

HOBSONS BAY PLANNING SCHEME AMENDMENT C113 EXPLANATORY REPORT

Who is the planning authority?

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

The Amendment has been made at the request of the Council.

Land affected by the Amendment

The amendment applies to various parcels of land throughout the municipality. Mapping changes affect properties identified in Attachment 1 to this Explanatory Report. Ordinance changes affect properties in the West Neighbourhood Character Area, and 23 Ann Street and 9-13 Aitken Street, Williamstown.

What the amendment does

Amendment C113 seeks to correct several zoning, overlay and text anomalies to ensure the ongoing accuracy of the Hobsons Bay Planning Scheme.

Ordinance

- Corrects Clause 22.07; Comprehensive Development Zone, Map 1: The Hobsons Bay West Neighbourhood Character Precincts by reducing the West Neighbourhood Character Boundary Area.
- Corrects Section 1 of Schedule 11 to the Design and Development Overlay at Clause 43.02 by including 23 Ann Street, Williamstown and 9-13 Aitken Street, Williamstown in the schedule map as follows:
 - Includes 23 Ann Street, Williamstown in 'Local Streetscape – 10m Building Height' in the Design and Development Plan; and
 - Includes 9-13 Aitken Street, Williamstown in the 'Aitken Corridor – 13m Building Height' in the Design and Development Plan.
 - Includes map title and reference number in the Design and Development Plan.
 - Includes map reference in the Table to Schedule.

Mapping

Refer to the Mapping Reference table attached at Attachment 1 to this Explanatory Report.

Strategic assessment of the Amendment

Why is the Amendment required?

In administering the planning scheme, Hobsons Bay City Council has identified some zoning and overlay anomalies and text errors that require correction to ensure the accuracy of the planning scheme. These corrections will provide clarity in the administration of the planning scheme by ensuring that the provisions of the scheme are correct and up to date.

Land to be rezoned from GRZ1/GRZ2 to PPRZ

A total of 31 sites throughout the municipality are currently zoned GRZ1 and owned by Council. Despite their zone, these areas are commonly identified and utilised as areas of public open space.

These areas do not currently facilitate residential amenity and are not subject to plans for future development or building works, rather they all contribute, in varying amounts, to public open space

infrastructure.

Council records are unable to provide a true indication of public open space provision why these areas are incorrectly zoned. It is likely that at the time of subdivision all the land was zoned for residential and when reserves were created, they were not automatically rezoned to open space. This creates difficulty in properly administering the Planning Scheme.

Council has undertaken analysis of its open space areas via preparation of the draft Hobsons Bay Open Space Strategy. The document is intended to guide the provision, protection, planning, design and management of open space in Hobsons Bay. A proportion of the open space areas identified by the Strategy, are currently zoned GRZ1 and are therefore do not accurately reflect the underlying use of the land.

In order to formally recognise the correct use of these areas, it is appropriate to rezone areas to PPRZ.

The following list of addresses are to be rezoned from GRZ1 to PPRZ:

- 14a Lindwood Avenue, Altona
- 2a Hygea Court/60 Everingham Road (Everingham Road Reserve), Altona Meadows
- 3a Clement Court, Altona Meadows (JF O'Brien Reserve)
- 8a Edina Grove (Edina Grove Reserve), Altona Meadows
- 28-32 Point Cook Road (Oakdene Grove Reserve), Altona Meadows
- 1 Cherry Avenue (Duke Street Reserve), Altona North
- 7 Rowan Avenue (Rowen Avenue Reserve), Brooklyn
- 16 Henderson Street (Henderson Street Reserve), Laverton
- 21 Eaton Parade (Dick Murdoch Reserve), Laverton
- 22 Cropley Crescent (Cropley Crescent Reserve), Laverton
- 22-26 Whittaker Avenue (Beverley Anton Reserve), Laverton
- 39 Whittaker Avenue (Whittaker Avenue Reserve), Laverton
- 26-62 Jennings Street (McCormack Park East), Laverton
- 15-23 Garnsworthy Place (Williamstown Junction Reserve), Newport
- 121 Power Street (Western Portion of Jackson Reserve), Newport
- 170-178 John Liston Drive (Aphrasia Lane Reserve), Newport
- 43 St Anthony Court and 96 Shane Avenue (St Anthony Court East), Seabrook
- 46 St Anthony Court (St Anthony Court Reserve West), Seabrook
- 29a Noordene Avenue (Part Norah McIntyre Reserve), Seaholme (GRZ2 to PPRZ)
- 48 Vernon Street (Walkers Corner/Vernon Street Reserve), South Kingsville
- 613A Melbourne (E.G Smith Reserve), Spotswood
- 7a Crofton Drive, Williamstown (Kingshott Close Reserve)
- 12 Queen Street (Queen Street Reserve), Williamstown
- 14 Maguire Crescent (Teal Court Reserve), Williamstown
- 16 Farrell Court, Williamstown (Farrell Court Reserve)
- 17 Sandpiper Place (Sandpiper Place Accessway), Williamstown
- 35 Smith Avenue (Smith Avenue Reserve), Williamstown
- 60a Merrett Drive (Bates Drive Reserve), Williamstown
- 99a Merrett Drive (Proctor Street Reserve), Williamstown
- 110 Crofton Drive (Crofton Drive Accessway), Williamstown
- Tregutha Road Reserve (located on Farrell Lane, Williamstown), Williamstown

