

MARIBYRNONG PLANNING SCHEME

AMENDMENT C163mari

EXPLANATORY REPORT

Who is the planning authority?

This Amendment has been prepared by the Maribyrnong City Council, which is the planning authority for this Amendment.

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

Land affected by the Amendment

The Amendment applies to the tree protection zones of 77 individual and three pairs of trees across the municipality. A full list of affected properties is provided in a Mapping Reference Table in Attachment 1.

What the amendment does

The Amendment proposes to replace the interim Schedule 3 to the Environmental Significance Overlay (ESO) with a permanent Schedule 2 to the ESO and make associated changes to the Municipal Strategic Statement.

The interim ESO3 control was applied via Amendment C165mari on 4 June 2020.

Specifically it is proposed to:

- Amend Clause 21.05 (Environment and Landscape Values) by including a new objective and strategies to protect and enhance significant trees.
- Amend Clause 21.12 (Reference Documents) to include the Maribyrnong Significant Tree Register (2019) as a reference document in the planning scheme.
- Insert Schedule 2 to the ESO and apply it to the properties identified in the Mapping Reference Table in Attachment 1.
- Delete Schedule 3 to the ESO from the properties identified in the Mapping Reference Table in Attachment 1.

Strategic assessment of the Amendment

Why is the Amendment required?

The Amendment is required to protect and enhance trees on private land identified in the *Maribyrnong Significant Tree Register (2019)* as 'significant' on a permanent basis.

The trees have been identified as significant for a variety of reasons, including their horticultural, aesthetic or historical value; because they are rare, old or in a particular location or context; because they are an outstanding size or area curious growth form; because they have outstanding habitat or environmental value; or because of their connection to Aboriginal culture.

The trees contribute to the character and amenity of local areas and, collectively, to the City's urban forest.

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

The following objectives of planning in Victoria, as defined in section 4 of the *Planning and Environment Act 1987* (the Act), are most relevant to the Amendment:

(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 buildings, areas or other places which are of scientific, aesthetic, architectural or historic interest, or otherwise of special cultural value.

(g) To balance present and future interests of all Victorians.

The Amendment implements these objectives by:

- protecting trees within the municipality which have a particular cultural, historic or aesthetic value.
- maintaining vegetation which contributes to the ecology of the region, including providing a habitat for native species.
- ensuring significant natural assets are preserved and protected to be enjoyed by current and future generations.

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

The Amendment will provide environmental benefits by protecting natural assets in the City. By protecting and enhancing significant tree cover, it will contribute to and improve ecological diversity, fauna habitat, aesthetics and landscape character. Protecting trees increases the longevity of tree life and canopy coverage, having positive effects on air quality, carbon storage and stormwater management and assists in urban cooling.

The Amendment will provide economic benefits as the protection of significant trees contributes to the character and amenity of the municipality. The prevalence of significant trees within the City of Maribyrnong is a valuable asset and is enjoyed by residents and visitors alike.

The Amendment will provide a social benefit through the preservation of significant trees which contribute to the quality of life for residents and visitors.

Does the Amendment address relevant bushfire risk?

The Amendment applies to land in metropolitan Melbourne which is not bushfire prone.

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 Schemes* under section 7(5) of the Act.

The Amendment is consistent with and supports *Ministerial Direction No. 9 Metropolitan Strategy*. In particular, it advances the following policies of the metropolitan strategy, Plan Melbourne: 2017-2050:

- Direction 4.3 – achieve and promote design excellence

Policy 4.3.1 is to “*Promote design excellence in every aspect of the built environment*”.

The Amendment supports this policy by seeking to protect and enhance significant trees in the urban landscape. By doing so, it is celebrating the City's natural heritage and will assist in improving the quality of the built environment and ensuring the City is an enjoyable and comfortable place to be.

- Direction 6.4 – make Melbourne cooler and greener

Policy 6.4.1 is to “*Support a cooler Melbourne by greening urban areas, buildings, transport corridors and open spaces to create an urban forest*”.

The Amendment seeks to protect and enhance significant trees which, collectively, are an important feature of the City's urban forest. It will assist in addressing air quality, carbon storage and mitigation of the urban heat island effect.

- Direction 6.6 – improve air quality and reduce the impact of excessive noise

Policy 6.6.1 is to “*Reduce air pollution emissions and minimise exposure to air pollution and excessive noise*”.

