

WYNDHAM PLANNING SCHEME

AMENDMENT C171

EXPLANATORY REPORT

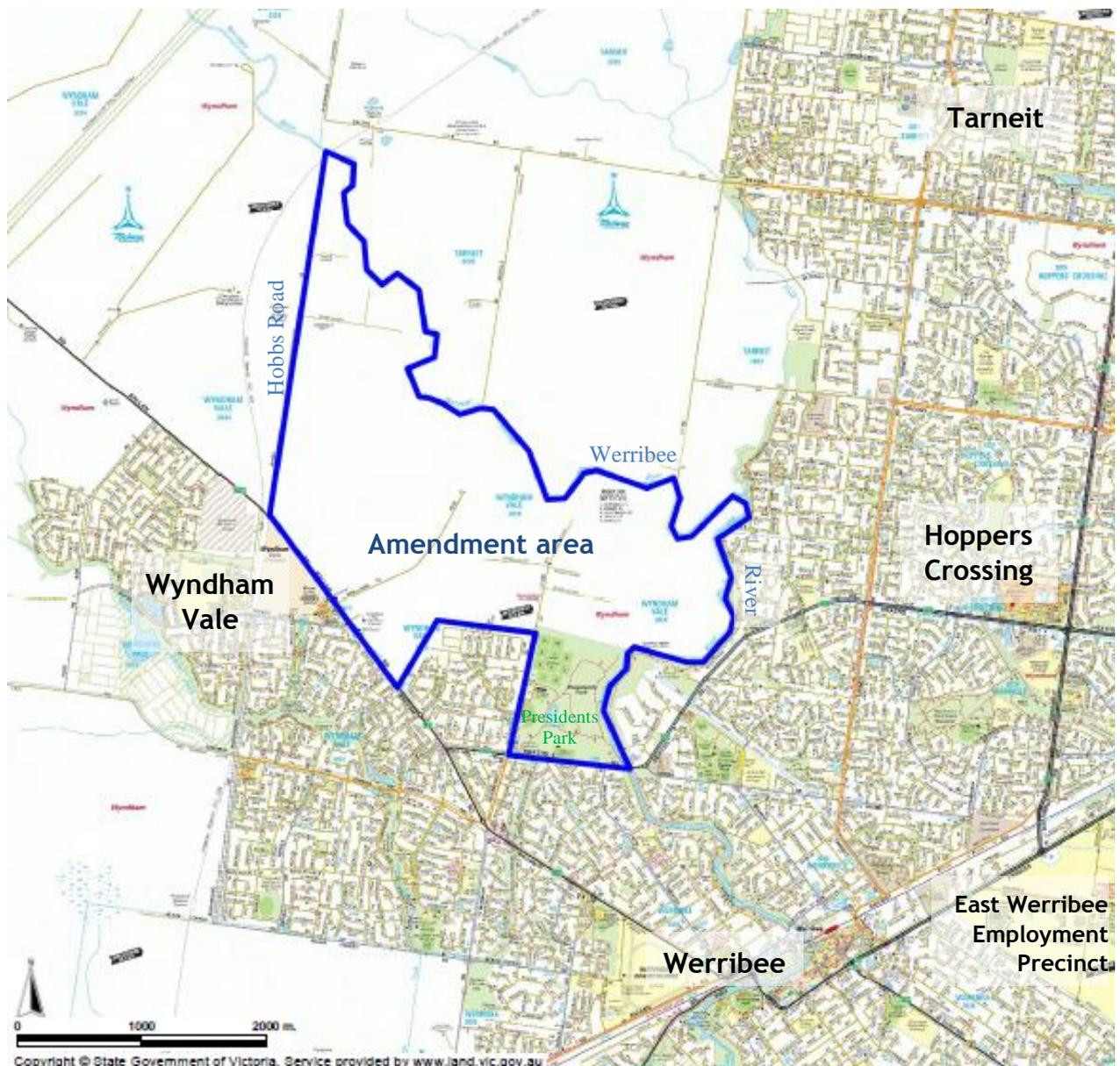
Who is the planning authority?