Land to be rezoned from Public Use Zone 6 (PUZ6) to PPRZ

- 26 Trafalgar Avenue (Woodyard Court Reserve), Altona Meadows

During the administration of the Hobsons Bay Planning Scheme (HBPS), the use of the land at 26 Trafalgar Avenue, Altona Meadows as public open space was identified as being inconsistent with the PUZ6 zoning of the land. This effectively misrepresents the use of the land and creates a difficulty in properly administering the Planning Scheme.

Council has undertaken analysis of its open space areas via preparation of the draft Hobsons Bay Open Space Strategy. The document is intended to guide the provision, protection, planning, design and management of open space in Hobsons Bay. Woodyard Court Reserve is identified by the Strategy for its contribution, meaning the current use of the PUZ6 is unaligned with the use of the land.

It is appropriate to rezone the site to PPRZ to reflect the underlying use of the area as public open space.

Land to be rezoned from CDZ1 to PPRZ and GRZ1

- Caspian Terrace including land containing 14 Caspian Terrace (Caspian Terrace Reserve), Williamstown.

During administration of the HBPS, zoning provisions have been identified to be incorrectly applied to Caspian Terrace and land west of the road that is identified as Caspian Terrace Reserve. The road and the reserve are shown to be located outside the confines of the Comprehensive Development Zone Schedule 1 and the 'Range Estate Stage 7 Concept Plan', HBPS Clause 37.02, Page 18 of 'Schedule 1 to the Comprehensive Development Zone'.

Due to Caspian Terrace's location outside the confines of the CDZ1 area, as identified by Hobsons Bay Planning Scheme Ordinance, Council recognise the need to rezone this CDZ1 area to GRZ1 in accordance with the area's western abuttal to residential properties.

Regarding Caspian Terrace Reserve, Council records do not provide a true indication of public open space provision due to this area being zoned CDZ1. This effectively misrepresents the use of the land and creates a difficulty in properly administering the Planning Scheme.

Council has undertaken analysis of its open space areas via preparation of the draft Hobsons Bay Open Space Strategy. The document is intended to guide the provision, protection, planning, design and management of open space in Hobsons Bay. Caspian Terrace Reserve is identified by the Strategy for its contribution, meaning the current use of the CDZ1 is unaligned with the use of the land.

Rezoning this Reserve to PPRZ would correct this current misrepresentation and align Council Strategy to the Planning Scheme.

Land to be rezoned from PPRZ to GRZ1

- Part 120 Mason Street, Newport

During the administration of the HBPS, PPRZ affecting the northern portion of 120 Mason Street Newport was identified as not in accordance with private ownership of the property.

Practice Note 2 'Public land Zones' stipulates that public land zones can only be applied to 'public land' which although not defined in the Victorian Planning Provisions (VPP's) or the *Planning and Environment Act 1987* (P&E Act), is commonly accepted to mean Crown land; land vested in or owned by a Minister, government department, public authority or municipal council or land otherwise used for a public purpose. The site does not fall into any of the aforementioned. It is privately owned land and not accessible for a public purpose.

Additionally, the VPP's state that the purpose of PPRZ includes the following:

- To recognise areas for public recreation and open space.
- To protect and conserve areas of significance where appropriate.

It is appropriate to rezone the northern portion of the site to GRZ1 to be consistent with the residential zoning of the remainder of the site and reflect that the land is in private ownership land and is not public land.

