

## **BRIMBANK PLANNING SCHEME**

### **AMENDMENT C225BRIM**

#### **EXPLANATORY REPORT**

##### **Who is the planning authority?**

The amendment has been prepared by the Brimbank City Council, which the planning authority for this amendment.

The amendment has been made at the request of Brimbank City Council.

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

Planning Scheme Amendment C225brim to the Brimbank Planning Scheme (the amendment) applies to all land within the City of Brimbank.

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

The amendment seeks to translate and incorporate relevant existing local policy from Clause 21 and Clause 22 of the Brimbank Planning Scheme. The amendment combines this existing policy with new policy identified as part of the *Brimbank Planning Scheme Review 2017 (2017 Review)* and a subsequent audit of land use and development directions from recent Council adopted strategies/plans/policies. The amendment is consistent with the Victoria Planning Provisions and the changes introduced by Amendment VC148 (VC148), and the *Ministerial Direction – The Form and Content of Planning Schemes*. Specifically, the amendment proposes to make the following changes to the content in the Brimbank Planning Scheme:

##### **Purpose and Vision**

1. Introduce a new Municipal Planning Strategy (MPS) at Clause 02 to replace the existing Municipal Strategic Statement (MSS) and Local Planning Policy Framework (PPF).

##### **Planning Policy Framework**

2. Introduce revised local policy content into the PPF at Clause 11 (Settlement), 12 (Environment and Landscape Values), 13 (Environmental Risks and Amenity), 15 (Built Environment and Heritage), 16 (Housing), 17 (Economic Development) and 19 (Infrastructure).

##### **Local Planning Policy Framework**

3. Deletes Clauses 20, 21, 22 and 23.

##### **Particular Provisions**

4. Amend the Schedule to Clause 52.28 to translate existing policy content previously contained in the MSS at Clause 21.11-2 (Gaming).

##### **Operational Provisions**

5. Replaces the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) with a new schedule that retains the existing contents but adds additional documents.

6. Replaces the Schedule to Clause 72.08 (Background documents) with a new schedule that consolidates and updates all background documents from Clause 21 and 22 and combines them with new documents identified during the review and audit.
7. Introduces a new Schedule to Clause 74.01 (Application of Zones, Overlays and Provisions) that consolidates planning scheme implementation actions from existing Clause 21 and new actions arising from the review and audit.
8. Introduces a new Schedule to Clause 74.02 (Further Strategic Work) that consolidates and updates all further strategic work actions from Clause 21 and adds additional work identified as part of the review and audit.

## **Strategic assessment of the amendment**

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

The amendment is required to meet Council's obligations to translate existing local policy into the new PPF format to ensure better alignment of local planning policy with state (and regional) policy in with the Department of Environment, Land, Water and Planning's (DELWPs) Smart Planning Program.

This new format PPF was created to simplify and modernise Victoria's planning policy and rules to make planning schemes more efficient, accessible and transparent. Amendment VC148, which introduced this new PPF format into all planning schemes, did the following:

- introduced a new Planning Policy Framework (PPF) – proposed to contain state, regional and local policy,
- enabled the future introduction of a Municipal Planning Strategy (MPS) – containing overarching strategic policy directions of the planning authority,
- introduced a new state, regional and local integrated policy structure,
- modified the schedules to some existing zones, overlays and provisions to accommodate additional local content,
- created new operational provisions.

There is an obligation as part of the Smart Planning Program, to have all planning schemes translated into the new format (at least in draft form) by 30 June 2021.

At the end of May 2021 Council officers, in consultation with DELWP officers, completed a draft version of Brimbank's translated PPF content, including MPS and mapping. This draft PPF content is different to what was envisioned as part of the Smart Planning Project as it captures both existing and new policy content.

New policy was captured through a full review of the Brimbank Planning Scheme (prepared in accordance with Section 12B of the *Planning and Environment Act 1987*) completed prior to the new PPF format being announced. This review assessed performance and gaps in policy content, identified current State Government and regional plans, strategies, policies and initiatives that impact Brimbank, and current Council strategic projects to identify what content should be included to ensure a contemporary land use planning tool. Council documents were audited and findings guided the update of existing local policy content that had been translated from the existing Scheme.