This amendment has been prepared by the Growth Areas Authority, who is the planning authority for this amendment.

The amendment has been made at the request of the Growth Areas Authority.

Land affected by the amendment

The amendment applies to land within, and adjacent to, the 'Ballan Road' growth area precinct. The land is shown within the 'precinct structure plan boundary' on the map below.



What the amendment does

The amendment proposes to:

Introduce Schedule 8 to the Urban Growth Zone (UGZ) to the Wyndham Planning Scheme and apply UGZ Schedule 8 (UGZ8) to part of the land currently zoned UGZ (future urban development areas); and

Rezone to UGZ8 part of the land currently zoned Rural Conservation Zone (RCZ) (future urban development areas); and

Rezone to RCZ part of the land currently zoned UGZ (generally along the Werribee River); and

Rezone to Public Park and Recreation Zone and Farming Zone parts of the land currently zoned RCZ (generally east of McGraths Road); and

Rezone to Residential 1 Zone (R1Z) and RCZ land variously zoned RCZ and R1Z (corrections to zoning along the easternmost reaches of the Werribee River); and

Incorporate into the planning scheme the *Ballan Road Precinct Structure Plan* ('the PSP'), the *Wyndham precinct structure plans 40, 92, 1088 and 1091: Growling Grass Frog Conservation Management Plan, Wyndham Vale and Tarneit, Victoria* and the *Ballan Road Native Vegetation Precinct Plan* ('the NVPP'); and

Apply the Development Contributions Plan Overlay to land within the precinct boundary; and

Apply the Incorporated Plan Overlay to land that is both within the precinct boundary and within the RCZ; and

Delete the Environmental Significance Overlays 1 and 2 from land in the growth area precinct and from land zoned RCZ to the east of McGraths Road; and

Make consequential changes to the Schedules to Clause 52.01, 52.16, 61.03 and 81.01.

Strategic assessment of the amendment

• Why is the amendment required?

The amendment introduces planning provisions to implement the State Planning Policy Framework with regard to the growth of Melbourne by facilitating new urban development and associated infrastructure provision and conservation & open space outcomes. The amendment also corrects some minor mapping errors.

A planning scheme amendment is the most appropriate method for managing the proposed urban growth and associated development as the matters relate to land use and development outcomes.

The planning scheme amendment allows for urban development outcomes specific to the land resulting in more certain and efficient regulation than might otherwise occur were the general provisions of the scheme to be relied upon.

The amendment provides a balanced outcome in favour of net community benefit. The certainty provided by the amendment, in terms of land use, development and infrastructure outcomes, provides for a transparent and informed investment environment while delivering a clear picture of the future of the land for the existing community. The amendment provides for the housing and servicing of new residents in a manner that minimises disruption to the existing community.

The amendment complements, and in some cases replaces, existing provisions of the scheme. In particular the amendment streamlines and integrates processes for native vegetation management, infrastructure provision, national biodiversity outcomes, bushfire protection and housing diversity on smaller lots. In most cases all aspects of development in the amendment area will be addressed through the issue of a single planning permit following the approval of the amendment.

The amendment does not duplicate any management provisions for land use and development in other acts or regulations.

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

The amendment will facilitate residential and commercial development by introducing planning provisions that apply fairly and transparently to all affected landowners. The amendment facilitates this development in a location where existing services and infrastructure can be easily accessed expanded.

Proposed planning provisions will protect and conserve and the natural, cultural and scientific assets contained within the Werribee River corridor.

Significant infrastructure assets such as Ballan Road and land set aside for future rail operations and future planned infrastructure such as the Armstrong Road bridge are protected through appropriate use and development provisions for land adjacent these assets.

The amendment allows for further urban development in Melbourne that will improve the supply of housing in the short term, provide for a robust neighbourhood structure and leave a legacy of funded local infrastructure projects.

