

# WYNDHAM PLANNING SCHEME

## AMENDMENT C228wynd

### EXPLANATORY REPORT

#### Who is the planning authority?

This Amendment has been prepared by the Wyndham City Council which is the planning authority for this amendment. The Amendment has been made at the request of Akron Point Cook Pty Ltd.

#### Land affected by the Amendment

The Amendment applies to 315 Boardwalk Boulevard, Point Cook, formally known on title as Lot B on PS522174E (Vol. 10795, Fol. 736). The site is 15.12ha and is currently zoned Farming Zone. The property is abutted by land in General Residential Zone and Public Park and Recreation Zone.



Figure 1: The Land Affected by the Amendment

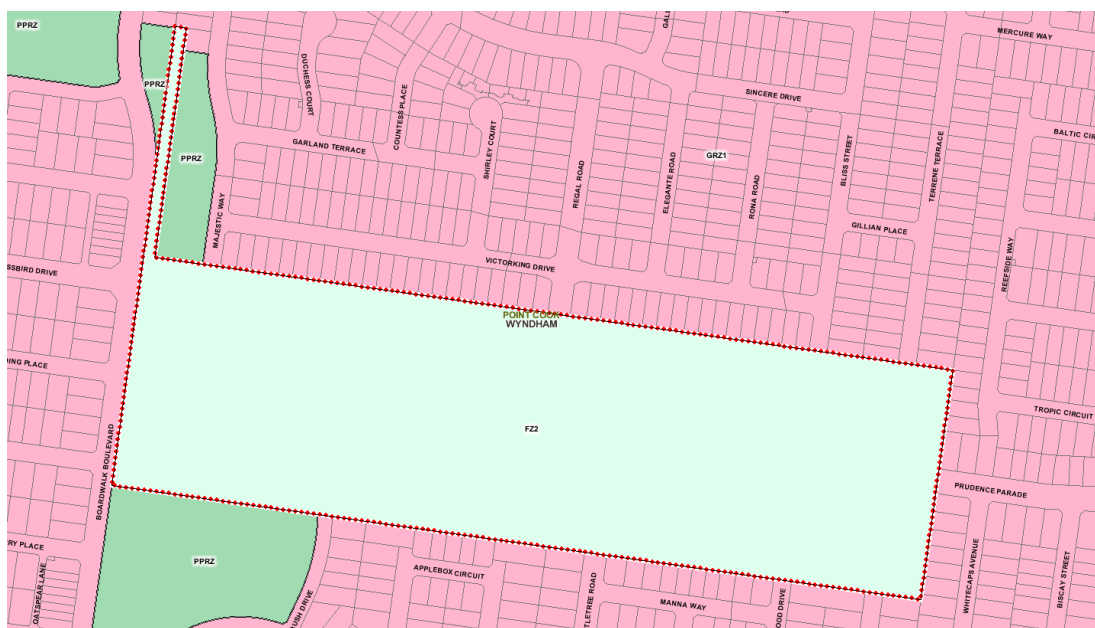


Figure 2: Current Zoning

## What the amendment does

The Amendment:

- rezones the land from Farming Zone (FZ) to General Residential Zone (GRZ);
- Inserts a new Schedule 3 to the Clause 43.04 Development Plan Overlay (DPO3) and apply it applies it to the land;
- Amends the Schedule to Clause 72.08 Background Documents to include the following background documents referenced in the DPO3:
  - *315 Boardwalk Boulevard, Point Cook: Bushfire Management Statement (Brett Lane & Associates, June 2019)*
  - *Site Contamination Assessment: 315 Boardwalk Boulevard, Point Cook, Victoria (Prensa Pty Ltd, September 2019)*

## Strategic assessment of the Amendment

### Why is the Amendment required?

The Amendment integrates the zoning of the land with the existing surrounding land already in General Residential Zone. The Amendment will allow for the surrounding residential areas to be integrated with the existing urban network.