The Amendment supports this policy by seeking to protect trees, particularly large canopy trees, which play an important role in filtering air in our City’s urban environment.

The requirements of *Ministerial Direction No. 11 Strategic Assessment of Amendments* have been followed in preparing this Amendment.

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

The Amendment strongly supports and assists in the implementation of the Planning Policy Framework, including Clause 12 (Environmental and Landscape Values) and Clause 15 (Built Environment and Heritage).

Clause 12 states that *Planning should protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value.*

Clause 15.03-1S includes a strategy to ‘... *provide for the conservation and enhancement of those places which are of aesthetic, archaeological, architectural, cultural, scientific or social significance, or otherwise of special cultural value.*’

By protecting and enhancing the identified trees under an ESO, Council is advancing the State objective of identifying, conserving and protecting places of natural or cultural value.

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

The Amendment will support the Local Planning Policy Framework and Municipal Strategic Statement of the Maribyrnong Planning Scheme as follows:

Clause 21.03 Council Vision, which is:

A diverse, vibrant and proud city focused on people-based places, environmentally sustainable practices, and opportunities to enhance community health and wellbeing through education, responsive services and participation in community life.

Clause 21.06 (Built Environment and Heritage) which includes an objective *To preserve significant trees and landscapes* and includes a strategy to *Support development applications that retain trees and landscapes of cultural significance.*

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

The Maribyrnong Planning Scheme does not contain a Municipal Planning Strategy so this consideration is not relevant to the Amendment.

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

The Amendment makes proper use of the Victoria Planning Provisions and is consistent with the Ministerial Direction – The Form and Content of Planning Schemes, by applying the Environmental Significance Overlay – Schedule 2 (ESO2) to land that has been identified as having significant vegetation.

Under the ESO2 a permit is required to remove, destroy or lop any vegetation as well as for any buildings and works within the Tree Protection Zone, thereby further protecting the root structure (subject to appropriate exemptions).

The Amendment has been prepared in accordance with relevant practice notes, including Planning Practice Note 7 (PPN07): Vegetation protection in Urban Areas, and applies the ESO in a manner similar to other municipal areas.

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

The relevant agencies will be given notice of the Amendment.

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

The Amendment will not have any significant impact on the transport system as defined by Section 3 of 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 planning provisions to be introduced in this Amendment include new planning permit requirements for identified properties. Council has resources available to manage the ESO's future operation and budgets will be available to effectively administer the ESO.

Where you may inspect this Amendment

The Amendment may be inspected free of charge at:

- Maribyrnong City Council website at www.maribyrnong.vic.gov.au/amendmentc163
- Department of Environment, Land, Water and Planning website at www.planning.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 **Thursday 6 August 2020**.

A submission must be sent to:

Post Maribyrnong City Council
 Strategic Planning Amendment C163
 PO Box 58
 Footscray VIC 3011

Email amendmentc163@maribyrnong.vic.gov.au

Online www.yourcityyourvoice.com.au

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: week commencing Monday 28 September 2020
- panel hearing: week commencing Monday 26 October 2020