- **How does the amendment address the environmental effects and any relevant social and economic effects?**

Addressing environmental impacts

Development of the land following the amendment will alter the existing farming landscape of the amendment area by changing storm water drainage flows, removing native vegetation and potential habitat for nationally threatened species, increasing the urban population, increasing traffic flows, bringing housing closer to bushfire threats, allowing sensitive land uses near railways, public transport infrastructure and major roads, allowing sensitive land uses where historical farming practices have left localised incidents of pollution.

All of these matters are mitigated through the proposed amendment to facilitate a productive and pleasant new suburb In particular:

- Land is set aside to specifically cater for retardation of water in heavy storms to avoid flooding, while the storm water itself is to be treated to a quality fit for return to the natural watercourses in the areas. Provision is made for development proponents to re-sue stormwater in the local landscape by for example providing storm drain diversions for keeping conservation frog ponds at the right water level along the Werribee River.
- Provision of a significant conservation area along the length of the Werribee River will allow for long term protection and creation of habitat for many native species; most notably the nationally endangered Growling Grass Frog.
- The conservation area will result in moderate bushfire threat to nearby homes. The amendment requires land to be set aside and managed to reduce fire risk at the edge of the conservation area while any homes built within 60 metres of conservation land must incorporate higher than normal fire resisting construction standards.
- There is some potential for noise and light impacts to planned housing from land set aside for future public transport infrastructure immediately east of Hobbs Road. The extent of works and activity on that land is not clear at the present time. As a precaution against possible future impacts the planned Armstrong/Hobbs Road adjacent the public land will provide a 46m separation from the closest housing lots and include four rows of planted trees.
- While none of the land meets the definition of 'potentially contaminated land' in the direction, a precautionary desktop environment site assessment has been carried out for the land. The assessment identified areas subject to historical localised storage of

fuels and other activities associated with farming of the land. The amendment (via the UGZ schedule) requires further investigation and remediation for the identified land prior to use for sensitive land uses (e.g. housing, junior schools and child care).

Addressing social and economic effects

There remains significant demand for new housing in this part of Melbourne. Provision for new residential land supply will improve affordability and choice for homebuyers and investors.

Provision of smaller town centres will add to the variety of tenancies and locations available to new local businesses and expanding existing local businesses. This additional choice is critical in providing opportunities for a competitive local market for a variety of goods and services providers.

Local town centres will also aid in reducing potential traffic congestion and air pollution. Residents will be able to choose to reduce the length and number of trips by car through visiting local level services closer to where they live.

Providing for new population growth in Wyndham Vale will add to the economic well-being of the community. Increases in demand for goods and services will translate into more local jobs and economic activity.

Additional opportunities for recreation and social groups will emerge as a result of the provision of new public outdoor spaces and new community facilities and town centres.

New public and private sector investment will be significantly boosted in the immediate and surrounding areas.

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

The amendment implements specific provisions in the PSP to manage grassland bushfire risks associated with the Werribee River corridor and land set aside for future public transport. The provisions accord with the views of the CFA, integrate with the building regulations and substitute for the standard bushfire risk management provisions in a manner suitable to an area transitioning from rural to urban land uses.

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

Direction No. 1 Potentially Contaminated Land

While none of the land meets the definition of 'potentially contaminated land' in the direction, a desktop environment site assessment has been carried out for the land. The assessment identified areas subject to historical localised storage of fuels and other activities associated with farming of the land. The amendment (via the UGZ schedule) requires further investigation and remediation for the identified land prior to use for sensitive land uses (e.g. housing, junior schools and child care).

Direction No. 9 Metropolitan Strategy

The amendment implements the growth area elements of the metropolitan strategy. The amendment provides for fully serviced new urban neighbourhoods in a designated growth area.

Direction No. 11 Strategic assessment of amendments

This direction seeks to ensure a comprehensive strategic evaluation of a planning scheme amendment. This Explanatory Report addresses the requirements outlined in this direction.