Ordinance

The changes are required to the ordinance to correct errors to ensure clarity and accuracy in the administration of the Planning Scheme.

Changes to the ordinance are proposed to be made at:

- Clause 22.07: Hobsons Bay West Neighbourhood Character Policy, involving:

- The Hobsons Bay West Neighbourhood Character Precincts, Map 1

Sub-Precinct 9 to Map 1 currently involves residential land that is administered by Wyndham City Council and therefore inappropriately contained in the Hobsons Bay Planning Scheme. The West Neighbourhood Character Precinct boundary should be reduced by shifting the boundary to be east of Machair Drive, Seabrook.

- Schedule 11 to Clause 43.02, Design and Development Overlay, involving:

- 23 Ann Street, Williamstown and 9-13 Aitken Street, Williamstown

Amendment C91, implemented recommendations of the Hobsons Bay Industrial Land Management Strategy to land located within Precinct 20 – Former Port Phillip Woollen Mills and surrounds to 23 Ann Street, Williamstown, rezoned various residential land parcels and other industrially zoned land. Whilst correct changes were made to the Planning Scheme Map (19) depicting the Design and Development Overlay, changes to the Design and Development Plan contained in Schedule 11 to Clause 43.02 within the ordinance were inadvertently omitted and exclude land at 23 Ann Street and 9-13 Aitken Street, Williamstown. Consequently, there are inconsistent provisions for sites 23 Ann Street and 9-13 Aitken Street, as the ordinance's Design and Development Plan does not correlate with the Planning Scheme Map.

In accordance with Ministerial Direction – Form and Content of Planning Schemes, map title 'Map 1 – Precinct 20 – Former Port Phillip Woollen Mills and Surrounds – Design and Development Plan' has been added to Section 1 – Design and Development Plan.

To ensure clarity of information, reference to Map 1 has been included to Table to Schedule in Section 8 – Decision Guidelines.

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

The Amendment implements the objectives of planning in Victoria as outlined in Section 4 of the *Planning and Environment Act 1987* by facilitating development in accordance with objectives set out in paragraphs;

- a. to provide for the fair, orderly, economic and sustainable use and development;
- b. to provide for the protection of natural and manmade resources and the maintenance of ecological processes and genetic diversity;
- c. To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- d. To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and
- e. To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.

The Amendment implements these objectives by correcting zoning and overlay anomalies and text errors in the HBPS to improve clarity and consistency of the scheme which will in turn provide greater certainty for applicants and the community.

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

The Amendment will have positive environmental effects by correcting the zoning of public land and open space to PPRZ. The Amendment will have positive social effects through the correction of zone and overlay anomalies and ordinance corrections to facilitate clarity in the administration of the HBPS. The Amendment is expected to have positive economic benefits by correcting zoning and overlay anomalies and text errors to ensure clarity in the administration of the HBPS.

The application of the correct planning controls will provide certainty to the community and developers by ensuring appropriate land use development outcomes are consistent with the objectives of planning in Hobsons Bay and Victoria.

Does the Amendment address relevant bushfire risk?

The Amendment will not increase bushfire risk. The land affected by the Amendment is not subject to Bushfire Management Overlay.

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

The Amendment complies with all Directions applicable to Amendment C113 as outlined below:

Ministerial Direction Section 7(5): Form and Content of Planning Schemes

The proposed amendments to the ordinance result in the amendment being consistent with the Form and Content of Planning Schemes under section 7(5) of the Act.

Ministerial Direction 1: Potentially Contaminated Land.

Hobsons Bay City Council, as planning authority, are satisfied that the environmental conditions of the involved land is appropriate for its proposed zone for the reasons:

- None of the sites included in the Amendment are affected by an existing Environmental Audit Overlay (EAO);
- No rezoning of industrial land is proposed; and
- Due to the current zone and established, sensitive use of all land involved within the amendment, it can be deemed that no potentially contaminated land has effect on the identified sites.

With regard to land to be rezoned from CDZ1 to PPRZ, 14 Caspian Terrace (Caspian Terrace Reserve), Williamstown, Golder Associates Pty Ltd, as appointed by the Environment Protection Authority under the Environment Protection Act 1970 for the purposes of environmental audit, completed an assessment on the site in 1999 as investigation of development for the Rifle Range Estate. Following environmental assessment, a Statement of Environmental Audit was provided which stated that the site is suitable for sensitive uses.