The Amendment rezones the land for residential use, with a drainage reserve in the west of the site and an area of open space centrally located. A Development Plan Overlay is applied to the site to ensure 1) cohesive and orderly development of the site, and 2) integration with the existing street network and character of the area.

The rezoning of the site is supported by Planning Policy Framework by providing land for residential development that will be able to contain a variety of dwelling types, designs and lot sizes to meet the needs of residents within the development. The development plan to be approved by Council will ensure that the development will be consistent with the character of the surrounding area.

The amendment will have a net community benefit through implementing a cohesive road network, providing affordable housing opportunities through a mixture of lot sizes and providing open space for the existing and future residents.

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

The amendment assists in the implementation of the following objectives set out at Section 4(1) of the Planning and Environment Act 1987:

- a) To provide for the fair, orderly, economic and sustainable use, and development of land;
- b) To provide for the protection of natural and man-made 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 building, areas or other places which are of scientific, aesthetic, architectural or historical interest or otherwise of special cultural value;
- e) To protect public utilities or other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;
- f) To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);
- fa) To facilitate the provision of affordable housing in Victoria;
- g) To balance the present and future interests of all Victorians.

The amendment achieves the above objectives by amending the current zoning of the site to an appropriate zoning that is consistent with the surrounding area. The amendment will provide clear and consistent direction for residential development within Point Cook balancing the present and future interests of all Wyndham City Council residents.

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

The amendment achieves positive environmental, social and economic outcomes by implementing appropriate controls.

#### Environmental Effects

A preliminary site and hydrogeological assessment was undertaken for the site and the development is not expected to create any environmental impacts that could not be handled by permit conditions on any future permits issued for the land.

A stormwater management plan was prepared for the site that found that stormwater flows will be safely conveyed through the development along road reserve corridors and within the proposed drainage reserve. No temporary outfall works or on-site retardation is required due to the existing outfall to the south

The development will not have any undue adverse impacts on the quality of air, land and water within the area. It is considered that connecting the wetland into the existing reserve to the north and south will help improve the treatment quality of the water within the area.

#### Social Effects

The amendment will be socially beneficial by allowing for and supporting the residential development of currently underutilised land. It will allow for improved connectivity within the area resulting in improved travel patterns and transport network. The amendment will create a more attractive neighbourhood, including the provision of additional open space to satisfy Council's 400m open space walkable catchment requirements creating a socially sustainable community.

Traffic generated by the future the residential development will contribute to the heavily congested area of Point Cook. There are a number of existing and proposed measures that seek to address the congestion.

#### Economic/Employment Effects

The amendment is expected to have positive economic effects through providing employment during the construction phase. The farming land is not considered viable where it is currently located and its transformation will not impact the vitality of the agricultural industry. The amendment will also result in an increased supply of housing in an accessible location.

### **Does the Amendment address relevant bushfire risk?**

The subject area is not affected by the Bushfire management Overlay (BMO). A small area in the south-western corner of the site is located within a designated Bushfire Prone Area (BPA).

The amendment will not result in any increase to the risk to life, property, community infrastructure and the natural environment from bushfire. Suitable measures will be undertaken such as the implementation of defendable space requirements and the implementation of fire hydrants to reduce any risk of potential bushfire to the lots within the BPA.

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

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Scheme under Section 7 (5) of the Act.

The amendment responds to the Ministerial Direction No. 1 - Potentially Contaminated Land.

According to the Preliminary Site Assessment submitted by the proponent, the land is known to have been used for farming only and storage of chemicals, gas, wastes or liquid fuel is understood to be

ancillary to this use. Small amounts of general waste were observed onsite. On the recommendation of the EPA, which commented on the low contamination risk of the land, the Planning Authority has undertaken an independent peer review of the Preliminary Site Assessment.

The peer review report concurred with the Assessment on the historic agricultural use of the land and stated that a Statutory Environmental Audit is not necessary subject to the undertaking of 4 recommendations prior to any site construction. Two of them have since been undertaken through a Site Contamination Assessment (Prensa, September 2019), while the remaining two have been stipulated in the Development Plan Overlay Schedule as conditions in permit to be issued and undertaken prior to site construction/subdivision. The planning authority is satisfied that the environmental conditions of the land are suitable for residential use and open space.

