000 m<sup>2</sup>, the site is too large for the type of industries likely to seek to locate in this area, and that amending the Framework Plan to include the Alianda Ridge site in the Mixed Use area would provide the opportunity for more consistent and higher quality built form expression to Emu Road, and enable the site to be developed to complement or even integrate with future mixed use development on the larger site to the east. In support of her position that the site should be made available for mixed use development, she submitted that:

- *The Urban Enterprise 'Economic and Business Assessment' Report for this area shows that office and wholesale trade is moving into the area.*
- *The site is no longer suitable or necessary for Firefly Coaches because of changes in technology and road traffic conditions.*
- *That there is policy support for Urban Renewal in Precinct 6 in both Plan Melbourne and local policy.*
- *The western portion of the precinct is very fragmented and is already transitioning to a range of non-core industrial uses including the Emu Road retail, commercial and childcare uses and the reception centre, and that these uses are not consistent with the CEA designation.*
- *The existing use of the site (Firefly Coaches) only employs 7 people, whereas redevelopment for mixed uses would increase the job yield.*

Mr Scott's evidence responded to the Alianda Ridge submission as follows:

*The landowner's intention to relocate was known during the preparation of the Framework Plan and informed the subject site's designation as land available for development.*

*The subject site is a key land parcel in the CEA, joining land north and south of Emu Road. Its removal from the CEA has the potential to undermine the precinct's operation as a whole, effectively splitting the CEA into two separate sub-precincts. It would also impact on the amount of land available for employment purposes.*

*The overriding aim of the MEIDS study and C108 is to secure employment land for the future, to the benefit of the community as a whole. This aim is easily undermined if individual parcels are removed from CEA designation.*

Mr Cicero asked Ms Walbank her views on Mr Scott's evidence that the site is a key land parcel in the CEA, to which she replied that she considered the removal of the CEA designation from the site would not split the CEA. She submitted that Mixed Use precincts do not need to be separated from industry and that far from removing the land from potential employment use, a Mixed Use Zoning could allow development which comprised Employment below and Residential above.

Mr Montebello referred Ms Walbank to her evidence where she agreed with the overall proposition of retaining employment uses along the eastern side of Hampstead Road, but disputed the Mixed Use Zone boundary with respect to the Alianda Ridge site. In response to a request by Mr Montebello that she comment on this in light of Mr Cicero's submission that the retention of any land for industry at this location is flawed, she responded that it was not her evidence that the MUZ should extend all the way to Hampstead Road.

In response to further questioning by Mr Montebello, she agreed with him that the MEIDS is not dealing with isolated pockets of industrial land but with precincts, and that as a general proposition land in an Industrial Precinct has a better chance of long term industrial use than if it was part of a MUZ precinct. She submitted however that the Alianda Ridge site is an isolated remnant site that has been left over after a Framework Plan. She also submitted that it is important to get the zoning right, noting that whilst the reformed zones means

more uses are now allowed under the IN3Z than was previously the case, it is also important to have regard to the purpose of the Zone and that in her view the Commercial 2 Zone would provide more flexibility than the IN3Z.

In response to Mr Montebello suggesting that a line has to be drawn somewhere when it comes to zone boundaries and that the site could readily be redeveloped for industry and that this would be facilitated by the 55m frontage, Ms Walbank responded that whilst a 55m frontage might be good for industries at the front of the site, it was not so good for those industries that would be sited further back into the site. In response to a further suggestion by Mr Montebello that the amendment is putting in place a policy framework and is not a zoning exercise, she agreed this was the case but added that the zoning will follow and is flagged in the Framework Plan.

Mr Cicero concluded by noting that a lot of things have changed around this Precinct since the MEIDS study, including the high density residential development that had taken place on the opposite side of Hampstead Road and the Mixed Use Zone that had been introduced to the south of the Highpoint Shopping Centre. He submitted that the Framework Plan has a clear vision for the IN3Z to be retained over the part of the precinct proposed for CEA even though there are not been many industries left to be retained and despite the Framework Plan allowing high density residential to the east of the CEA land.

**(ii) Ali Holdings Pty Ltd**

Ali Holdings (submission 18) own land at 35-77 Emu Road and 84-88 and 106 Mitchell Road, which is proposed to be included on the Land Use Framework Plan (cl. 21.03) as “Strategic Redevelopment Sites – Areas of Substantial Change”.

Ali Holding’s submission to Amendment C108 (lodged on its behalf by Roberts Day) supported the Amendment and the Framework Plan because it supported the transitioning away from the area’s primary industrial legacy to a more mixed use precinct. However it was submitted that various changes should be made to the amendment documentation.