An extensive community consultation process called Plan Brimbank, conducted in early 2018 also guided the drafting process. The purpose of this process was to engage the community and seek feedback about the Brimbank Planning Scheme. Council officers have addressed the key priorities identified by the community through the drafting of PPF where existing adopted policy was available.

The amendment seeks to create a contemporary land use and development framework for the City of Brimbank that reflects current strategic directions for land use and development. If approved the amendment will ensure use and development is delivered in accordance with the current land use context within Brimbank, and expectations of Council, community and relevant stakeholder's in relation to land use and development contributing to a thriving local economy, community benefit and environmental outcomes.

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

The amendment seeks to update local policy content to ensure it is clear, condense and current, both in policy content and in format. The amendment implements the following objectives of planning in Victoria, set out in section 4(1) of the Planning and Environment Act 1987:

- (a) To provide for the fair, orderly, economic and suitable use, and development of the land.*
- (b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.*
- (c) To ensure 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 historical interest, or otherwise of special cultural value.*
- (e) To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.*
- (f) To facilitate development in accordance with the objectives of planning in Victoria.*
- fa) to facilitate the provision of affordable housing in Victoria;*
- (g) to balance the present and future interests of all Victorians.*

The amendment seeks to deliver policy content that reflects the key strategic directions for the municipality. This will in turn provide for greater certainty, guidance and protection and ensure the orderly use and development of the municipality, consistent with the objectives of planning in Victoria.

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

#### Environmental

The amendment is intended to have positive environmental effects through the provision of clear policy objectives and strategies to achieve environmental resilience and sustainable future land use and development outcomes in the municipality. The new and revised provisions will make a positive contribution to Brimbank's natural and built environment by:

- Guiding growth to locations where existing infrastructure can be leveraged resulting in a lower environmental impact.
- Strengthening rivers, creeks and open space corridors by enhancing biodiversity, habitat and overall ecological value.
- Enhancing the urban forest and increasing greening initiatives.
- Encouraging waste avoidance, reuse and recycling.
- Integrating biodiversity and sustainability into decision making.

- Facilitating personal transport alternatives such as walking and cycling.

#### Social and Economic

The amendment is intended to have positive social and economic effects through the provision of clear policy objectives and strategies that will guide future development and assist in achieving Brimbank's land use and development goals. The new and revised provisions will make a positive social and economic contribution to Brimbank by:

- Implementing the shared vision for Brimbank to be a healthy and active city
- Providing the framework for Council deliver the adequate provision of infrastructure and services for the growing municipality.
- Providing the framework for decision making, which Council will use to strategically accommodate growth in the municipality.
- Enhancing commercial and community opportunities in Metropolitan and Major Activity Centres, as well as in Neighbourhood Centres.
- Improving the quality of built form, the attractiveness of streetscapes and overall safety and amenity in the public realm.
- Guiding Council to deliver community infrastructure and services that meet the needs of the community over the long term.

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

The land affected by the amendment is not located within an area of identified bushfire risk relevant to VPPs and therefore is not expected to result in any increase to risk.

#### **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 *Planning and Environment Act 1987*. The new MPS, together with the local planning policies are in the format specified in Annexure 3 of the Direction. Where local schedules have been included or amended, the form of the schedule has been drafted to accord with the current *Ministerial Direction - The Form and Content of Planning Schemes*.

*Ministerial Direction No. 9 Metropolitan Strategy* requires a planning authority to have regard to the Metropolitan Planning Strategy (Plan Melbourne) and include in the Explanatory Report a discussion of how the amendment addresses the following matters:

*What aspects, if any, of the Metropolitan Planning Strategy are relevant?*

Plan Melbourne identifies the following relevant key locations/precincts for growth within Brimbank which have been captured in the amendment:

- *Metropolitan and Major Activity Centres - Sunshine Metropolitan Activity Centre; Sydenham, St Albans, Brimbank Central, Deer Park Major Activity Centres.*
- *Sunshine National Employment and Innovation Cluster (NEIC)*
- *Sunshine Priority Precinct*
- *Western State Significant Industrial Precinct (WSSIP)*
- *Sunshine Health, Wellbeing and Education Precinct (SHWEP).*

Further, most of the strategic directions, objectives and strategies that are contained within Plan Melbourne are generally relevant with the exception of those that relate to places like regional Victoria. The broad relevance is due to the overarching nature of the PPF.