Ministerial Direction 9: Metropolitan Strategy

The Amendment is essentially administrative to improve the clarity and the administration of the planning scheme. It will not compromise the implementation of the Metropolitan Planning Strategy.

Ministerial Direction 11: Strategic Assessment of Amendments

The Strategic Assessment Guidelines have been considered and met in the preparation of the Amendment.

Ministerial Direction 15: The Planning Scheme Amendment Process

This direction introduced timeframes for completing steps in the Planning Scheme Amendment process. The Amendment will comply with the relevant sections of this Direction.

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

The goal of the Planning Policy Framework (PPF) is to ensure that the objectives of planning in Victoria (as set out in Section 4 of the Planning and Environment Act 1987) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

The Amendment complies with and implements the PPF of the HBPS by clarifying the scheme to assist in its administration, with particular notice to:

Clause 10.01, which states:

"the purpose of State policy in planning schemes is to inform planning authorities and responsible authorities of those aspects of State planning policy which they are to take into account and give effect to in planning and administering their respective areas. The State Planning Policy Framework provides a context for spatial planning and decision making by planning and responsible authorities".

As the amendment seeks to recognise Council's contribution to open space by rezoning anomalous land, open space planning objectives within the SPPF are implemented and achieved with regard to:

Clause 11.04-1:

- Objective:
 - *To assist creation of a diverse and integrated network of public open space commensurate with the needs of the community.*
- Strategies:
 - Ensure that land is set aside and developed in residential areas for local recreational use and to create pedestrian and bicycle links to commercial and community facilities.
 - Ensure land identified as critical to the completion of open space links is transferred for open space purposes.

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

The Amendment is consistent with the strategic directions of the Local Policy Planning Framework (LPPF) particularly in relation to:

Clause 21.04 (Open Space) - By correcting anomalous zoning provisions and in turn recognising Council's contribution to open space, the HBPS will be positioned to provide clear direction with regard to open space objective and strategies, including:

- Objective 1:
 - To provide adequate open space and continue to develop a variety of open spaces to provide for a range of experiences and leisure opportunities that are accessible for all people.
- Strategies:
 - Ensure effective open space assessments are undertaken in the process of changing uses, assessing development and subdivision proposals and the potential rationalisation of open space in the municipality.
 - Provide open space in areas identified as having a deficiency, through shared use of facilities, identifying opportunities for new parks, enlarging existing parks and providing linkages to other open space areas.

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

The Amendment makes proper use of the VPP by making administrative corrections and amendments to comply with the Ministerial Direction on the Form and Content of Planning Schemes.

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

The views of prescribed Ministers will be sought during exhibition.

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

The Amendment is not anticipated to have a significant impact on the transport system as identified in section 3 of the *Integrated Transport Act 2010* as the changes are administrative to improve the efficiency and operation of the planning scheme.

Resource and administrative costs

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

The Amendment is not likely to have any significant impact upon Council resources. It is considered

that the Amendment will save resource and administrative costs of the Responsible Authority due to correction and clarity in the administration of the planning scheme.

Where you may inspect this Amendment

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

Hobsons Bay City Council Civic Centre 115 Civic Parade Altona VIC 3018	Altona Meadows Library 1-23 Central Avenue Altona Meadows VIC 3028
Altona Library 123 Queen Street Altona VIC 3018	Newport Hub 13-15 Mason Street Newport VIC
Altona North Library 180 Millers Road Altona North VIC 3025	Williamstown Library 104 Ferguson Street Williamstown VIC 3016

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

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received **by Friday, 1 March 2019**

A submission must be sent to:

115 Civic Parade

Altona VIC 3018

Panel Hearing Dates

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

- directions hearing: to commence in the week of Monday, 6 May 2019
- panel hearing: to commence in the week of Monday, 3 June 2019

