

ORDINARY COUNCIL MEETING

Tuesday 11 December, 2018
6.30pm

Council Chamber
Level 1
Maribyrnong Council Offices
Corner Hyde and Napier Streets, Footscray

AGENDA

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Agenda Item 9.3**ADMINISTRATIVE AMENDMENT TO REMOVE REDUNDANT OVERLAY CONTROLS (AMENDMENT C155)**

Director: Nigel Higgins
Director Planning Services

Author: Katy McMahon
Manager City Futures

PURPOSE

To consider a request to the Minister for Planning to prepare and approve an administrative (fix-up) amendment to remove three redundant overlay controls

ISSUES SUMMARY

- Regular reviews and updates to the Maribyrnong Planning Scheme are undertaken to correct anomalies and remove redundant planning controls to keep the Planning Scheme up-to-date.
- A number of overlay controls have been identified as redundant. A planning scheme amendment (C155) is required to remove these controls.
- Development Plan Overlay Schedule 1 is no longer required and was scheduled to be deleted by Amendment C111 in 2012 when the mapping of the overlay control was removed.
- Development Contributions Plan Overlay Schedules 2 and 6 expired on 31 December 2016 and are no longer applicable.
- The proposed changes are administrative in nature and will improve planning efficiency by removing the need to consider redundant or expired controls in planning applications.
- Public consultation is not considered necessary because the proposed changes do not create policy implications or raise issues of fairness or public interest.
- It is proposed to prepare the amendment through a fast-track process. A request will be made to the Minister for Planning to prepare and approve the amendment.

ATTACHMENTS

1. Proposed Amendment C155 documentation [↓](#)

Agenda Item 9.3

OFFICER RECOMMENDATION

That Council:

- 1. Requests the Minister for Planning to prepare and approve Amendment C155 to the Maribyrnong Planning Scheme, pursuant to s 20A of the *Planning and Environment Act 1987*, generally in accordance with Attachment 1.**
 - 2. Delegates and authorises the Chief Executive Officer to make any necessary changes to the relevant documentation, in preparation to request the Minister for Planning to prepare and approve Amendment C155 to the Maribyrnong Planning Scheme.**
-

Agenda Item 9.3

BACKGROUND

Regular reviews and updates to the Maribyrnong Planning Scheme are undertaken to correct anomalies and remove redundant planning controls to keep the scheme up-to-date.

A routine review has revealed three redundant overlays that should be removed from the Planning Scheme. They are the Development Plan Overlay Schedule 1 (DPO1) and Development Contribution Plan Overlay Schedules 2 and 6 (DCPO2 and DCPO6). This amendment will update the Planning Scheme to remove these overlays.

DISCUSSION/KEY ISSUES

1. Development Plan Overlay Schedule 1 (DPO1)

DPO1 applies to all land generally bounded by Warrs Street, Horizon Drive, and 7 Fabien Court in Maribyrnong (see Figure 1).

DPO1 was applied to the site in 1999 to facilitate the development of the site for tourism and entertainment purposes. However, the overlay was made redundant when part of the site was developed for residential use.

The overlay map was removed from the site in 2012 as part of a planning scheme amendment. However, due inadvertently to an administrative error, the schedule provision was not removed.

The proposed change is an administrative correction to address the error made in 2012.