In summary, the requested changes would give greater weight to future residential development in the mixed use areas proposed in the Framework Plan. They would include amending Clause 21.07 (Housing) to include the subject site as a substantial change area in the table titled ‘Housing Growth Area Framework’; removing a strategy in clause 21.07 that seeks to protect core employment areas from residential encroachment; including strategies in clause 21.08 (Economic Development) which reinforce the substantial change area strategies in clause 21.07; by introducing a new objective to proposed clause 21.11-8 (Maidstone Hampstead Road Core Employment Area) which would facilitate residential development and strategies which adds to the housing diversity.

Mr Msonda-Johnson of Roberts Day represented Ali Holdings at the hearing. He submitted the MEIDS has over-estimated the employment (industry) demand in this precinct, with 61% of the land in the Framework Plan (7.6 ha of the 12 ha) being identified for mixed use, and only 39% (4.8 ha) for residential. He submitted that employment generation in the precinct would primarily be through office development and that office floor space requirements had been over-estimated in the order of approximately 20,000m<sup>2</sup>. He submitted that this is a significant constraint on the ability of his client to rezone/develop its land.



It was also submitted that the Ali Holdings land is less desirable for employment because it is not highly accessible by main roads or public transport. According to Mr Msonda-Johnson, *there is a concern that the Framework Plan will be interpreted literally with respect to the need for employment generated uses in the mixed use area.*

Mr Msonda-Johnson said Ali Holdings is comfortable however with the strategies proposed under Objective 26 (proposed clause 21.11-8) 'To revitalise and strengthen the economic role of the precinct as a Core Employment Area' on the basis that employment is complementary to mixed use.

Mr Msonda-Johnson submitted that:

- *MEIDS has over-estimated the employment (industry) demand in this precinct, with 61% of the land in the Framework Plan (7.6 ha of the 12 ha) being identified for mixed use, and only 39% (4.8 ha) for residential.*
- *Employment generation in the precinct would primarily be through office development and that office floor space requirements had been over-estimated in the order of approximately 20,000 m<sup>2</sup>, and that this is a significant constraint on the ability of his client to rezone/develop its land.*
- *The Ali Holdings land is less desirable for employment because it is not highly accessible by main roads or public transport.*
- *There is a concern that the Framework Plan will be interpreted literally with respect to the need for employment generated uses in the mixed use area.*
- *That Ali Holdings is otherwise comfortable with the strategies proposed under Objective 26 (proposed clause 21.11-8) 'To revitalise and strengthen the economic role of the precinct as a Core Employment Area' on the basis that employment is complementary to mixed use.*

In response to a question from the Panel about whether Roberts Day or Ali Holdings had been involved in the Framework Plan process, Mr Msonda-Johnson confirmed that Roberts Day had not been involved. He was unaware if Ali Holdings had been involved.

### **(iii) Hillsong Church**

Hillsong Church (submission 29) was represented by Ms Chin at the hearing. Its submission requested that the Hampstead Road East Framework Plan shown in proposed clause 21.11-8 be amended to remove the notation 'Potential for residential development in the longer term' affecting the church's property at 90-92 Mitchell Street. The reason for this is that if the land was rezoned to residential (instead of the current IN3Z), Hillsong would seek to realise the development potential of the site and would relocate elsewhere.

Council agreed to changes in this submission.

### **(iv) Marsh Street residents**

Mr Dumic on behalf of Marsh Street Residents (submission 21) submitted that Marsh Street should not be extended and used as a link road due its narrow width and that the number of storeys in the areas shown as 2-4 and 2-3 should be reduced to 2 storeys and 2-3 stories respectively. In addition it was Mr Dumic's submission that:

- *The existing setbacks in Marsh Street should be maintained;*

- *Marsh Street should be rezoned from GRZ to NRZ;*
- *Public open space provision should be increased and provided closer to Marsh Street; and*
- *Traffic reports should be required before any land in the precinct is rezoned and that the number of new dwellings should be limited to the capacity of public transport.*

**(v) Submissions by other residents**

Ms Greck (submission 26) submitted there should be a limit of two storeys, and makes suggestions for the type of open space areas, the need for more planting along roads, more cycling paths and a better standard of medium density housing.

D and J Gould (submission 7) and Ms Volpi (submission 8) expressed concerns about the traffic situation and the potential for increased traffic and congestion if there is further residential development within the precinct. They submitted there is a need for traffic lights at the Emu Road / Rosamond Road intersection, and for bicycle lanes / paths away from Rosamond Road.