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Altona	14a Lindwood Avenue, Altona	Hobsons Bay C113 015znMaps14_15 Exhibition
Altona Meadows	2a Hygea Court/60 Everingham Road (Everingham Road Reserve), Altona Meadows	Hobsons Bay C113 014znMap14 Exhibition
Altona Meadows	3a Clement Court (JF O'Brien Reserve), Altona Meadows	Hobsons Bay C113 020znMap21 Exhibition
Altona Meadows	8a Edina Grove (Edina Grove Reserve), Altona Meadows	Hobsons Bay C113 014znMap14 Exhibition
Altona Meadows	26 Trafalgar Avenue (Woodyard Court Reserve), Altona Meadows	Hobsons Bay C113 013znMaps13_21 Exhibition
Altona Meadows	28-32 Point Cook Road (Oakdene Grove Reserve), Altona Meadows	Hobsons Bay C113 012znMaps12_20 Exhibition
Altona North	1 Cherry Avenue (Duke Street Reserve), Altona North	Hobsons Bay C113 002znMap03 Exhibition
Brooklyn	7 Rowan Avenue (Rowan Avenue Reserve), Brooklyn	Hobsons Bay C113 001znMap03 Exhibition
Laverton	16 Henderson Street (Henderson Street Reserve), Laverton	Hobsons Bay C113 005znMaps06_13 Exhibition
Laverton	21 Eaton Parade (Dick Murdoch Reserve), Laverton	Hobsons Bay C113 005znMaps06_13 Exhibition
Laverton	22 Cropley Crescent (Cropley Crescent Reserve), Laverton	Hobsons Bay C113 005znMaps06_13 Exhibition
Laverton	22-26 Whittaker Avenue (Beverley Anton Reserve), Laverton	Hobsons Bay C113 005znMaps06_13 Exhibition
Laverton	39 Whittaker Avenue (Whittaker Avenue Reserve), Laverton	Hobsons Bay C113 005znMaps06_13 Exhibition
Laverton	26-62 Jennings Street (McCormack Park East), Laverton	Hobsons Bay C113 005znMaps06_13 Exhibition
Newport	15-23 Garnsworthy Place (Williamstown Junction Reserve), Newport	Hobsons Bay C113 010znMap11 Exhibition
Newport	Part 120 Mason Street, Newport	Hobsons Bay C113 007znMap10 Exhibition
Newport	121 Power Street (Western Portion of Jackson Reserve), Newport	Hobsons Bay C113 010znMap11 Exhibition
Newport	170-178 John Liston Drive (Aphrasia Lane Reserve), Newport	Hobsons Bay C113 010znMap11 Exhibition
Seabrook	43 St Anthony Court and 96 Shane Avenue (St Anthony Court East), Seabrook	Hobsons Bay C113 019znMap20 Exhibition
Seabrook	46 St Anthony Court (St Anthony Court Reserve West), Seabrook	Hobsons Bay C113 019znMap20 Exhibition
Seaholme	29a Noordene Avenue (Part Norah McIntyre Reserve), Seaholme	Hobsons Bay C113 016znMap16 Exhibition
South Kingsville	48 Vernon Street (Walkers Corner/Vernon Street Reserve), South Kingsville	Hobsons Bay C113 003znMap04 Exhibition

Spotswood	613A Melbourne (E.G Smith Reserve), Spotswood	Hobsons Bay C113 004znMap04 Exhibition
Williamstown	7a Crofton Drive (Kingshott Close Reserve), Williamstown	Hobsons Bay C113 017znMap17 Exhibition
Williamstown	12 Queen Street (Queen Street Reserve), Williamstown	Hobsons Bay C113 011znMap11 Exhibition
Williamstown	Caspian Terrace including land containing 14 Caspian Terrace (Caspian Terrace Reserve), Williamstown	Hobsons Bay C113 009znMaps10_17 Exhibition
Williamstown	14 Maguire Crescent (Teal Court Reserve), Williamstown	Hobsons Bay C113 009znMaps10_17 Exhibition
Williamstown	16 Farrell Court, (Farrell Court Reserve) Williamstown	Hobsons Bay C113 018znMap18 Exhibition
Williamstown	17 Sandpiper Place (Sandpiper Place Accessway), Williamstown	Hobsons Bay C113 017znMap17 Exhibition
Williamstown	35 Smith Avenue (Smith Avenue Reserve), Williamstown	Hobsons Bay C113 018znMap18 Exhibition
Williamstown	60a Merrett Drive (Bates Drive Reserve), Williamstown	Hobsons Bay C113 009znMaps10_17 Exhibition
Williamstown	99a Merrett Drive (Proctor Street Reserve), Williamstown	Hobsons Bay C113 009znMaps10_17 Exhibition
Williamstown	110 Crofton Drive (Crofton Drive Accessway), Williamstown	Hobsons Bay C113 017znMap17 Exhibition
Williamstown	Tregutha Road Reserve, Williamstown	Hobsons Bay C113 018znMap18 Exhibition