DPO3 includes a requirement for a preliminary environmental site inspection and hydrogeological assessment. This will enable planning decisions to be made with the knowledge of the condition of the site.

The amendment implements Ministerial Direction No. 9 – Metropolitan Planning Strategy which gives effect to Plan Melbourne. Specifically, the amendment will meet the following outcomes, objective and directions of Plan Melbourne:

Outcome 2 – Providing housing choice in locations close to jobs and services

Direction 2.1 Manage the supply of new housing in the right locations to meet population growth and create a sustainable city.

Direction 2.2 Deliver more housing closer to jobs and public transport.

Direction 2.3 Increase the supply of social and affordable housing.

Direction 2.4 Facilitate decision-making processes for housing in the right locations.

Direction 2.5 Provide greater choice and diversity of housing

Outcome 4 – Distinctive and liveable city with quality design and amenity

Direction 4.3 Achieve and promote design excellence.

Direction 4.4 Respect Melbourne's heritage as we build for the future.

Direction 4.5 Plan for Melbourne's green wedges and peri-urban areas.

Outcome 5 – Melbourne is a city of inclusive, vibrant and healthy neighbourhoods

Direction 5.1 Create a city of 20-minute neighbourhoods

Direction 5.2 Create neighbourhoods that support safe communities and healthy lifestyles.

Direction 5.3 Deliver social infrastructure to support strong communities.

Direction 5.4 Deliver local parks and green neighbourhoods in collaboration with communities.

Outcome 6 – A sustainable and resilient city.

Direction 6.3 Integrate urban development and water cycle management to support a resilient and liveable city.

Direction 6.4 Make Melbourne cooler and greener.

Direction 6.5 Protect and restore natural habitats.

Direction 6.6 Improve air quality and reduce the impact of excessive noise

The amendment supports and assist with the implementation of Plan Melbourne and does not compromise the implementation of this strategy.

The amendment is also consistent with Ministerial Direction No. 11 – Strategic Assessment of Amendments under section 12(2) of the Act as outline in this Explanatory Report.

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

The amendment implements the general direction of the Planning Policy Framework. The amendment implements the following provisions of the PPF:

Clause 11 SETTLEMENT

The amendment supports Clause 11 by seeking to ensure there is a sufficient supply of land available for residential use to meet the needs of existing and future residents. The amendment will assist with the orderly development of the urban area and create a well-planned neighbourhood.

The relevant Clauses of the PPF include:

- Clause 11.02 – Managing Growth
  - Clause 11.02-1S – Supply of Urban Land
  - Clause 11.02-3S – Sequencing of Development

#### Clause 12 ENVIRONMENTAL AND LANDSCAPE VALUES

Through the development plan overlay, this amendment will ensure that the existing river corridors and other environmental assets are protected throughout the cycle of the residential development on site. The amendment will also ensure that potentially contaminated land is suitable for residential development by requiring a site assessment of land through the provisions of DPO3, and any requirements or testing identified must be complied with.

The relevant Clauses of the PPF include:

- Clause 12.03 – Water bodies and wetlands
  - Clause 12.03-1S – River Corridors, Waterways, Lakes and Wetlands
- Clause 13.04-1 – Soil Degradation
  - Clause 13.04-1s – Contaminated and potentially contaminated land

#### Clause 13 ENVIRONMENTAL RISKS AND AMENITY

Given that the subject land is within the designated Bushfire Prone Area (BPA), and the likelihood of future subdivision of more than 10 lots on the land, a Bushfire Management Statement was prepared to consider and assess the bushfire hazard as per the strategies in Clause 13.02. In relation to Settlement planning, through council's permit requirements and those set out in the Development Plan Overlay Schedule, the Bushfire Management Statement ensures that bushfire risk to existing and future residents, property and community infrastructure will not increase.