Ms Marjoni (submission 1), Mr Lewis (submission 3) and Ms Lim (submission 4) support the proposal, especially the signalisation at the Emu Road & Hampstead Road intersection (as provided for in the Framework Plan).

**(vi) Public Transport Victoria**

Public Transport Victoria (submission 30) supported the strengthening of measures to encourage housing development near public transport, noting the role of higher density developments in strengthening public transport patronage. It therefore supports the Amendment, as development in accordance with the Framework Plan will increase patronage of the number 82 tram which travels up Rosamond Road and Williamstown Road to the north and east of the precinct.

## **8.5 Discussion**

Precinct 6 was categorised in the MEIDS ILS as a SEIA because it scored less than 60% when assessed against the eight performance criteria. As a result, the future of this precinct required that a Framework Plan be prepared. The Framework Plan has now been prepared and proposes the western part of the Precinct be designated as CEA and the balance as SRS, and identifies the manner in which these respective areas would be developed.

The Panel has considered the submissions for and against the inclusion of the Alianda Ridge site in the CEA, but on balance is persuaded by the submissions by Council and Mr Scott that the land should remain in the CEA. The Panel considers that the issue here essentially becomes one of where to draw the zone boundary. It agrees with Mr Scott that the removal of this site from the CEA would effectively create two CEA sub-precincts and that this would reduce the significance of the remaining CEA as an area for employment type manufacturing industries. The Panel notes that such an outcome could in turn be used in the future as a justification for one or the other of the smaller sub-precincts being removed from the CEA (i.e. as has been argued in the case of Precinct 4).

In relation to Mr Cicero's submission that the land to the east of the Alianda Ridge site should be made available for residential rather than mixed use and that the IN3Z land (including the Alianda Ridge site) should be made available for mixed use, the Panel's position is that this runs counter to the extensive work that Council has done in preparing the Framework Plan. The Framework Planning exercise is the finer grain of detail that the SEIA designation requires to be undertaken, and Council has done the work required.

In relation to the Ali Holdings submission, the Panel was surprised that the submissions made by Mr Msonda-Johnson represented a substantial shift away from the support that Ali Holdings expressed in its original submission to the exhibition of Amendment C108. Whilst Ali Holding's original submission had suggested various changes to the Amendment documentation which would give greater emphasis to residential development in the Mixed Use area, the position adopted at the hearing was that the analysis on which the Framework Plan was based had over-estimated the employment generation for the Mixed Use area and that this would cause difficulties in getting the land rezoned and developed.

Mr Montebello was critical of Ali Holdings for not taking the opportunity to question Mr Scott in relation to the background analysis which informed the Framework Plan. Ali Holdings appears not to have taken the opportunity to have been a more active participant in Framework Plan process.

Changes suggested in the Hillsong Church submission Panel have been accepted by Council and the Framework Plan will be amended accordingly. This has been reflected in the post-exhibition changes table at Appendix C.

In relation to the matters raised by the Marsh Street residents, the Panel makes the observation that the area is designated SRS in the expectation that there will be significant change. In such areas, the existing residential stock is expected to be redeveloped over time. It is unrealistic to expect that the existing amenity standards will or should be maintained in these areas. In many respects, traffic flow and connectivity will only improve over time once development of the connecting area proceeds.

## **8.6 Conclusions**

The Panel supports the inclusion of the western part of the Precinct 6 as a CEA and the inclusion of the balance (eastern part) as a SRS.

In relation to the Framework Plan, the Panel considers that changes are desirable:

- Hillsong Church land to be designated Residential with 2-4 storeys height limit.
- The Panel supports the proposed designation of the western part of the Maidstone Hampstead Road Precinct as a CEA and the designation of the balance as a SRS for the above reasons.

## **8.7 Recommendations**

The Panel recommends:

- 6. Amend the Maidstone Hampstead Road East Framework Plan 2014 at Clause 21.11-8 in the following ways:**
  - a) Delete the designations 'Existing Life Christian Church' and 'Potential for residential development in the longer term', and identify this land as Residential with a 2-4 storey height limit.**
  - b) Subject to this change, include the Maidstone Hampstead Road East Framework Plan 2014 as a reference document.**

## **9 Yarraville Mobil Terminal (Precinct 8)**

### **9.1 The issue**

The issue relates to amenity concerns.

### **9.2 What is proposed?**

The Yarraville Mobil Precinct is proposed to be designated as a SEIA.

The area concerned is not identified on the Land Use Framework Plan at Clause 21.03.

