

## **MARIBYRNONG PLANNING SCHEME**

### **AMENDMENT C137**

#### **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 the Maribyrnong City Council.

##### **Land affected by the amendment**

The amendment applies to the whole municipality.

##### **What the amendment does**

The amendment introduces requirements for public open space contributions into the Maribyrnong Planning Scheme using the schedule to Clause 52.01 and a new Local Planning Policy. The amendment is based on the findings and recommendations of the City of Maribyrnong Open Space Strategy, adopted by Council on 21 October 2014.

The amendment:

- Introduces a rate for public open space contributions in the schedule to Clause 52.01 Public Open Space Contribution and Subdivision. Council may levy the contribution as a land contribution (a percentage of the site area), an equivalent contribution in cash or a combination of the two. The proposed percentage rate for land contributions from subdivisions of 10 or more lots is a minimum of 5.7 per cent, and this percentage rate may be increased subject to an agreed site density and layout. The proposed percentage rate for all other contributions is 5.7 percent.
- Introduces Local Policy Clause 22.07 Public Open Space Contributions to guide the Council's decision about whether land or cash is the most appropriate form of contribution. The policy sets out the criteria that land contributions will need to meet. It requires development proposals in the parts of the municipality with an identified open space shortfall to give early consideration to the policy so that if the land or any part of it is suitable for public open space, this land can be considered for public open space early in site planning. The policy includes the City of Maribyrnong Open Space Strategy and contributions report as reference documents at Clause 21.12.
- Amends Municipal Strategic Statement Clause 21.04-4 to update this clause to reflect the open space issues, needs analysis and future directions identified in the City of Maribyrnong Open Space Strategy (2014).

##### **Strategic assessment of the amendment**

##### **Why is the amendment required?**

The City of Maribyrnong is in transition with increasing residential and commercial activity and growth in its residential and worker population. The Council recently completed an Open Space Strategy which addresses the open space needs of both the existing population and the future population that will live and work in the municipality. This amendment focuses on the future population by establishing a consistent public open space contribution rate for new development as one means of implementing the Open Space Strategy. The contribution rate is designed to ensure the open space needs of the future population can be met by Council.

The Maribyrnong Open Space Strategy provides a comprehensive review of the existing public open space network within the municipality and provides a strategic basis for Council's future open space program. It includes an analysis of existing public open space, levels of use, gaps in the existing open space network, and an analysis of the amount and location of projected future growth and how this growth will influence future open space needs. This analysis enables the identification of areas where new public open space is required, where existing open spaces and access to them can be improved, and the work needed to meet the existing and future open space needs of the community. It includes a range of recommendations to assist the Council to respond to changing conditions and population growth in the municipality. The Strategy analysis, conclusions and recommendations provide the basis for determining the proposed rate.

Council currently assesses public open space contribution levies on a case by case basis at the time of subdivision. This amendment makes two important changes:

- The amendment provides a consistent contribution rate based on a strategic assessment of the municipality's open space needs. It ensures that contributions will have a strategic basis and can be targeted to fund open space improvements that will meet the needs of the future population. The amendment provides greater certainty for Council about the contributions that will be made through subdivision so that Council can undertake a more coordinated, long-term approach to provision of open space for new residents and workers. .
- The Strategy identifies those areas within the City of Maribyrnong where additional open space will be needed and therefore where a land contribution may be required. The amendment encourages early consideration of land contributions at the time of site planning and development approval, ahead of the subdivision process. Clause 22.07 sets out the locations and criteria for land contributions and flags that these matters are to be considered early in the development cycle. Where land is not required, a monetary contribution will be levied instead.

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

The following objectives of planning in Victoria are particularly relevant to the amendment:

- To provide for the fair, orderly, economic and sustainable use and development of land.
- To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.

These objectives are furthered through implementing the Maribyrnong Open Space Strategy and especially through this amendment by:

- Assisting with the strategic management of funds to add to the public open space network and improve open space on behalf of the future population.
- Providing certainty about required public open space contributions.
- Aiding the provision of public open spaces that achieves an accessible network to meet the recreational and health and wellbeing needs of the future population.
- Providing public open space that protects and enhances natural resources, ecological systems and assists with climate change adaptation.

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

The amendment will provide a strong economic benefit for Council and the community. It will allow Council to more effectively plan for the future population increase by having more accurate financial resources to fund strategic public open space projects. It will provide greater certainty for developers, allowing improved cost planning.

The amendment will provide positive social benefits. These include the more equitable provision of public open space over time and the likelihood that greater open space will be procured, increasing the total open space in the municipality. Public open space will become increasingly important as Maribyrnong becomes a denser municipality and redundant sites and areas transition to new uses. Open space will support an active population, the ability to spend time outdoors in quality spaces and provide green spaces as a contrast to the urban environment. Access to high quality, diverse open space within walking distance of home and work is important to the health and wellbeing of the community.