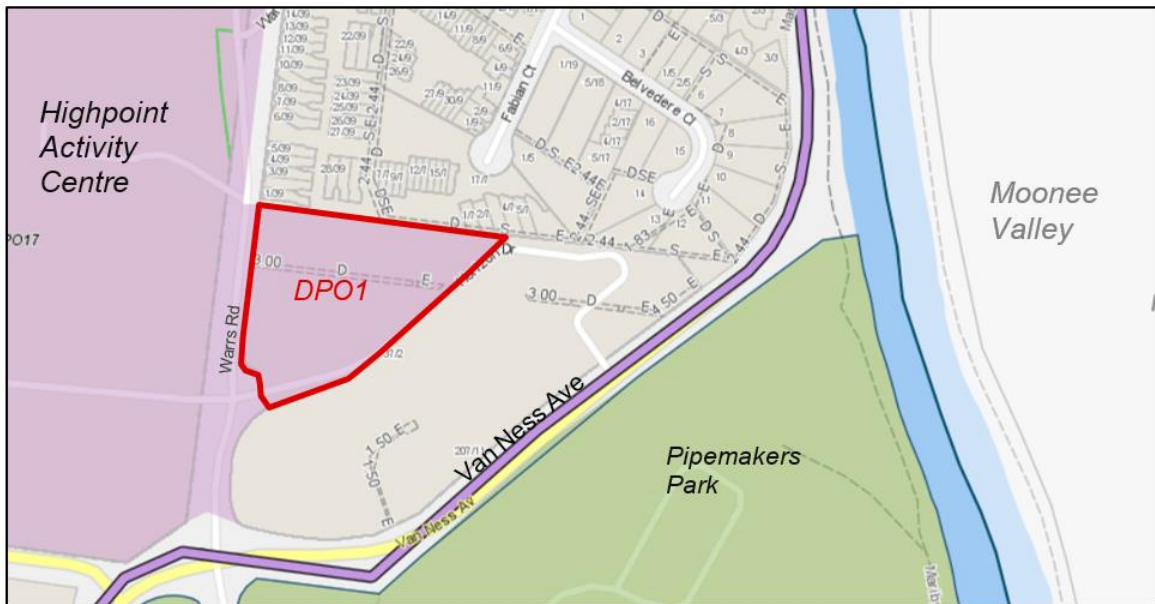


Figure 1: Land affected by DPO1 in Maribyrnong.

Agenda Item 9.3**2. Development Contribution Plan Overlay Schedule 2 (DCPO2)**

DCPO2 applies to all land generally bounded by the Maribyrnong River, Ashley Street, Ballarat Road and Farnsworth Avenue in the suburbs of Maribyrnong, Maidstone and Footscray (see Figure 2).

DCPO2 was introduced in 1998 to collect development contributions from new residential developments towards improving or maintaining community infrastructure, such as the West Road Child Care Centre and Maribyrnong Community Centre.

DCPO2 expired on 31 December 2016 and all collected contributions have been expended. The redundant planning control should be removed to ensure the Planning Scheme is up to date.

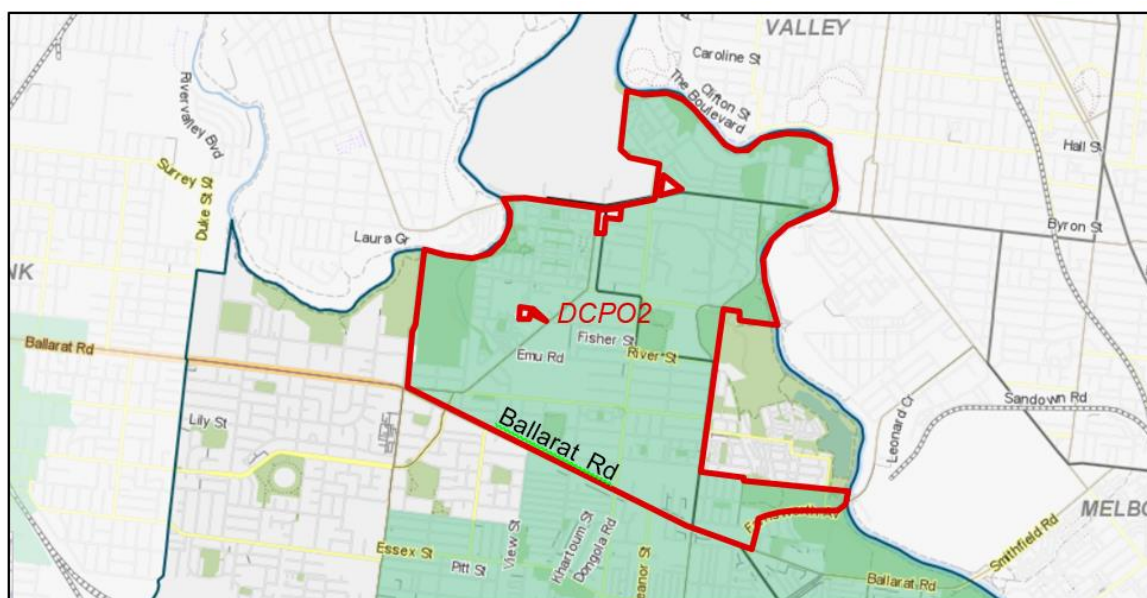


Figure 2: Land affected by DCPO2.

3. Development Contribution Plan Overlay Schedule 6 (DCPO6)

DCPO6 applies to all land generally bounded by Sunshine Road, Ashley Street, Suffolk Street, Thompson Street, Ballarat Road, Farnsworth Avenue, Maribyrnong River, Francis Street, Hyde Street, Westgate Freeway, Cawley Road, Hardie Road, Cemetery Road, Geelong Road, and the Newport-Sunshine Railway Line (see Figure 3).