Changes proposed to be made to Clause 21 are as follows:

- The Settlement Framework Plan at Clause 21.04 is to be amended by replacing the SIA designation that applies over the Precinct to SEIA in respect of the existing IN3Z land, the Yarraville Terminal Station land, the C2Z land to the north of Francis Street and that part of the MUZ that is immediately to the south of the C2Z land. A small area of MUZ (being that part of the MUZ that is not directly to the south of the C2Z) is proposed to be undesignated.
- Clause 21.04-5 (proposed 'Strategic Employment Investigations Areas') is proposed to be amended by adding a description of the Yarraville Mobil Terminal.
- The Industrial Related Employment Land Framework Plan at Clause 21.08 has the same designations over Precinct 8 as the Settlement Framework Plan at Clause 21.04 and is proposed to be amended in the same way.

### **9.3 Framework Plan**

A Framework Plan for this Precinct is planned to be completed by June 2016.

### **9.4 Evidence and submissions**

Three submissions did not raise any issues that are relevant to the designation of this land.

Ms Volpi (submission 8) raised concern about the difficulty of providing enough car parking spaces for office use. Mr Busler (submission 6) suggested a rezoning of some of the land to Mixed Use would be beneficial.

Mr and Mrs Maricic (submission 11) opposed the SEIA designation on the grounds that they wish their property to remain residential.

### **9.5 Discussion**

The matters raised by at least two of the submitters are more appropriately dealt with in the Framework Plan that is being prepared for this precinct. The third submitter has confused the proposed SEIA designation with rezoning and will also have opportunity to address any concerns once Framework Planning has begun.

### **9.6 Conclusions**

The Panel supports the inclusion of part of Precinct 8 as SEIA.

## 10 Gordon & Mephan Streets (Precinct 9)

### 10.1 The issue

The issue is whether Precinct 9 should be designated as a SEIA given Council has endorsed the Gordon & Mephan Streets Precinct Framework Plan which has recommended the precinct to become a CEA.

### 10.2 What is proposed?

The Gordon & Mephan Streets Precinct is proposed to be designated as a SEIA.

Changes proposed to be made to clause 21 are as follows:

- The Settlement Framework Plan at Clause 21.04 is to be amended by designating Precinct 9 as a SEIA. The precinct is presently undesignated.
- Clause 21.04-5 (proposed 'Strategic Employment Investigations Areas') is proposed to be amended by adding a description of Gordon & Mephan Streets.
- The Industrial Related Employment Land Framework Plan at Clause 21.08 is to be amended by designating Precinct 9 as a SEIA. The precinct is presently undesignated.

### 10.3 Framework Plan

A Framework Plan for Precinct 9 was completed by SGS Economics & Planning in 2014. It was adopted by Council at its meeting on 17 February 2015 and will be implemented through a Planning Scheme Amendment. Council's endorsement of this plan was beyond the timeframe to be included in Amendment C108.

The Implementation measures contained in the Framework Plan include that the designation of the precinct be changed from SEIA to CEA.

### 10.4 Evidence and submissions

Spitzer Nominees (submission 31), owners of the land at 2-4 Mephan Street, submitted that the identification of Precinct 9 as a SEIA is appropriate, but that it cannot support the amendment on the basis that the precinct has since been endorsed by Council (via the Framework Plan) as a CEA.

Spitzer Nominees' submission raises concerns about the method applied to assess Precinct 9 in the Framework Plan. Given the limitations that were identified in the precinct and having regard to the various criteria to be considered under MEIDS, it questions how there could be a legitimate basis upon which the Precinct is recommended to become a CEA. They consider this outcome compromises Precinct 9 and its status as a genuine SEIA as defined by the amendment at Clause 21.08.

Spitzer Nominees submitted its land should remain undesignated at this time because the designation as SEIA is redundant (in light of the recommendations in the Framework Plan).

## **10.5 Discussion**

The Panel notes that the Gordon & Mephan Streets Precinct was identified as a SEIA pursuant to the ILS. This was because the precinct achieved only a 50% score when measured against the performance criteria. Consistent with MEIDS, further strategic investigations have been undertaken through the Framework Plan process which has determined that the limitations affecting the precinct can be satisfactorily addressed and has recommended the area be designated as a CEA.

The Panel understands the submitter's concerns about the anomalies, but does not accept that the solution is for no designation to be applied. In this regard, the Panel believes it is important that the nine precincts subject of the ILS be dealt with together by way of a single amendment in order to maintain the integrity of the MEIDS work. As the ILS process resulted in Precinct 9 being identified as a SEIA, the Panel considers this designation should be applied at this stage, and that the recommended change to CEA should be made by way of a separate Planning Scheme amendment.