Both CFA and Council's emergency Management teams have been consulted over the amendment and are supportive of the amendment in its proposed format.

The relevant Clauses of the PPF include:

- Clause 13.02 Bushfire
  - Clause 13.02-1S Bushfire Planning

#### Clause 15 BUILT ENVIRONMENT AND HERITAGE

The amendment provides appropriately zoned land that can facilitate the development of safe function and good quality urban environments, whilst also ensuring future development will create an attractive, liveable and walkable neighbourhood through appropriate design guidelines.

The relevant Clauses of the PPF include:

- Clause 15.01-3S – Subdivision design
- Clause 15.01-4S – Healthy neighbourhoods
- Clause 15.01-1S – Urban Design
- Clause 15.01-1R – Urban Design – Metropolitan Melbourne
- Clause 15.02 – Sustainable Development
  - Clause 15.02-1S – Energy and resource efficiency

#### Clause 16 HOUSING

The amendment gives effect to Clause 16 through the provision of housing opportunities that will meet the needs of the community. The site is located in a highly accessible position and close to activity centres and parks. Housing diversity will be encouraged and help to promote sustainable urban development.

The relevant Clauses of the PPF include:

- Clause 16 – Housing
  - Clause 16.01-4S - Housing Affordability
  - Clause 16.01-3S – Housing Diversity
  - Clause 16.01-3R – Housing diversity – Metropolitan Melbourne
  - Clause 16.01 – Residential Development
    - Clause 16.01-1S – Integrated housing

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

The amendment implements the general direction of the Local Planning Policy Framework. Specifically, the amendment implements Clause 21.01-4 Wyndham’s Strategic Vision through managing the residential growth of the municipality. The amendment assists in implementing the provisions of the LPPF by 1) removing the application of farming zone where it is no longer viable and is considered to be the underutilisation of land, and 2) applying residential zone to connect the surrounding areas of similar use to create a well-planned urban area. This specifically implements the objectives of:

- 21.04-04 Bushfire – The amendment to allow for residential development supports the LPPF as the areas prone to bushfire have been identified, and subdivision standards will be applied to lower any risk to potential hazards.
- 21.07-1 Residential Development – The amendment and the implementation of a Development Plan will ensure that the proposal provides variety and choice in housing densities.
- 21.07-2 Housing diversity – The amendment will improve the diversity of choice in housing styles and designs within the area.

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

The use of the General Residential Zone and Development Plan Overlay is consistent with the structure and content of the Victoria Planning Provisions and purpose of the zoning. The General Residential Zone is consistent with the zoning of the land surrounding the site.

Referencing the background documents in the Planning Scheme will provide information that helps to understand why a particular policy or provision has been included in the planning scheme.

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

Formal referrals to relevant agencies and departments will be undertaken in accordance with the statutory requirements as part of the exhibition of this amendment. Consultation with the Country Fire Authority, the Environmental Protection Authority and the Victorian Planning Authority have also occurred to inform the preparation of the Amendment.

Submissions were received from City West Water, the Environment Protection Authority and the Department of Transport during the exhibition phase of the amendment process. The Department of Transport sought a minor change to DPO3 to which council have provided post-exhibition.

City West Water, the Country Fire Authority and the Environment Protection Authority supported the amendment.

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

The Transport Integration Act 2010 (TIA) recognises that land-use and transport planning are interdependent. Changes in transport infrastructure alter the demand for different types of land-use. The reverse is also true as land-use decisions can change transport patterns. The proposed amendment would not have a significant impact on the transport system, and regard has been had to the TIA’s transport system objectives and decision-making principles.

**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 considered to have a significant impact on resource and administrative costs of the responsible authority and any such cost would be offset by relevant statutory planning application fees.

**Where you may inspect this Amendment**

The amendment can be inspected free of charge at the Wyndham City Council website at [www.wyndham.vic.gov.au](http://www.wyndham.vic.gov.au); or

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

Wyndham City Council  
Civic Centre  
45 Princes Highway  
Werribee Vic

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).