

## WYNDHAM PLANNING SCHEME

### AMENDMENT C227

## EXPLANATORY REPORT

#### Who is the planning authority?

This amendment has been prepared by the Minister for Planning who is the planning authority for this amendment.

The Amendment has been made at the request of Southern Rural Water.

#### Land affected by the Amendment

The Amendment applies to 1 Tower Road Werribee, otherwise known as Crown Allotments 2146 and 2147 in the Parish of Deutgam, County of Bourke.



A mapping reference table is attached at Attachment A to this Explanatory Report.

#### What the amendment does?

The Amendment seeks to:

1. Rezone the site from Public Use Zone 1 (PUZ1) to Activity Centre Zone 1 (ACZ1).
2. Amend the Activity Centre precinct plans within the Activity Centre Zone Schedule 1 to include the site.
3. Reduce the extent of the Heritage Overlay 100 (HO100).
4. Remove the tree protection controls contained in Heritage Overlay 100.
5. Introduce an Environmental Audit Overlay (EAO) over the entire site.

#### Strategic assessment of the Amendment

#### Why is the Amendment required?

Southern Rural Water owns land known as 1 Tower Road Werribee.

The Victorian Government Landholding Policy and Guidelines require agencies to review their landholdings and only hold land where it contributes directly to current or future service outcome.

Southern Rural Water has reviewed its needs and found that much of the land at 1 Tower Road Werribee to be surplus to its future needs. It is therefore seeking to sell the land. This sale will facilitate redevelopment of the Southern Rural Water offices on the portion of the site to be retained.

The land is currently zoned Public Use Zone 1 Service and Utility (PUZ1). The Victorian Land Transaction Policy and Guidelines require the land to be rezoned prior to its sale.

Given the proximity of the site to central Werribee, surrounding zonings and the strategic planning for the area which clearly identifies the site as being part of the Werribee activity centre, the most appropriate zoning is the Activity Centre Zone (ACZ1).

The remaining parts of the amendment are designed to reduce any ambiguity and to provide for the proper planning of the site by:

- deleting the stippling from the Precinct Plan which states 'Land not zoned ACZ1, the provisions of this schedule do not apply.'
- reducing the extent of the heritage controls so that they apply to the original office and water tower rather than the whole site.
- introduce an Environmental Audit Overlay over the entire site.

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

The objectives of planning in Victoria are contained in the Planning and Environmental Act 1987.

##### **a) to provide for the fair, orderly, economic and sustainable use, and development of land**

The amendment will provide for the redevelopment of a significantly underutilised area of land on the periphery of the Werribee Activity Centre. The rezoning of the land to Activity Centre reflects the strategic planning for the area and provides for a more intensive form of commercial and/or residential development in a highly accessible location.

##### **b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity**

Lying within an existing urban area and having been cleared and used for close to a century, the rezoning of the site will not have an impact on any natural or man-made resources, or on ecological processes or genetic diversity.

##### **c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria**

The amendment will facilitate the redevelopment into a pleasant working and/or living environment in close proximity to a wide range of recreational, commercial, community and transport opportunities.

##### **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**

The amendment reflects the cultural importance of the site, seeking to maintain heritage controls over the original office and water tower, both of which are recognised as being of local historic interest.

##### **e) to protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community**

The amendment will enable Southern Rural Water to replace its existing offices and depot which have reached the limit of their functional life with a new office and depot at little, if any, cost to our customers.

##### **f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e)**

The amendment clearly facilitates development in accordance with the previous objectives, an outcome which could not be readily achieved by retaining the existing Public Use Zone.

**g) to balance the present and future interests of all Victorians.**

The amendment balances the interests of present and future Victorians. In particular it enables Southern Rural Water to replace its old office and depot with new facilities which will be available well into the future at little, if any, cost to its customers or tax payers. The amendment will provide for the redevelopment of a significantly underutilised area of land on the periphery of the Werribee Activity Centre. The rezoning of the land to Activity Centre reflects the strategic planning for the area and provides for a more intensive form of commercial and/or residential development in a highly accessible location.