## **10.6 Conclusions**

The Panel supports the inclusion of part of Precinct 9 as SEIA.

# 11 Other matters and submissions

## 11.1 Currency of information

A number of submissions raised the validity of the data given the length of time from report production to the Panel.

The Panel accepts that there has been a considerable lapse of time since MEIDS was completed, but believes this is always going to be an issue with any strategic project of this breadth and complexity. The Panel is satisfied that findings and recommendations that have arisen out of the MEIDS study are as “up to date” as is reasonably possible. Mr Campbell, on behalf of Council provided updated data in evidence where it was applicable.

## 11.2 Is there an oversupply of industrial land?

Mr Campbell’s evidence included the following table (Table 3) showing the industrial land supply and projected demand to 2030:

	2010	2015	2020	2025	2030
Supply	472.18	472.18	472.18	472.18	472.18
Demand	396.79	362.84	364.12	376.38	391.55
% change in demand from 2010		-8.6%	-8.2%	-5.1%	-1.3%
Unoccupied	75.38	109.34	108.06	95.80	80.63
Unoccupied as % supply	16%	23.2%	22.9%	20.3%	17.1%

Table 3 Maribyrnong Industrial Land Supply v Projected Demand

The table shows a supply of 472 ha of industrial land in 2010 against an estimated demand for 369 ha, with the projected demand falling to 362 ha in 2015. In response to a suggestion by Mr Cicero that this was indicative of an over-supply of industrial land, Mr Campbell agreed that this may be the case, but added that it is desirable for supply to exceed demand in order to provide choice. It was also Council’s position that the present oversupply of industrial land would come back to more reasonable levels over time, with Mr Montebello for Council observing that the table showed that in 2030 the oversupply comes back to 17.1%.

Mr Rumbold in giving evidence about the Ledgelike Super land in Precinct 4 provided the Panel with a map (Figure 8) which showed former industrial sites in Maribyrnong which had been redeveloped for other purposes including mixed use and residential.