Direction No. 12 Urban growth areas

Part 6 of Ministerial Direction 12 required that when preparing an amendment to introduce or change provisions in a schedule to the UGZ, a planning authority must evaluate and include in the explanatory report a discussion about:

- *How the amendment implements any Growth Area Framework Plan applying to the land*

The *Wyndham Growth Area Framework Plan* (Wyndham GAFP) applies to that part of the land brought within the Urban Growth Boundary (UGB) in 2005.

The Wyndham GAFP identifies the land for 'urban land supply' with some land along the Werribee River and between the river and Hobbs Road marked as 'Potential Environmental Sensitivity (subject to further investigation)'.

A line identified as a 'Potential Network Option' under the heading 'Principal Public Transport Network' is shown crossing the western part of the land from Ballan Road to the Werribee River. Land to the east of McGraths Road shows the existing Presidents Park (names 'Presidents Lakes Park' in the document with the designation 'regional open space') and to the north-northwest of Presidents Park a circular shaped 'regional open space – investigation area' marked as 'Mount Cottrell'.

A 'metropolitan trail network' is shown along the Werribee River as far north as the point at which the 'Potential network option' intersects the river. Ballan Road is described as an arterial road. And the Wyndham Vale major activity centre is identified across Ballan Road.

The recently published *West Growth Corridor Plan* (West GCP) addresses the '2005' land and land included in the UGB in 2010. The West GCP is largely consistent with the Wyndham GAFP but includes some refinements resulting from more recent land use decisions on the 'potential' aspects of the Wyndham GAFP.

The West GCP identifies the majority of the land west of McGraths Road as 'residential' with an arterial road crossing the precinct (including provision for the Principal Public Transport Network) from Ballan Road to the Werribee River and beyond to the north.

Land east of McGraths Road is described Presidents Park as 'Existing open space' and describes a 'Proposed regional open space' all land between Presidents Park and the river with an arm extending along the Werribee River corridor to the proposed arterial crossing. An accompanying note states 'Proposed Werribee Township Regional Park (exact boundary to be determined)'. The river itself is described as 'waterway corridor', while south of the arterial road crossing has a varying width overlap of 'Biodiversity values' and 'proposed regional open space'.

A new railway and other land rail for public transport facilities abut the western edge of the precinct.

The amendment is consistent with both plans but more so with the more recent West GCP. The amendment implements the land use aspects of the West GCP by describing a residential precinct with usual amenities including a town centre and recreation and community uses. The Werribee River corridor is set aside for conservation and open space and the arterial road/PPTN road is described as Armstrong Road/Hobbs Road in the PSP. The boundaries of the regional park are largely set by the existing constraints of the river, McGraths Road and President's Park. Its boundaries along the upper reaches of the river are determined largely by the conservation, drainage and cultural heritage requirements associated with developing alongside a significant river.

- *How does the amendment accord with the Precinct Structure Planning Guidelines (October 2009)?*

Objective one: To establish a sense of place and community

Just as the Werribee town centre is currently turning to face the river, this precinct places significant focus on the Werribee River as a contributor to local character. Retention of vegetation, including majestic Red Gums and a biodiversity rich understorey, within the river corridor and conservation protection and management in perpetuity of the river corridor are delivered by the PSP in combination with the NVPP.

Moving towards Ballan Road the level of activity increases with community hubs and schools, the local town centre and the commercial transition to Wyndham Vale major town centre providing definition and focal points to the neighbourhood.

Objective two: To create greater housing choice, diversity and affordable places to live

An important new approach to housing diversity has been developed and introduced through in this and other PSPs currently under preparation. New provisions in the PSP deliver a comprehensive guide to delivering diversity that does not rely on a mono-cultural divide of 'conventional density', 'medium density' and so on but provides for outcomes that provide a range of densities across the area. This allows for increased choice to homebuilders and purchasers to build a house of the size they want in the location they want while meeting policy goals seeking higher dwelling densities in growth areas.

Objective three: To create highly accessible and vibrant activity centres

Two key factors have influenced the location of retail and services in this precinct. The location of the Wyndham Vale Major Town Centre on the south side of Ballan Road opposite the precinct and the unusual catchment area of the precinct resulting from the natural border formed by the Werribee River.