*How does the Metropolitan Planning Strategy affect the amendment?*

Plan Melbourne affects the proposed amendment in that the strategic directions, objectives and some strategies for the above mentioned precincts have already been determined by State and Regional Planning policy. Any proposed local policies have been drafted in accordance with the overarching State and Regional policy directions and where repetition existed, adopted local policy was removed.

*Is the amendment consistent with the directions and policies in the Metropolitan Planning Strategy?*

The proposed PPF Clauses and MPS have been drafted to both consider and adopt directions and strategies relevant to Brimbank. Therefore this proposed amendment re-enforces the strategic directions contained within Plan Melbourne.

*Does the amendment support, give effect to or assist the implementation of the Metropolitan Planning Strategy or can it be reasonably modified to do so?*

The proposed amendment supports the implementation of Plan Melbourne by re-enforcing the strategic directions of the above-mentioned precincts and general directions contained within the Strategy.

*Will the amendment compromise the implementation of the Metropolitan Planning Strategy?*

Given the general relevance of the PPF with Plan Melbourne and that local policy content cannot conflict with State policy, the proposed PPF does not compromise the implantation of Plan Melbourne.

The amendment has been prepared in accordance with the strategic considerations set out in *Ministerial Direction No. 11 Strategic Assessment of Amendment* made under Section 12 of the *Planning and Environment Act 1987*.

*Ministerial Direction No. 15 The Planning Scheme Amendment Process* seeks to set timeframes for completing steps in the planning scheme amendment process. The proposed Amendment will adhere to the timeframes detailed in the Direction following any Authorisation from the Minister for Planning.

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

The purpose of the PPF is:

- To provide a clear and consistent framework within which decisions about the use and development of land can be made.
- To express state, regional, local and community expectations for areas and land uses.
- To provide for the implementation of State, regional and local policies affecting land use and development.

The proposed amendment seeks to provide a clear and consistent framework in accordance with the purposes above by implementing the findings of the *Brimbank Planning Scheme Review Evaluation Report 2017* and associated review of Council adopted policies and strategies and translation of existing content into the new PPF format.

The proposed amendment seeks to introduce a new Municipal Planning Strategy at Clause 02 and local planning policies included at Clauses 11,12,13,15,16,17 and 19 in line with the changes introduced by VC148 and other State Government guidance materials, including *A Practitioners Guide to Planning Schemes* Key changes to the PPF have been summarised below:

<b>Clauses</b>	<b>Proposed amendments and additions to Brimbank Planning Scheme</b>
<b>Clause 11 (Settlement)</b>	Introduces local policy relating to settlement from policy previously contained in the Local Planning Policy Framework (LPPF) at Clause 21.05 and 21.08 and newly Council adopted policy. Proposed policy relating to the Brimbank portion of the Sunbury Green Wedge, Brimbank's Metropolitan and Major, Neighbourhood and Local Activity Centres.
<b>Clause 12 (Environmental and Landscape Values)</b>	Introduces local policy relating to environment and landscape values from policy previously contained in the LPPF at Clause 21.05 and 21.06 and newly Council adopted policy relating to Protection of Biodiversity and Brimbank's River Corridors, Waterways, Lakes and Wetlands (e.g. Maribyrnong River and Kororoit Creek).
<b>Clause 13 (Environmental Risks and Amenity)</b>	Introduces local policy relating to environmental risk and amenity from policy previously contained in the LPPF at Clause 21.07 and 21.08 and introduces new Council adopted policy relating to- Non Residential Use and Development (discretionary uses) and Noise Abatement.
<b>Clause 15 (Built Environment and Heritage)</b>	Introduces local policy relating to built environment and heritage from policy previously contained in the LPPF at Clauses 21.06, 21.07, 21.08, 21.09 and 22.01 and newly Council adopted policy relating to Urban design, Building design, Subdivision Design, Neighbourhood character, Energy and Resource Efficiency and Heritage Conservation.
<b>Clause 16 (Housing)</b>	Introduces local policy relating to housing from policy previously contained in the LPPF at Clause 21.07 and introduces new Council adopted policy relating to Housing Supply, Housing Affordability and Residential Aged Care.
<b>Clause 17 (Economic Development)</b>	Introduces local policy relating to economic development from policy previously contained in the LPPF at Clause 21.09 and introduces new Council adopted policy relating to Innovation and Research, Industrial Land Supply, Sustainable Industry and State Significant Industrial Land.
<b>Clause 19 (Infrastructure)</b>	Introduces local policy relating to infrastructure from policy previously contained in the LPPF at Clauses 21.08, 21.10 and 21.11 and introduces new Council adopted policy relating to Health Facilities, Education Facilities, Cultural Facilities, Social and Cultural Facilities, Open Space and Integrated Water Management.