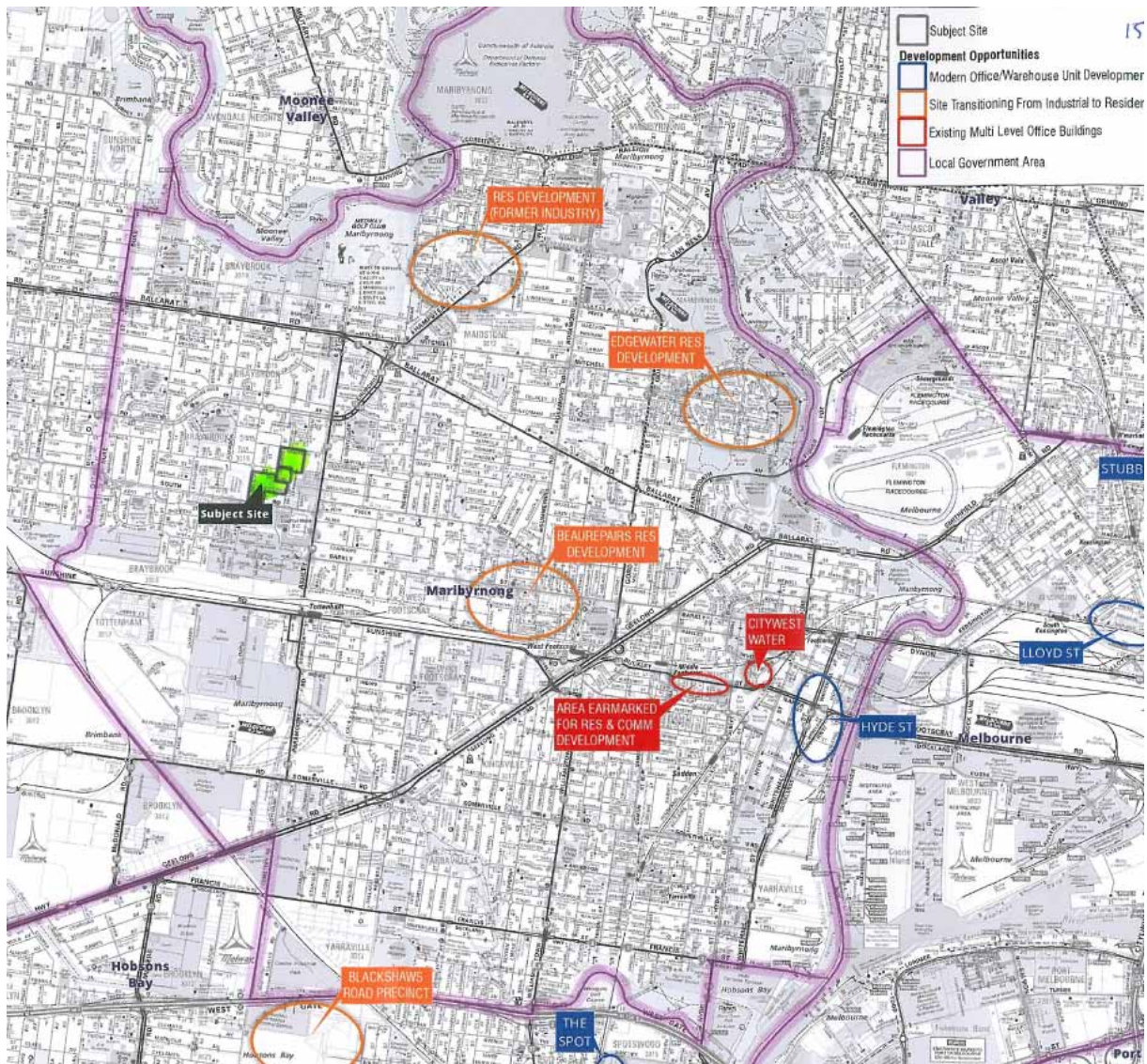


Figure 8 Map provided in evidence by Mr Rumbold  
Source: Melway

Mr Rumbold argued that this was a good outcome and that a similar outcome would be appropriate for sub-precinct 4.2 in which the Ledgeline Super land is located. In support of this proposition, Mr Rumbold observed that this land amounts to only 1% of the industrial land in Maribyrnong and is not critical.

While none of the sites shown on Mr Rumbold's map were within the nine precincts identified in the ILS, the map demonstrates the piece by piece diminution of industrial land that has occurred in Maribyrnong. Mr Montebello in commenting on the cumulative loss of industrial land highlighted by this map, observed that once land is taken out of industrial use it will never come back. Mr Rumbold agreed this was the case. He also agreed with a proposition by Mr Montebello that MEIDS is a good strategy to the extent it attempts to address the incremental loss of industrial land by protecting the 'non-isolated' industrial land in the municipality.

### **11.3 Industry is not the highest and best use**

A common issue for many of the submitters was a concern that designation of their land as CEA means that it will remain in industry at the expense of other options (e.g. mixed use). Some submitted their land should be redesignated as SEIA in the belief (or perhaps hope) that the Framework Plan process would find it not suitable to continue in an ongoing employment role. In another instance, having been through the Framework Plan process (Maidstone Hampstead Road East Framework Plan), the submitter was unhappy that its land had been recommended for designation as CEA.

### **11.4 Discussion**

The Panel considers that the demand for industrial related land in Maribyrnong will increase and decrease over time, and concurs with the observation of Mr Montebello that once industrial land is gone it won't be coming back. The Panel considers it is important to maintain a constant level of supply over time, notwithstanding that there will be periods when the level of supply is well in excess of what is required. Matters specific to Precinct 4 are discussed in Chapter 8.

The Panel appreciates that retaining land for industry may not be the most profitable outcome for the owner. Mr Montebello made the point though that just because an industry closes down or the owner can only rent at low cost, this is not a reason to consider options other than industry. Providing for low cost industries is a good outcome in the same way that it is good to encourage low cost housing. If an owner wants to do better, then the answer is to redevelop, and for that for this to happen, Industry requires the certainty that industrial land will be protected. The Panel concurs. This attitude reinforces to the Panel the importance of maintaining an industrial land supply.

### **11.5 Conclusion**

The Panel concludes that Council has appropriately demonstrated the need to retain industrial employment land through the analysis and policy provided in the MEIDS.