ATTACHMENT 1 – Mapping reference table

Tree ID No	Address of significant tree	Other affected properties	PS Map
2	93 Stephen Street, Yarraville	4, 6 and 8 Ducker Street, Yarraville 2/8A and 8B Lennox Street, Yarraville	12ESO
6	21 Mackay Street, Yarraville	19 and 23 Mackay Street, Yarraville	8ESO
9	22 Murray Street, Yarraville	1/11, 2/11 and 13 Goulburn Street, Yarraville	12ESO
10	4 Willis Street, Yarraville	27 Castlemaine Street, Yarraville	12ESO
12	4 Willis Street, Yarraville	2 and 4 Maggie Street, Yarraville 15, 17 and 21 Castlemaine Street, Yarraville	12ESO
18	4 York Street, Yarraville	200 and 2/202 Hyde Street, Yarraville 1 Sandford Grove, Yarraville Lot 1 on Title Plan 853516R	12ESO
20	94 Pentland Parade, Yarraville	92, 96 and 98 Pentland Parade, Yarraville 47, 49, 51 and 53 Tongue Street, Yarraville	8ESO
22	13 Adeney Street, Yarraville	38 Angliss Street, Yarraville	11ESO
28	35A Somerville Road, Yarraville	35 and 37 Somerville Road, Yarraville	8ESO, 12ESO
29	35A Somerville Road, Yarraville	35 Somerville Road, Yarraville	8ESO
30	15 Fairlie Street, Yarraville	13 and 19 Fairlie Street, Yarraville 42-54 Stephen Street, Yarraville	8ESO
32	69 Benbow Street, Yarraville	71 Benbow Street, Yarraville	11ESO
34	7 Duffy Street, Maribyrnong	5 Duffy Street, Maribyrnong 29 Van Ness Avenue, Maribyrnong	5ESO
37	29 Oakland Street, Maribyrnong	31 Oakland Street, Maribyrnong	5ESO
38	96 The Esplanade, Maribyrnong	98 The Esplanade, Maribyrnong	2ESO
39	90 The Esplanade, Maribyrnong	85 Chifley Drive, Maribyrnong	2ESO
40	27 Clyde Street, Maribyrnong	Nil	2ESO
41	27 Clyde Street, Maribyrnong	13 The Esplanade, Maribyrnong	2ESO
42	40 Clyde Street, Maribyrnong	38 Clyde Street, Maribyrnong	2ESO
43	33 Newstead Street, Maribyrnong	31 Newstead Street, Maribyrnong 4, 6 and 8-10 Plantation Street, Maribyrnong	2ESO
45	198 Williamstown Road, Kingsville	200 Williamstown Road, Kingsville 1/185, 2/185 and 187 Queensville Street, Kingsville	7ESO
46	72 The Esplanade, Maribyrnong	74 and 76 The Esplanade, Maribyrnong	2ESO
47	72 The Esplanade, Maribyrnong	76 The Esplanade, Maribyrnong	2ESO
48	72 The Esplanade, Maribyrnong	70 The Esplanade, Maribyrnong	2ESO
49	5 Dobson Crescent, Braybrook	3 and 7 Dobson Crescent, Braybrook 14 and 16 Treloar Crescent, Braybrook	3ESO
54	8 Orange Street, Braybrook	39 Shepherd Street, Braybrook	3ESO
56	12 Carlton Court, Braybrook	14 Carlton Court, Braybrook 321 and 327 Ballarat Road, Braybrook	3ESO
57	12 Castley Crescent, Braybrook	3/10, 10 and 14 Castley Crescent, Braybrook 9 and 11 Lawn Crescent, Braybrook	3ESO
58	125-155 Ashley Street, Braybrook	8 Bradford Court, Braybrook 227 Ballarat Road, Braybrook	4ESO
59	125-155 Ashley Street, Braybrook	6 and 8 Bradford Court, Braybrook 7 and 9 Hanna Court, Braybrook	4ESO