DCPO6 was introduced in 2000 to collect development contributions from new residential developments towards improving or maintaining community infrastructure, such as the Footscray Community Arts Centre and recreational infrastructure along Stony Creek.

DCPO6 expired on 31 December 2016 and all collected contributions have been expended. The redundant planning control should be removed to ensure the Planning Scheme is up to date.

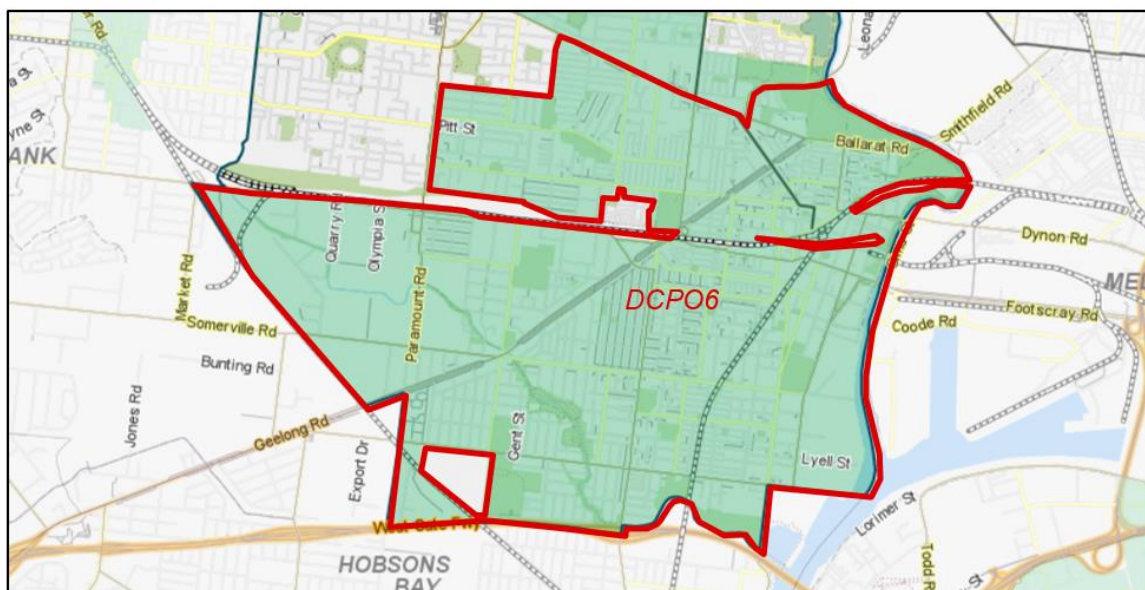
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Figure 3: Land affected by DCPO6.

4. Council Policy/Legislation

- *Planning and Environment Act 1987*
- *Planning and Environment Regulations 2015*
- Ministerial Direction on the Form and Content of Planning Schemes
- Ministerial Direction on the Preparation and Content of Development Contribution Plans
- Ministerial Direction No. 9 – Metropolitan Planning Strategy
- Ministerial Direction No.15 – The Planning Scheme Amendment Process

This amendment supports the Local Planning Policy Framework by ensuring the Planning Scheme is correct, up to date, and consistent with Council's strategies and policies (refer to amendment documentation in Attachment 1).

Conflicts of Interest

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

Human Rights Consideration

This report complies with the rights listed in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

5. Engagement

It is proposed to request the Minister for Planning prepare and approve Amendment C155 through a fast track process due to the administrative nature of the amendment. The amendment will be exempted from exhibition and notification requirements, pursuant to s 20A of the *Planning and Environment Act 1987*.

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The amendment meets the requirements for fast-tracking as it is administrative in nature and does not have any policy or strategy implications. It also does not raise issues of fairness or public interest since DCPO2 and DCPO6 have expired and are no longer applicable, while DPO1 is a redundant planning control that was to be removed by a previous amendment in 2012.

The Department of Environment, Land, Water and Planning has indicated their support for the approach outlined in this report.

6. Resources

The amendment will have a positive effect on Council's resources and administrative costs as it will remove the need to give consideration to redundant and expired overlay controls from areas where they are longer required or applicable.

7. Environment

Not applicable.

CONCLUSION

A review of the Planning Scheme has revealed three redundant overlay controls that are no longer required in the Scheme (DPO1, DCPO2 and DCPO6). The amendment will remove redundant controls to keep the Planning Scheme up-to-date. The amendment is administrative in nature and has no policy implications. It is proposed that Council request the Minister for Planning to prepare and approve the amendment through a fast track process.