## Appendix A List of Submitters

No.	Submitter
1	Vivien Marjono
2	Jeff Harrod
3	Ben Lewis
4	Angela Lim
5	Peter Donovan
6	Thomas Buster
7	Dean Gould
8	Hayley Volpi
9	Country Employment Services (Hess Family)
10	Grain Corp
11	Peter and Maryanne Maricic
12	Marek Niedzwiecki
13	Melissa Badenoch
14	Alianda Ridge Pty Ltd (and Firefly Coaches Pty Ltd)
15	Kym Hall and David Willie
16	Sevasti Skiathitis
17	Department of Economic Development, Jobs, Transport and Resources
18	Ali Holdings Pty Ltd
19	Renee O'Donnell
20	Ledgelike Super Pty Ltd
21	Marsh Street Residents (Dennis Domic)
22	Dennis Domic
23	David Poulton
24	Kneeler Design Pty Ltd Architects
25	Innotherm Pty Ltd
26	June Greck
27	Maribyrnong Truck Action Group (MTAG)
28	Liliana Bravo
29	Hillsong Church
30	Public Transport Victoria
31	Spitzer Nominees Pty Ltd (c/- Charter Keck Cramer)

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32	EPA Victoria
33	Stony Creek Properties Pty Ltd (c/-Minter Ellison).

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## Appendix B Document List

No.	Date	Description	Presented by
1	20/07	Part B Submission	Maribyrnong City Council
2	20/07	M Campbell response to the economic evidence provided by S Rumbold on behalf of Ledgelike Super Pty Ltd	Michael Campbell (AEC)
3	20/07	Esther Cheong CV	Esther Cheong (AEC)
4	20/07	Submission on behalf of GrainCorp	Paul Jemmeson (Beca)
5	20/07	E Cheong response to the economic evidence provided by S Rumbold on behalf of Ledgelike Super Pty Ltd	Esther Cheong (AEC)
6	20/07	Clause 21.03 Framework Plan (existing & C108 exhibition copies)	Esther Cheong (AEC)
7	21/07	Submission on behalf of Country Employment Services Pty Ltd	Tim Retrot (ProUrban)
8	21/07	Doc 8A – Roberts Day submission on behalf of Ali Holdings Pty Ltd , and Doc 8B – Attachments to submission (aerials)	Anthony Msonda – Johnson (Roberts Day)
9	21/07	Submission on behalf of Hillsong Church	Aileen Chin (Perry Town Planning)
10	21/07	Submission on behalf of Alianda Ridge Pty Ltd (Firefly Coaches)	John Cicero, Best Hooper
11	21/07	Submission on behalf of Marsh Street residents (re Maidstone Hampstead Road East Framework Plan)	Dennis Domic
12	22/07	S Rumbold response to matters raised in additional statements by E Cheong & M Campbell of AEC Group	Simon Rumbold (Urbis)
13	22/07	Aerial Photo (A4 size) showing Precinct 4 & environs	Simon Rumbold (Urbis)
14	22/07	Aerial Photo (A3 size) showing Precinct 4 (north)	Simon Rumbold (Urbis)
15	22/07	Map (A3 size)	Simon Rumbold (Urbis)
16	22/07	S Walbank response to Council submission	Sarah Walbank (Urbis)
17	22/07	Map 11 – Potential Urban-Renewal Precincts & Sites Close to rail (from Plan Melbourne)	Sarah Walbank (Urbis)
18	22/07	Submissions on behalf of Ledgelike Super	John Cicero, Best Hooper

No.	Date	Description	Presented by
19	22/07	Submission for Stony Creek Properties Pty Ltd	John Carey, Minter Ellison
20	22/07	Indwe Street – Neighbourhood & Local Vision Maps	John Carey, Minter Ellison
21	22/07	Closing submission	Maribyrnong City Council

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## Appendix C Post Exhibition Changes

Amendment C108 - Maribyrnong City Council Schedule of Proposed Changes Post Exhibition to the Amendment documentation		
Clause Reference	Page Number	Description of change
Clause 21.01 Municipal Strategic Statement  <i>Changes to the Local Areas Title</i>	Page 1 of 1	Rename the title of the Local Areas policy to 'Maidstone Hampstead Road East Precinct'. This change is required in response to proposed changes to Clause 21.11-8.
Clause 21.07 Housing  <i>Changes to the Housing Growth Area Framework Table contained at Clause 21.07-1 Residential Capacity and Locations</i>	Page 1 of 8	Include text in the table to recognise the Maidstone Hampstead Road East Strategic Redevelopment Sites as a Substantial Change Area.
Clause 21.08 Economic Development – Version 2  <i>Changes to Clause 21.08-2 Office - Strategy 4 to Objective 3</i>	Page 2 of 10	Capitalise the words 'Core Employment Areas' to Strategy 4, Objective 3.
Clause 21.08 Economic Development – Version 2  <i>Minor changes to Clause 21.08-3 Industrial Related Employment Land to improve clarify and interpretation in accordance with the recommendations of MEIDS.</i>	Pages 3 and 4 of 10	Amend the definitions table to: <ul style="list-style-type: none"> <li>• Include text to clarify that Core Employment Areas are identified from the stock of Industrial Related Employment Land (IREL) at the precinct level or are identified in a framework/structure planning process following interim designation as a SEIA.</li> <li>• Include a new definition on Strategic Redevelopment Sites, and outline that these sites/areas are determined after investigation not to have a future in which employment is the primary purpose. These sites are identified from the stock of IREL.</li> <li>• Include text to clarify and emphasise that these Strategic Employment Investigation Areas are considered to be employment areas until such time as further investigation clearly demonstrates that this is not a viable option. These areas are identified from the stock of IREL, but considered to have limitations that require investigation.</li> </ul>