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

The proposed amendment will not have any adverse environmental, social or economic effects:

Having been cleared and used by State and local water agencies for close to a century, the rezoning of the site will not have an impact on any natural or man-made resources, or on ecological processes or genetic diversity.

The amendment will not only foster further economic development but enable Southern Rural Water to continue to provide much needed irrigation water to its customers at Werribee South from new facilities provided at little, if any, additional cost to its customers.

**Does the amendment meet the objective and give effect to the strategies to address Bushfire risk in the State Planning Policy Framework (Clause 13.05-1 of the planning scheme)?**

The site is not subject to any Bushfire overlays or at risk to or from bushfires.

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

There are several Minister's Direction that are relevant to this amendment:

- Ministers Direction #1 – Potentially Contaminated Land
- Minister's Direction #9 – Metropolitan Strategy
- Minister's Direction – Form and Content of Planning Scheme

The proposed planning scheme amendment fully complies with these directions, as outlined below.

**Minister's Direction #1** requires that in preparing an amendment which would have the effect of allowing (whether or not subject to the grant of a permit) potentially contaminated land to be used for a sensitive use, agriculture or public open space, a planning authority must satisfy itself that the environmental conditions of that land are or will be suitable for that use.

While there is some contention as to whether the Direction applies to this amendment, given that the site does not strictly meet the definition of 'potentially contaminated land', Southern Rural Water has nonetheless commissioned an assessment of the site. Jacobs undertook a preliminary assessment with Cardno undertaking a more detailed assessment. David Lamb from Coffey International was appointed as an auditor.

These investigations have found the site to be suitable for a range of residential and commercial uses that would be permitted under the Activity Centre zoning. Copies of their reports are attached. Due to some uncertainties as to the potential for and extent of contamination under the relocatable building an Environmental Management Overlay is proposed for the site.

**Minister's Direction #9** requires that in preparing a planning scheme amendment a planning authority must have regard to the Metropolitan Planning Strategy.

It also requires discussion in the explanatory report of how the amendment addresses a range of matters:

Section 4 of the Planning Report provides a comprehensive review of the amendment against the Metropolitan Strategy. In summary the amendment:

- seeks to provide additional residential and employment opportunities through the renewal of a grossly underutilised site on the edge of the Werribee Activity Centre.
- provides an opportunity to generate more intensive development and a variety of housing and mixed-use development within 20 minutes of the Werribee Train Station and a range of other commercial and community assets.

The Minister's Direction for the Form and Content of Planning Schemes describes the structural and content requirements of an amendment.

This amendment is consistent with the Direction. More particularly it utilises a zoning and overlays which have been adopted from the Victoria Planning Provisions. Further, with Southern Rural Water's intention to sell the property, it would be desirable to rezone the land from PUZ1 in order to comply with Clause 15 of the Direction.

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

Section 4 of the Planning Report provides a comprehensive review of the amendment against the State Planning Policy Framework. In summary, the amendment is consistent with the Framework and Policy, as follows:

- Metropolitan policy – the amendment supports Plan Melbourne and metropolitan policy in that it seeks to provide additional residential and employment opportunities through the renewal of a grossly underutilised site within 20 minutes of the Werribee Train Station and a range of other commercial and community assets.
- Settlement Policy – the amendment seeks to facilitate mixed use development
- Environment policy – the amendment will not occur in a sensitive landscape nor result in the loss of native vegetation or important habitat.
- Environmental risks – the amendment does not expose the site or subsequent users to environmental risks
- Natural resources – the amendment will not have an impact on natural resources but rather enable Southern Rural Water to raise much needed funds to provide better services to its irrigation customers at Werribee South.
- Built environment and heritage – the amendment will retain existing heritage controls over the water tower and original office building on the site while facilitating the redevelopment of a rather ugly and underutilised site
- Housing – the amendment will facilitate mixed use development, including intensive residential development close to the Werribee Activity Centre
- Economic development – the amendment will foster economic development through the redevelopment and SRW's ongoing ability to provide water to its customers at Werribee South.
- Transport – the amendment supports public transport usage by facilitating intensive development within a 700m walk of Werribee station

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

The City of Wyndham has developed a Local Planning Policy Framework that largely mirrors the State Framework.