The opportunity for new public open space and the ability to upgrade existing open space will have positive environmental benefits. New open space areas may include high value vegetation that can be conserved and new open space links to improve biodiversity and habitat corridors. Distributed open space will assist mitigation of increasing temperatures and the urban heat island effect.

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

Not applicable.

### **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*.

The amendment is consistent with the requirements of *Ministerial Direction 11 on the Strategic Assessment of Planning Scheme Amendments*.

The amendment is consistent with Ministerial Direction No. 9 – Metropolitan Strategy issued under Section 12 of the Act. The key directions of the metropolitan strategy are incorporated in the State Planning Policy Framework. The relevant clauses are discussed in the following section.

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

Clause 11 of the SPPF emphasises the importance of open space. The following clauses are especially relevant:

**11.03-1 Open space planning** includes the objective, "*To assist creation of a diverse and integrated network of public open space commensurate with the needs of the community.*" There are a number of strategies that contribute to regional and local open space networks for both recreation and conservation of natural and cultural environments, including the provision of new parkland in growth areas and in areas that have an undersupply of parkland.

**11.03-2 Open space management** includes the objective, "*To provide for the long term management of public open space.*" Management strategies are to be achieved through open space management plans and appropriate management of individual spaces and of adjoining development.

**11.04-4 Liveable communities and neighbourhoods** includes the objective, "*To create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities.*" Strategies include creating a city of 20 minute neighbourhoods, making the city greener and creating more great public spaces throughout Melbourne.

**11.04-8 Open space network in Metropolitan Melbourne** includes the objective, "*To create a network of metropolitan open space by creating new parks.*" Strategies include creating new parks and, especially relevant to Maribyrnong, protecting the Maribyrnong River and river corridor.

**15.01-1 Urban Design** and **15.01-3 Neighbourhood and subdivision design** include the objectives, " To create urban environments that are safe, functional and provide good

quality environments with a sense of place and cultural identity” and “To ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods.” Strategies include ensuring new development contributes to open space, improves the quality and distribution of open space, providing open space in areas that have an undersupply of parkland and rectifying gaps in the open space network by creating new parks.

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

The Municipal Strategic Statement recognises that much of the city's open space is located along the Maribyrnong River. There is also a network of spaces including large recreational areas such as Braybrook Park, Mclvor Reserve, Footscray Park, Yarraville Gardens and many smaller local parks. However, there are large parts of the city lacking quality open space, parklands and playgrounds. (Clause 21.02) As the city grows, Maribyrnong will transform with significant redevelopment and changes in its population. It is intended that the network of open spaces and trails be enhanced and offer an improved range of recreational facilities and activities for the community. The Maribyrnong River will be more accessible and offer a range of recreational, cultural and tourism experiences (Clause 21.03). Relevant objectives in support of improvements to the open space network include:

- To create a network of open space throughout the municipality. (Clause 21.04-4)
- To provide a continuous linear open space network along the Maribyrnong River and Stony Creek. (Clause 21.04-4)
- To enhance the landscape character along the Maribyrnong River and Stony Creek. (Clause 21.05-1)
- To ensure that the city adapts to the impacts of climate change. (Clause 21.05-2)
- To support and promote cycling and walking. (Clause 21.09)

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

The amendment makes proper use of the Victoria Planning Provisions by relying on the Schedule to Clause 52.01 to introduce a percentage contribution rate for public open space contributions. The addition of a local policy is appropriate to guide decision making in determining whether a land contribution is required or if the contribution should be monetary. Minor changes to the Municipal Strategic Statement are appropriate.

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

The amendment does not affect any other agency. However, all relevant agencies will be notified as part of the planning scheme amendment formal exhibition process.

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

The amendment furthers the objectives of the *Transport Integration Act 2010*. The Maribyrnong Open Space Strategy supports maximising access to public open space and recreation by public transport, walking and cycling. The Strategy encourages the provision of public open space within safe and easy walking distance of all residents and workers. The Strategy supports linking public open spaces via linear shared walking and cycling trails. When adding new parcels of open space to the public open space network, Council is encouraged to consider the proximity of the future open space to public transport and linear shared trails.

### **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 expected to reduce administrative costs of the Council in its processing of subdivision applications. The amendment will provide a pre-determined public open space contribution percentage rate to be levied and individual assessments will no longer be required.

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

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

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

Maribyrnong City Council  
Reception Area – Town Hall  
Corner Hyde and Napier Streets  
Footscray VIC

Footscray Library  
56 Paisley Street  
Footscray VIC

West Footscray Learning  
Centre (Library)  
539 Barkly Street  
West Footscray VIC

Yarraville Library  
32 Wembley Avenue  
Yarraville VIC

Braybrook Community Centre  
107-139 Churchill Avenue  
Braybrook VIC

Maribyrnong Library  
200 Rosamond Road  
Maribyrnong VIC

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

### **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 3 August 2015.

A submission must be sent to:

Maribyrnong City Council  
City Strategy Amendment C137  
PO Box 58  
FOOTSCRAY VIC 3011

### **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: commencing the week of 26 October 2015
- panel hearing: commencing the week of 23 November 2015.