60	125-155 Ashley Street, Braybrook	6 and 8 Bradford Court, Braybrook 7 and 9 Hanna Court, Braybrook	4ESO
61	125-155 Ashley Street, Braybrook	Nil	4ESO
62	204 Churchill Avenue, Braybrook	Nil	3ESO
63	204 Churchill Avenue, Braybrook	Nil	3ESO
64	8 Vine Street, Braybrook	6 Vine Street, Braybrook	3ESO
66	35 Fontein Street, West Footscray	33 and 37 Fontein Street, West Footscray 34 and 36 Gwelo Street, West Footscray	7ESO
72	60 Stephen Street, Yarraville	33, 35 and 37 Fairlie Street, Yarraville 64 Stephen Street, Yarraville	8ESO
73	31-33 Somerville Road, Yarraville	7/25, 8/25 and 2/29 Somerville Road, Yarraville 4, 6, 8, 10 and 12-14 Castlemaine Street, Yarraville	12ESO
74	87 Simpson Street, Yarraville	70, 72 and 74 Tarrengower Street, Yarraville	12ESO
80	19 Bell Street, Seddon	13-17 and 21 Bell Street, Seddon	8ESO
81	2 Lynch Street, Footscray	4 Lynch Street, Footscray	8ESO
83	258 Ballarat Road, Footscray	Lot 1 on Title Plan 866515V	5ESO
84	67 The Esplanade, Maribyrnong	Nil	2ESO
85	32-42 Eucalyptus Drive, Maidstone	30 Eucalyptus Drive, Maidstone	4ESO
86	48 The Esplanade, Maribyrnong	50 The Esplanade, Maribyrnong	2ESO
87	48 The Esplanade, Maribyrnong	50 The Esplanade, Maribyrnong	2ESO
88	68 Raleigh Road, Maribyrnong	Nil	2ESO
89	14 Belvedere Close, Maribyrnong	15 Belvedere Close, Maribyrnong	5ESO
90	36 Church Street, West Footscray	34 and 38 Church Street, West Footscray 1 and 3 Marcus Avenue, West Footscray	7ESO
91	2-4 Dongola Road, West Footscray	6 Dongola Road, West Footscray	4ESO
92	12 Elphinstone Street, West Footscray	8 Elphinstone Street, West Footscray	7ESO
93	41 Stirling Street, Footscray	39 and 43 Stirling Street, Footscray 50 and 52 Lynch Street, Footscray	8ESO
95	198 Whitehall Street, Footscray	Nil	8ESO
96	198 Whitehall Street, Footscray	Nil	8ESO
99	26-36 Essex Street, Footscray	Nil	8ESO
100	26-36 Essex Street, Footscray	Nil	8ESO
102	30 Chatham Street, Footscray	28 and 32 Chatham Street, Footscray 14 and 16 Creswick Street, Footscray	8ESO
103	43 Cowper Street, Footscray	41, 45 and 47 Cowper Street, Footscray 24 and 30 Whitehall Street, Footscray Lots 1 and 2 on Title Plan 918030L Lots 1 and 2 on Title Plan 941683F	8ESO
108	66 Queensville Street, Kingsville	64 and 68 Queensville Street, Kingsville 57, 59 and 61 Chirnside Street, Kingsville	7ESO
109	34 Queensville Street, Kingsville	32 and 36 Queensville Street, Kingsville 23, 25 and 27 Chirnside Street, Kingsville	7ESO
111	48 Hyde Street, Seddon	46 and 50 Hyde Street, Seddon 289, 291 and 293 Nicholson Street, Seddon	8ESO
114	49 Hotham Street, Seddon	47 and 51 Hotham Street, Seddon 24, 26 and 28 Mackay Street, Yarraville Lot 1 on Title Plan 917869C	8ESO

115	2 Perry Street, Seddon	4 Perry Street, Seddon 33 Hobbs Street, Seddon	8ESO
116	33 Hotham Street, Seddon	29, 31 and 35 Hotham Street, Seddon 1 and 2A Barnet Street, Yarraville	8ESO
117	22 Mackay Street, Yarraville	20 and 24 Mackay Street, Yarraville 2A Barnet Street, Yarraville 39, 41, 43 and 45 Hotham Street, Seddon	8ESO
119	129 Albert Street, Seddon	127 Albert Street, Seddon 1 Pilgrim Street, Seddon	8ESO
120	1 Lily Street, Seddon	8 Margaret Street, Seddon Lot 1 on Title Plan 905251R	8ESO
121	2/6 Kingsville Street, Kingsville	2A and 3/6 Kingsville Street, Kingsville 311 Geelong Road, Kingsville	7ESO
122	319 Geelong Road, Kingsville	Nil	7ESO
126	292 Somerville Road, Kingsville	290, 294 and 296-298 Somerville Road, Kingsville 44 Bishop Street, Kingsville	7ESO
129	34 Somerville Road, Yarraville	Nil	8ESO
130	34 Somerville Road, Yarraville	32 Somerville Road, Yarraville	8ESO
132	34 Somerville Road, Yarraville	Nil	8ESO
135	683 Barkly Street, West Footscray	681 and 685 Barkly Street, West Footscray	7ESO
143	1-3 Scenic Place, Maribyrnong	Nil	2ESO
144	1-3 Scenic Place, Maribyrnong	5 Scenic Place, Maribyrnong 6 and 7 Londrew Court, Maribyrnong	2ESO
145	78 Paisley Street, Footscray	80 Paisley Street, Footscray	8ESO
146	33 Wilson Street, Yarraville	35 Wilson Street, Yarraville	12ESO
149	17 Braid Street, West Footscray	15 and 19A Braid Street, West Footscray	7ESO
150	101-103 Droop Street, Footscray	Nil	8ESO