	Page 4 of 10	Include additional text to the paragraph located above Objective 4, to explain that Precinct 6 Maidstone Hampstead Road was originally identified as a SEIA, and through the framework planning process been designated as part CEA and part SRS.
	Pages 4 and 5 of 10	Capitalise the words 'Core Employment Areas' under each Objective and Strategy.
	Page 5 of 10	Amend Strategy 9, Objective 5 to clarify support for rezoning of Strategic Redevelopment Sites that are identified through a framework planning or structure planning process of CEA and/or SEIA shown on the Industrial Land Employment Land Framework Plan.
	Pages 5 and 6 of 10	Minor changes to the wording of the first paragraph under Policy Guidelines, to ensure that any use and/or development proposals in a CEA provides information that demonstrates how the proposal is consistent the objectives and strategies of any adopted framework plan or structure plan (including any urban design and development guidelines).
	Page 6 of 10	Amend the second paragraph under Policy Guidelines to clarify that the supply of employment land in CEAs should not be diminished, and that only in exceptional cases may it be appropriate to redevelopment and/or rezone land provided that: <ul style="list-style-type: none"> <li>• A framework plan and/or structure plan has been prepared (in accordance with the framework planning principles of the ILS and the framework plan/structure plan recommends rezoning; and</li> <li>• The new land uses will not adversely impact or restrict existing business/employment uses or near the precinct (particularly existing business in the CEA to be retained).</li> </ul>
<p>Clause 21.11 Local Areas</p> <p><i>Changes to the title and map at Clause 21.11-8</i></p>	Page 20 of 24	Rename the Local Area Clause to 'Maidstone Hampstead Road East Precinct'.
	Insert new map Page 24 of 24	Remove notation on the Framework Plan map contained in Clause 21.11-8 referring to the 'Existing Life Christian Church' site and clearly outlined that the site is intended for residential purposes (hatching consistent with adjoining residential area to east).
	Insert new map Page 24 of 24	Add building height notation limits to the church site (at 2-4 storeys) and the proposed residential land to the east fronting Mitchell Street (at 2-3 storeys), similar to the residential areas identified on the plan already, and allow for appropriate mapping changes as required.



	Insert new map Page 24 of 24	Amend the legend and add notation to clearly distinguish land identified as Core Employment Area and land identified as Strategic Redevelopment Sites.
	Insert new map Page 24 of 24	Remove the red precinct boundary outline to improve legibility of the Framework Plan map.
	Insert new map Page 24 of 24	Add a notation to recognise the sensitive interface and need for screening between the Core Employment Area and the Strategic Redevelopment Sites located between Emu Road and Mitchell Street.
<p>Clause 22.04 Yarraville Port Industrial Precinct Policy</p> <p><i>Changes to Clause 22.04-3 &amp; Clause 22.04-4</i></p>	Page 3 and 4 of 4	Amend Clause 22.04-3 to include a new policy objective and to include 4 new Area C policy statements to provide guidance on ensuring that new development achieves a high quality built form and consider its interface with adjoining land use activity in accordance with MEIDS.
	Page 4 of 4	Amend Clause 22.04-4 to include two new decision guidelines specific to Area C to provide guidance on ensuring that new development achieves a high quality built form and consider its interface with adjoining land use activity.
	<p>These changes are proposed in response to submissions received to Precinct 1 and in reflection of the overall intent of MEIDS, which seeks to improve the overall amenity, accessibility and appearance of the precincts. However it is important to note that it is not Council's intent to increase or heighten the role of amenity for the non-conforming residential properties in this precinct. It has been clearly established in VCAT case law (P1411 2014 Thriveport v Maribyrnong CC) that the level of amenity consideration that can be given to non-conforming residential properties located in industrial zones is low. The proposed policy changes were referred to the Port of Melbourne for comments, who indicated via email on 2 July 2015 that they have no concerns.</p>	