U N C O N F I R M E D M I N U T E S

Extract of unconfirmed Council
meeting minutes on 11 December 2018



Maribyrnong City Council

ORDINARY MEETING OF COUNCIL MINUTES

**Tuesday 11 December, 2018
6.30pm**

**Council Chamber
Level 1
Maribyrnong Council Offices
Corner Hyde and Napier Streets, Footscray**

MEMBERSHIP

Mayor Councillor Martin Zakharov (Chair)
Councillor Sarah Carter
Councillor Simon Crawford
Councillor Gina Huynh
Councillor Cuc Lam
Councillor Mia McGregor

To be confirmed at the Ordinary Council Meeting
to be held on 19 February, 2019

U N C O N F I R M E D M I N U T E S

1. COMMENCEMENT OF MEETING AND WELCOME

The meeting commenced at 6.29pm.

The Chair, Cr Martin Zakharov made the following acknowledgement statement:

“We acknowledge that we are on traditional lands of the Kulin Nation. We offer our respect to the Elders of these traditional lands, and through them to all Aboriginal and Torres Strait Islander peoples past and present”.

PRESENT

Councillor Martin Zakharov (Chair)
Councillor Sarah Carter
Councillor Simon Crawford
Councillor Gina Huynh
Councillor Cuc Lam
Councillor Mia McGregor

IN ATTENDANCE

Chief Executive Officer, Stephen Wall
Director Corporate Services, Celia Haddock
Director Infrastructure Services, Steve Hamilton
Director Planning Services, Nigel Higgins
Acting Director Community Services, Bridget Monro-Hobbs
Manager Public Affairs and Community Relations, Deidre Anderson
Coordinator Governance, Danny Bilaver
Governance Support Officer, Adele Woolcock

2. APOLOGIES

An apology for this meeting was received from Cr Catherine Cumming.

3. LEAVE OF ABSENCE

Nil.

4. DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

SUSPENSION OF STANDING ORDERS

A motion was moved by Cr Gina Huynh, seconded by Cr Simon Crawford, that Council suspend standing orders to congratulate Cr Catherine Cumming on her election to the Victorian Upper House in the Western Metropolitan Region.

CARRIED

UNCONFIRMED MINUTES

Moved: Cr Simon Crawford
Seconded: Cr Gina Huynh

CARRIED

9.3. Administrative Amendment to Remove Redundant Overlay Controls (Amendment C155)

The purpose of this report was to consider a request to the Minister for Planning to prepare and approve an administrative (fix-up) amendment to remove three redundant overlay controls

Council Resolution

That Council:

1. *Requests the Minister for Planning to prepare and approve Amendment C155 to the Maribyrnong Planning Scheme, pursuant to s 20A of the Planning and Environment Act 1987, generally in accordance with Attachment 1.*
2. *Delegates and authorises the Chief Executive Officer to make any necessary changes to the relevant documentation, in preparation to request the Minister for Planning to prepare and approve Amendment C155 to the Maribyrnong Planning Scheme.*

Moved: Cr Sarah Carter
Seconded: Cr Simon Crawford

CARRIED

9.4. Development Contributions Framework Update

The purpose of this report was to update Council on the Development Contributions Framework, seek approval of a Position Statement and reserve the right for the 18/19 budget and future budgets to be considered for a Municipal Developer Contributions Plan.

Council Resolution

That Council:

1. *Note the progress made to prepare a Municipal Development Contributions Plan (Municipal DCP).*
2. *Approve the Development Contributions Position Statement, to inform the ongoing preparation of a Municipal DCP and for a final version to be included in the final DCP.*
3. *Reserves the right to consider the 18/19 budget and future budgets for the Municipal DCP and to implement a Development Contributions Framework.*

Moved: Cr Mia McGregor
Seconded: Cr Simon Crawford

U N C O N F I R M E D M I N U T E S

The Chair, Cr Martin Zakharov, declared the meeting closed to members of the public at 7.45pm for consideration of confidential agenda item 12.1.

REOPENING OF PUBLIC MEETING

The meeting was reopened to the public at 7.48pm.

The Chair, Cr Martin Zakharov, advised that in accordance with the confidential resolution(s) there were no items for release to the public.

13. MEETING CLOSURE

The Chair, Cr Martin Zakharov, declared the meeting closed at 7.48pm.

To be confirmed at the Ordinary Council Meeting
to be held on 25 December, 2018.

Chair, Cr Martin Zakharov