

## MARIBYRNONG PLANNING SCHEME

### AMENDMENT C147MARI

#### EXPLANATORY REPORT

#### Who is the planning authority?

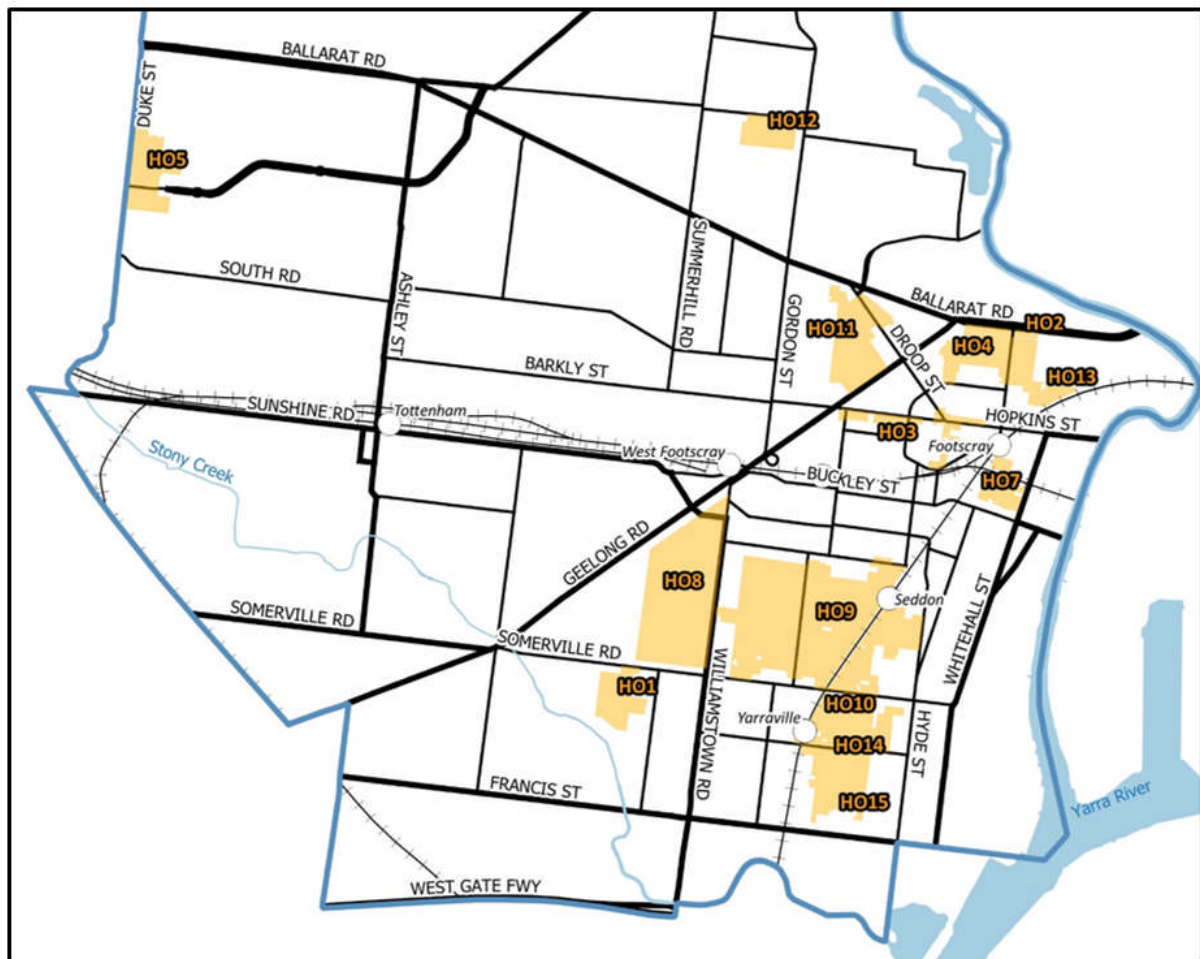
This amendment was prepared by the Maribyrnong City Council which is the planning authority for this amendment.

The Amendment was made at the request of Maribyrnong City Council.

#### Land affected by the Amendment

The Amendment applies to land in the City of Maribyrnong that is covered by Heritage Overlay Precincts.

#### Maribyrnong Heritage Precincts



The precincts are:-

- HO1 Angliss Housing estate heritage area Yarraville
- HO2 Ballarat Road residential heritage area Footscray
- HO3 Footscray commercial heritage area Footscray
- HO4 Footscray residential heritage area Footscray

- HO5 Munition worker's housing heritage area Braybrook
- HO7 Old Footscray Township residential heritage area Footscray
- HO8 Queensville Estate heritage area Kingsville
- HO9 Seddon residential and commercial heritage area Seddon, Yarraville
- HO10 Somerville Road 20th century residential heritage area Yarraville
- HO11 Upper Footscray residential heritage area Footscray
- HO12 War service homes heritage area Maribyrnong
- HO13 William Angliss worker housing estate heritage area Footscray
- HO14 Yarraville civic and commercial heritage area Yarraville
- HO15 Yarraville residential heritage area Yarraville

The amendment excludes sites on the Victorian Heritage Register, sites identified as 'individually significant' in the schedule to the Heritage Overlay Clause 43.01, and sites identified as individually significant places, properties or buildings in Maribyrnong's Heritage Overlay precincts as expressed in the Local Planning Policy.