The precinct's frontage to Ballan Road provides for a mixed use employment/ commercial strip with limited larger format retailing to complement the stronger traditional retail focus of the major town centre.

The local town centre is situated centrally within the precinct. The location offers the best available access to town centre amenities for the new and existing communities north of Ballan Road. At around 1km from the edge of the Wyndham Vale major town centre and servicing a more specialised local market, the centre will act as a focal gathering place. The conceptual centre design is a hybrid of 'main street' amenity and shopping centre functionality with a strong address to the surrounding neighbourhood.

Objective four: To provide for local employment and business activity

Employment and business activity in the precinct are focussed on retailing, commercial and community uses. Existing and under-construction community facilities along Ballan Road will remain and integrate with the precinct. Advantage is made of the extensive Ballan Road frontage which is suitable for larger scale commercial/retail/community which doubles to act as an amenity-protecting transitional use between the main road/major town centre and the residential community.

Objective five: To provide better transport choices

Key arterial road projects are delivered with land set aside for expansion of Ballan Road and the provision of the northern leg of Armstrong Road.

The connector road network adopts to the peculiar local landform with a focus on accessing the town centre and key local facilities. The central north-south connector provides for legible internal distribution of traffic movements to local residential streets while achieving a very high walkable catchment for a potential public transport route.

The cycle and walking trail network is deliberately aimed at providing access to key local destinations but also to providing direct routes to the Wyndham Vale major town centre and rail station and to the Werribee River trail network.

At the southern extent of the precinct efficient integration with existing neighbourhoods are made via adding a fourth leg to the Evergreen Drive/Ballan Road intersection with direct local street and trail connections to the neighbourhood around Federal Drive.

Objective six: To respond to climate change and increased environmental sustainability

All of the elements planned for the precinct, as described in the response to objectives above and below, have sustainability and climate change adaptability built into their design. They provide for:

- Reduced travel times to key services and multiple mode and route options for travel including by means other than the currently dominant private car mode

- Management of natural systems, and the effects of development on natural systems, so as to minimise or offset detriment to those systems
- Efficient use of land for multiple purposes where practicable.

Objective seven: To deliver accessible, integrated adaptable community infrastructure

Community facilities hubs including community health and education centres, schools and sports fields are co-located to provide opportunities for more efficient use and vibrant public places.

The proposed connector roads and cycling and shared trails within the precinct will provide excellent access to these community hubs.

- *How the provisions give effect to the intended outcomes of the precinct structure plan.*

Most all provisions in the incorporated documents and associated ordinance are designed to be implemented at the subdivision development stage. At this point requirements and guidelines are either designed into subdivision plans (e.g. spatial outcomes), implemented through permit conditions (e.g. development and biodiversity contributions), implemented through referral authority agreements (e.g. essential services) or required to be applied as restrictions on title (e.g. bushfire protection, small lot housing code).

This provides for a single permission after approval of the PSP is central to providing certainty and clarity in the planning process.

Additionally, flexible applied zones that follow the pattern of development rather than lead it allow flexibility when the PSP is followed through in the detail of subdivision and land use layouts.

The provisions have also been designed anticipating the reformed zones which are currently under development by the government. The applied zone provisions in the UGZ Schedule list the alternative reformed zone where applicable.

In place of the Residential 1 Zone, the reformed Residential Growth Zone will be applied to the precinct facilitating residential and associated land uses in a manner similar to existing growth area precincts. The PSP remains the guiding document for neighbourhood development. The more commerce and trade friendly reformed Mixed Use Zone provides an appropriate transitional land use environment for land fronting Ballan Road while the Commercial 1 Zone, complemented by as-of-right floor space limits in the UGZ schedule, allows competitive development of growth areas centres.

- *How a translation of the provisions can be achieved, once development anticipated by the precinct structure plan is substantially complete.*

As discussed above most outcomes will be delivered through subdivision permits prior to translation of the PSP to standard provisions. Subdivision permits will implement most of the non-standard provisions.