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

The amendment seeks to introduce a new Municipal Planning Strategy at Clause 02 of the Brimbank Planning Scheme. The new MPS content is summarised below:

<b>New Clauses</b>	<b>Proposed amendments and additions to Brimbank Planning Scheme</b>
2.01 (Context)	Provides a general overview of the municipality derived from Clause 21.01, 21.02 and 21.05 and updates this to include new demographic data.

<b>2.02 (Vision)</b>	Provides the vision for the municipality replacing existing content contained at Clause 21.03 with new content consistent with the Brimbank Council Plan 2017 – 2021.
<b>2.03 (Strategic Directions)</b>	Addresses the key land use themes based on the PPF and provides a brief overview and strategic directions for each theme, based on content previously contained in the LPPF at Clauses 21.01, 21.02, 21.04, 21.05, 21.06, 21.07, 21.08, 21.09 and 21.11 and new content.
<b>2.04 (Strategic Framework Plans)</b>	Includes the following new and revised Strategic Framework Plans based on content or plans previously contained in Clauses 21.02, 21.04, 21.05, 21.06, 21.07, 21.08, 21.09, 21.10 and 21.11 and new content from key Council adopted strategies/plans and State level announcements: <ul style="list-style-type: none"> <li>• Context</li> <li>• Community Infrastructure and Open Space</li> <li>• Built Environment and Heritage</li> <li>• Active Transport</li> <li>• Economic Development</li> <li>• Housing</li> <li>• Transport</li> <li>• Environmental and Landscape Value</li> </ul>

The policy content of the MPS outlines the strategic directions for the Brimbank and underpins the policy content found within the draft PPF.

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

The proposed amendment revises local policy and associated local policy content in a form and using content that is consistent with the VPP as updated by Amendment VC148.

The bulk of content from the LPPF has been updated, reviewed and translated into new MPS at Clause 2 and local planning policies at clauses 11,12,13,15,16,17 and 19. Content from the LPPF was also relocated to clauses 72.04, 72.08 and 74.01 and 74.02.

The schedules to Clause 52.08 has been amended to include policy content previously included in the MSS.

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

Drafting of Amendment C225brim was undertaken by Council officers as the amendment sought to translate and bring across existing content, and add new content identified as part of a planning scheme review. DELWP officers provided guidance and direction throughout the drafting process. Additional consultation will occur as part of the exhibition of the amendment.

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

The amendment is consistent with the provisions of the Transport Integration Act 2010.

### **Resource and administrative costs**

The amendment is not expected to impose additional resource or administrative costs on the responsible authority.

### **Where you may inspect this amendment**

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

Brimbank City Council website [www.brimbank.vic.gov.au](http://www.brimbank.vic.gov.au) The Amendment can 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)

### **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 [insert submissions due date].

A submission must be sent to: [insert Council's address]

### **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: [insert directions hearing date]
- panel hearing: [insert panel hearing date]