### **What the amendment does**

The amendment inserts an Incorporated Plan to provide planning permit exemptions for minor buildings and works within heritage overlay precincts.

The Amendment:

- Amends the Schedule to the Heritage Overlay, Clause 43.01, to insert an Incorporated Plan (titled: 'Permit Exemptions in Heritage Precincts Incorporated Plan, October 2018') to the heritage precincts.
- Amends the Schedule to Clause 72.04 to include the Incorporated Plan.

No land is rezoned as part of this Amendment.

### **Strategic assessment of the Amendment**

#### **Why is the Amendment required?**

The amendment introduces planning permit exemptions for certain works triggered under the Heritage Overlay.

The exemptions are generally for works that would not be visible from the public realm and will not have a detrimental effect on the heritage place. The exemptions do not apply to places on the Victorian Heritage Register or places identified as having 'individual' significance.

The exemptions provide a net community benefit by reducing heritage-based planning permit applications and workloads, improving community perception for heritage planning controls and assisting in the conservation of places by encouraging development that respects heritage significance.

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

The Amendment implements the following objectives of planning in Victoria (as specified in Section 4(1) of the Planning and Environment Act 1987):

- To provide for the fair, orderly, economic and sustainable use and development of land.
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- 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.

- To facilitate development in accordance with the above objectives.
- To balance the present and future interests of all Victorians.

The Incorporated Plan facilitates a more streamlined approach by removing the need for a planning permit for certain works triggered under the Heritage Overlay and assisting in the conservation of places by encouraging development that respects heritage significance. The exemptions do not apply to places on the Victorian Heritage Register or places identified as having 'individual significance'.

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

The amendment does not have a detrimental impact on the environment.

The amendment has positive social and economic effects for the community as property owners will no longer need to apply for a planning permit for certain works that are triggered by the Heritage Overlay, saving money associated with preparing application material and fees.

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

The amendment does not impact on bushfire risk.

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

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

The amendment complies with Ministerial Direction No. 9: Metropolitan Planning Strategy which requires amendments to have regard to Plan Melbourne: Metropolitan Planning Strategy 2017-2050.

The amendment is consistent with Direction 4.4: Respect Melbourne's heritage as we build for the future, where it states that it is policy to recognise the value of heritage when managing growth and change.

The amendment also addresses the requirements of Ministerial Direction No. 11: Strategic Assessment of Amendments. The amendment is consistent with this direction which ensures a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces.

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

The amendment supports the following provisions of the State Planning Policy Framework:

Clause 15 Built Environment and Heritage

"Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context."

"Planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value."

Clause 15.01-5S Neighbourhood Character's objective

"To recognise, support and protect neighbourhood character, cultural identity, and sense of place."

Clause 15.03-1S Heritage Conservation

"To ensure the conservation of places of heritage significance."

Relevant strategies to achieve this objective include:

- Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.
- Encourage appropriate development that respects places with identified heritage values.
- Retain those elements that contribute to the importance of the heritage place.
- Encourage the conservation and restoration of contributory elements of a heritage place.
- Ensure an appropriate setting and context for heritage places is maintained or enhanced.

The amendment documentation was updated to comply with State Government requirements including VC148. The Panel considered that the changes were inconsequential and did not change the intent of the Amendment.

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

The importance of the cultural heritage in the City is highlighted within the Municipal Strategic Statement.

Clause 21.06-3 - Heritage seeks to protect and conserve Maribyrnong's heritage places. Additionally, Local Policy at Clause 22.01 – Cultural Heritage Policy to the Heritage Overlay has an objective to protect and conserve the City's cultural heritage places and to protect heritage places from adverse impacts.

This amendment is consistent with the objectives and strategies outlined in the Local Planning Policy Framework of the Maribyrnong Planning Scheme as it provides benefits to those responsible for heritage places.

### **How does the amendment support or implement the Municipal Planning Strategy?**

The Maribyrnong Planning Scheme does not contain a Municipal Planning Strategy.

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

The amendment makes proper use of the Victoria Planning Provisions.

The use of an Incorporated Plan to exempt minor works from needing a Planning Permit in specific circumstances does not adversely impact on the heritage significance of places.

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

The amendment was referred to relevant agencies as part of the exhibition process. A submission was received from Transport for Victoria and was addressed during the Panel process.

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

The amendment does not impact the Transport Integration Act 2010.

### **Resource and administrative costs**

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

The Amendment has a positive impact on the resource and administration costs of the responsible authority as it reduces the number of applications for minor works.

There will be a loss in income from the planning applications fees but this is minimal. Analysis of planning permit data indicates that most exempt applications will be residential with values under \$10,000. These types of applications have low application fees and therefore the financial implications to council are minor.

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

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

Maribyrnong City Council, Municipal Offices and all Maribyrnong libraries.

Maribyrnong City Council website: [www.maribyrnong.vic.gov.au](http://www.maribyrnong.vic.gov.au)

The Amendment could 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)