An assessment of how development has proceeded and where public land uses have been established closer to the time of translation will provide a better guide to where zones boundaries should be settled.

Other than the UGZ, standard provisions are used to implement the plan including open space contributions through Clause 52.01, Development Contributions through the Schedule 11 to Clause 45.06 and the management of native vegetation through Clause 52.16. These will stay in place until all relevant contributions are collected and native vegetation is securely managed or offset.

Once conservation controls are enacted to secure biodiversity values associated with the Werribee River a translation including a public use zone where appropriate and an Environment Significance Overlay would be suitable for the river corridor and potentially abutting land.

Direction No. 11 Strategic assessment of amendments

This explanatory report addresses the requirements of this direction.

S46m(1) - Direction on Development Contributions Plan

The PSP provides a basis for a development contributions plan which will shortly be finalised addressing an area broader than this precinct. The development contributions plan will be delivered through a separate amendment.

• How does the amendment support or implement the State Planning Policy Framework?

The amendment represents an integrated decision making process that balances the conflicting objectives of the relevant State planning policies as follows:

- Clauses 11.01 Activity centres, 11.02 Urban growth, 11.03 Open space - The amendment incorporates a precinct structure plan, native vegetation precinct plan and development contributions plan. These plans set out an orderly structure for development of the precinct including the location and function of activity centres taking into account the existing and planned network of centres in the region, bringing zoned land supply to the market, providing land with good proximity to existing and planned amenities and services, and infrastructure.
- Clause 12.01 Biodiversity - Offsets for vegetation removal and habitat areas for nationally and state significant species will be provided in accordance with the prescriptions of the Strategic Impact Assessment Report and Victoria's Native Vegetation Framework.
- Clause 16.01 Integrated housing - Housing in the precinct will be fully serviced. New residents will have access to existing services and employment opportunities in the community in adjacent developed neighbourhoods and through provision of new infrastructure in the precinct. The precinct structure plan sets out a range of housing densities that can be accommodated in the precinct.
- Clause 17.01 Commercial - The amendment provides for a local town centre, local convenience centre and mixed commercial uses on Ballan Road. The precinct is located adjacent Wyndham Vale major activity centre.
- Clause 18.01 Land use and transport planning, 18.02 Movement networks - The precinct is strongly integrated with the existing and planned arterial road network and Principal Public Transport Network. The proposed road network provides a robust structure for traffic and transport movement within and through the precinct.
- Clause 19.02 Community infrastructure, 19.03 Development infrastructure - A comprehensive development contributions plan is under preparation for the precinct. The amendment provides the strategic basis for that plan including major roads, intersections, bicycle paths, sports facilities and open space. Water, sewer and drainage services are readily connectable from adjacent development into the precinct.

• How does the amendment support or implement the Local Planning Policy Framework?

The amendment is consistent with and has been prepared in accordance with the Local Planning Policy Framework as discussed below.

Municipal Strategic Statement:

- *Clause 21.04 - Wyndham's Vision. This policy provides a strategic framework and vision for Wyndham. The PSP aims to meet the Land Use Planning Objectives as follows:*
- *The cost-effective and orderly management of urban growth, balancing the city and country aspects of the municipality.*
 - Provide for new development to occur in areas that are not isolated from the core urban area and which integrate well with existing communities and physical infrastructure.

- Provide for urban development that does not adversely affect the water quality, flows, environmental values, landscape feature and cultural heritage sites of rivers and watercourses, their waterway corridors and adjoining land.
- *Access to a range and quality of housing opportunities which meet the needs of the population.*
 - Encourage diversity in subdivisions and housing in terms of lot size and housing form.
 - Encourage the integration of housing with compatible activities such as open space, community facilities and shopping centres.
- *Access to a range of leisure and recreational opportunities which meet the needs of the population and which can be provided cost-effectively.*
 - Maximise open space opportunities along the creeks, waterways and coastal areas of the municipality, including trails and other links.
 - Maximise the recreation links and opportunities for development within and near housing areas.