Section 4 of the Planning Report provides a comprehensive review of the amendment against the Local Planning Policy Framework.

In summary, the amendment is consistent with local planning policy as follows:

- Settlement Policy – the amendment seeks to facilitate mixed use development in an area identified by Council for growth as the Activity Centre Precinct
- Environment policy – the amendment will maintain local heritage controls over the original office and tower and not results any impact on native vegetation or waterways
- Environmental risks – the amendment does not expose the site or subsequent users to environmental risks
- Natural resources – the amendment will not have an impact on natural; resources but rather enable Southern Rural Water to raise much needed funds to provide better services to its irrigation customers at Werribee South.
- Built environment and heritage – the amendment will retain existing heritage controls over the water tower and original office building on the site while facilitating the redevelopment of a rather ugly and underutilised site
- Princes Highway Urban Development Framework – the amendment supports the UDF by facilitating more intensive development along the entry to Werribee
- Housing – the amendment will facilitate intensive residential development close to the Werribee Activity Centre
- Economic development – the amendment will foster economic development through the redevelopment and Southern Rural Water’s ongoing ability to provide water to its customers at Werribee South.
- Transport – the amendment supports public transport usage by facilitating intensive development within a 20-minute walk of Werribee station
- Infrastructure – the amendment will provide an opportunity to capitalise on existing infrastructure and services without the need to provide new infrastructure specific to the site.

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

The amendment makes proper use of the Victoria Planning Provisions. Most notably it:

- utilises an existing zone (ACZ1) and the schedule attached to the zone, albeit requiring a minor change to the maps which currently say the site is not zoned ACZ1 and hence the schedule does not apply to the site.
- utilises the existing heritage overlay, albeit it would require a minor change to the overlay to better reflect the asset being protected, (i.e. the original office and tower).

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

Southern Rural Water has consulted with Wyndham City Council and the Department of Environment, Land, Water and Planning regarding the future zoning and development of the site.

Council staff have advised that a rezoning to ACZ1 would be the most appropriate zoning of the site.

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

The amendment does not have any direct implications under the Transport Integration Act 2010, although it should be noted that with the site being less than 700m from the Werribee Railway Station, it provides a good opportunity to capitalise on existing public transport infrastructure.

### **Resource and administrative costs**

The amendment will not result in any significant resource or administrative costs to the responsible authority, the City of Wyndham.

While Southern Rural Water is able to freely use or develop the site under the existing zoning, it still requires permits for certain activities (e.g. alterations to heritage buildings, tree removal etc.). Similarly, almost any other use of the site, other than for Public Purposes, requires a permit.

Further while the Activity Centre Zone provides considerable flexibility (i.e. it facilitates a range of uses), the schedule to the zone provides clear guidance around setbacks and heights.

Hence the change in zoning does not place an undue burden on the responsible authority.

Finally it should be remembered that the strategic planning for the area, clearly identifies the site in an Activity Centre precinct, so a rezoning to the ACZ1 would be an outcome totally consistent with the responsible authority's expectations for the area.

### **Where you may inspect this Amendment**

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

- Wyndham Civic Centre  
45 Princes Highway, Werribee
- Werribee Library@ Wyndham Cultural Centre  
177 Watton Street, Werribee
- Wyndham Cultural Centre  
177 Watton Street, Werribee

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/glps](http://www.delwp.vic.gov.au/glps).