Local Planning Policies:

22.01 Werribee West, Wyndham North and Point Cook Growth Area Planning Policy

Approximately half of the Ballan Road precinct (the southern half) is addressed by this policy. The amendment delivers on the policy which describes that part of the precinct as residential with one each of a primary school, sports ground, community centre and local commercial (sic. local town centre).

The policy does not apply to the northern half of the precinct.

22.03 Infrastructure Financing Policy

A comprehensive development contributions plan is under preparation for the precinct. The amendment provides the strategic basis for that plan including major roads, intersections, bicycle paths, sports facilities and open space. Water, sewer and drainage services are readily connectable from adjacent development into the precinct.

22.07 Open Space Policy

The Ballan Road PSP sets aside land for two multi-use sports fields, a range of local parks, conservation and recreation space along the length of the Werribee River, allows for land use for drainage to have complementary recreation facilities and is located adjacent the future Werribee Township Regional Park.

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

The amendment meets the form and content requirements of the Victorian Planning Provisions. Importantly, the application of the UGZ is considered an appropriate tool to apply a suite of Victoria Planning Provision zones to guide future use and development of the site through the specification of conditions and requirements for permits.

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

The amendment, the *Ballan Road Precinct Structure Plan* and the *Ballan Road Native Vegetation Precinct Plan* have been prepared in consultation with affected agencies. Amongst others key relevant agencies include Wyndham City, Department of Transport, Regional Rail Link Authority, Public Transport Victoria, VicRoads, Melbourne Water, Department of Education and Early Childhood Development, Department of Sustainability and Environment, parks Victoria, Office of Living Victoria, the Commonwealth Department of Sustainability, Environment, Water, Population and Communities and Country Fire Authority.

Provisions throughout the amendment documents have been included and amended to accommodate the views of these agencies.

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

The amendment is likely to have a significant impact on the transport system at a local level. It will require upgrades to nearby parts of the regional road network and will allow the creation of a new local road network that will set the future pattern of development in the precinct. It will contribute to the development of the bus network in the area.

The proposed additions and changes to the existing transport system in and adjacent to the precinct will meet the transport system objectives by:

- Providing for an interconnected road system that responds to the likely level of use generated by the precinct and hence facilitating investment in housing and local retail services in the area.
- Enabling efficient access to existing and planned employment and services in and around the local area and region through connections to the arterial road network and planned extensions to bus services.
- Ensuring the road network minimises impacts on the site's topography, native vegetation and water flow regimes.
- Providing locally based sports and recreational facilities to reduce the need for extended travel.
- Designing roads that are of a suitable scale and compatible with the expected travel demand and that provide a suitable scale and impact in relation to likely adjoining development infrastructure provided for through a Development Contributions Plan will generally be provided as sufficient demand arises for the relevant infrastructure item and provides the opportunity for the efficient construction of items concurrent with subdivisional development.
- Integrating the construction of bus stop facilities with the development process to minimise construction costs and provide the opportunity to optimise the location of bus stops and design of roads in relation to bus routes and associated facilities.
- Integrating relevant government bodies involved in the provision of transport infrastructure and services in the decision making process of the amendment.

Resource and administrative costs

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

The amendment will have minimum impact on the resources and administrative costs of the responsible authority. The incorporation of the PSP in the Planning Scheme will facilitate the future orderly and proper planning of the area. In most cases a single subdivision permit will capture all of the development requirements for a particular site.

Further, the UGZ Schedule 8 has been structured in such a way that the ultimate translation to conventional Victorian Planning Provisions zones can occur in a timely and efficient manner once the land has been substantially developed.

Where you may inspect this Amendment.

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

Wyndham City

Municipal Offices

45 Princess Highway

Werribee 3030

www.wyndham.vic.gov.au

Growth Areas Authority

Level 29

35 Collins Street

Melbourne 3000

www.gaa.vic.gov.au

The amendment can also be inspected free of charge at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection.