

MORNINGTON PENINSULA PLANNING SCHEME

AMENDMENT C243

EXPLANATORY REPORT

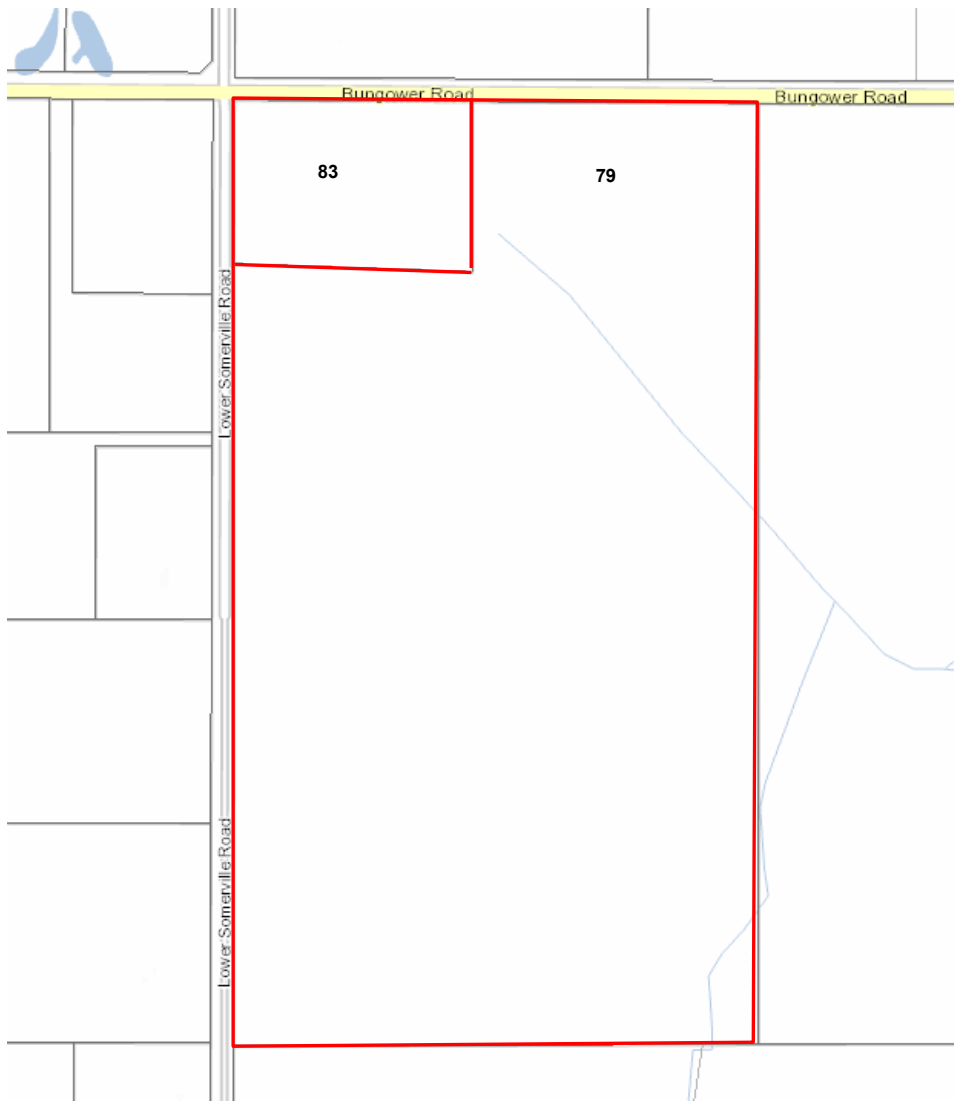
Who is the planning authority?

This amendment has been prepared by the Mornington Peninsula Shire Council, which is the planning authority for this amendment.

The amendment has been made at the request of Macroplan on behalf of Procter Investments Pty Ltd.

Land affected by the amendment

The amendment applies to 79 Bungower Road and 83 Bungower Road, Somerville (hereafter referred to as the land) shown below:



What the amendment does

The amendment proposes the following changes to the Mornington Peninsula Planning Scheme:

- Insertion into the Planning Policy Framework of a new local policy 17.03-2L Industrial Land Supply – Mornington Peninsula (Somerville) Industry, Technology and Business Park Precinct, which will apply to the land.
- Rezoning of the land from Special Use Zone Schedule 1 – Port Related Uses (SUZ1) to Industrial 3 Zone (IN3Z); and
- Introduction of a new Development Plan Overlay Schedule 24: Mornington Peninsula (Somerville) Technology, Industry and Business Park Precinct (DPO24) over the land.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to facilitate the use and development of the land for the Mornington Peninsula Technology, Industry & Business Park through the application of the new local policy, the Industrial 3 Zone and Development Plan Overlay (Schedule 24).

The land is currently zoned Special Use Zone (Schedule 1 – Port Related Uses) which prohibits a range of industrial and warehouse-based uses if they do not meet the following condition:

Must be dependent on or gain significant economic advantage from proximity to deep water port facilities or be directly associated with such a use or a marine service industry.

However, the land has been identified within the *Port of Hastings Development Strategy (2018)* and *Melbourne Industrial and Commercial Land Use Plan (MICLUP) (2020)* as land that should be considered for alternative industrial development.

The *Mornington Peninsula Industrial Land Use & Infrastructure Assessment and Rezoning Strategy (2020)* prepared by Hansen Partnership on behalf of Mornington Peninsula Shire also identifies the land as having potential to accommodate industrial development given the location and land characteristics.

Accordingly, the amendment will allow for greater flexibility to facilitate the use and development of Mornington Peninsula Technology, Industry & Business Park.

The introduction of the new local policy and Development Plan Overlay (Schedule 24) will guide the future use and development of the land by:

- Ensuring long-term opportunities for the establishment of strategic industries, manufacturing, research & development, smaller start-ups and small to medium enterprises through the provision of lots and buildings of varying sizes.
- Discouraging uses that should be more appropriately located in commercial centres or conflict with the primary focus of the precinct.
- The provision of recreational open space which will contain facilities such as a sporting oval with walking and cycling tracks that will enhance the experience of workers, visitors to the area and residents.
- Incorporating the Brunnings homestead heritage site into the open space area to ensure the protection of the homestead and the significant trees located on the site.
- A range of environmentally sustainable practices and initiatives, such as the use of renewable energy, sustainable building design and best practice water and waste management.
- Providing well-designed landscaped buffers where required to ensure that an appropriate transition occurs between the precinct, adjoining properties and surrounding zones.

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

The objectives of planning in Victoria, as set out at Section 4(1) of the Planning Environment Act 1987 are:

- *To provide for the fair, orderly, economic and sustainable use, and development of land;*
- *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- *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;*
- *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;*
- *To facilitate development in accordance with the objectives set out in the points above;*
- *To facilitate the provision of affordable housing in Victoria;*
- *To balance the present and future interests of all Victorians.*

The amendment addresses the relevant objectives of the Act.

The amendment will result in the delivery of a high amenity Technology, Industry & Business Park on the Mornington Peninsula that will create local employment opportunities, upgrade infrastructure and provide a pleasant, efficient and safe working environment as well recreational open space that can be utilised by workers and the local community. An existing Heritage Overlay that applies to part of the land will be retained and the new provisions include require further protection of the heritage values of the site.

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

The amendment addresses environment, social and economic effects as follows:

- The proposed amendment will have a significant economic benefit by addressing the projected shortage of industrially zoned land identified in the Shire's Industrial Land Strategy and the Melbourne Industrial and Commercial Land Use Plan, providing greater opportunities for economic growth and local employment in line with projected population growth. It has been estimated that the development of the site has the potential to create up to 1,110 ongoing jobs and will generate at least \$807.9 million in economic value for the Mornington Peninsula region and Victorian economy.
- In addition to the significant social benefit associated with increased local employment opportunities, the proposed development will also enable the establishment of new businesses providing services to the community. The vision for the Technology, Industry and Business Park also includes greater public access to the precinct and facilities than is the case in traditional industrial areas. This includes access to areas of open space and facilities such as walking and cycling tracks, which will provide a high level of amenity for workers, customers and visitors to the precinct.

The potential negative impact of increased traffic movement is recognised, and a Traffic Impact Assessment has been prepared by Stantec Australia Pty Ltd. The projected increase in traffic movements on Bungower Road is significant, however, the level of traffic movement is considered to be within the reasonable capacity of the road without excessive impact on adjoining properties given the likely traffic distribution, with the majority of traffic utilising the Western Port Highway, the classification of Bungower Road as a local arterial road, the road capacity assessment, the larger setbacks provided along this road and the exclusion of access from Lower Somerville Road.

- In terms of environment impact, an ecological assessment undertaken by Ecology and Heritage Partners indicates that the site contains areas of significant vegetation, including a number of

large mature trees which provide moderate to high quality habitat for native fauna. The proposed Development Plan Overlay requires the proponent to address these findings and to design the future subdivision and development of the land to protect the significant biodiversity values of the site while requiring offsets for any necessary vegetation removal.

Equally, the DPO includes requirements to ensure the layout of the site reflects best practice Environmentally Sustainable Development standards and the preparation of site development guidelines to ensure that the future development of each individual site also has regard to these principles. Finally, the requirements for future bus stops and pedestrian and cycling paths, both within the proposed development and providing a connection to the Council path along Frankston Flinders Road, are intended to facilitate the use of active transport and public transport as an alternative to car dependency.

Does the amendment address relevant bushfire risk?

The land is within a Bushfire Prone Area and is not covered by the Bushfire Management Overlay.

A Clause 13.02-1S Assessment was undertaken and prepared by Fire Risk Consultants to support to this amendment. The future development of the land is considered as a low bushfire risk and meets the requirements of Clause 13.02-1S of the Scheme due to the low landscape risk of the surrounding area.

Comments will be sought from the CFA as part of this amendment.

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

The following Ministerial Directions are applicable to this amendment:

Ministerial Direction – The Form and Content of Planning Schemes

The amendment has been prepared in accordance with and is consistent with the requirements of the *Ministerial Direction – The Form and Content of Planning Schemes*.

Ministerial Direction No. 1 – Potentially Contaminated Land

A Preliminary Site Investigation has been undertaken by Greencap in accordance with *Practice Note 30 – Potentially Contaminated Land* which determined that the site has a medium potential risk for contamination.

To comply with the *Ministerial Direction No. 1 – Potentially Contaminated Land*, under Clause 3.0 (Conditions and requirements for permits) of the proposed Development Plan Overlay (Schedule 24), a condition of permit will be as follows:

- *An intrusive soil contamination assessment is undertaken prior to redevelopment works to assess the potential for impact to human health and ecological receptors.*

This will ensure that any potential site contamination is addressed and managed prior to the commence of development.

Ministerial Direction No.9 – Metropolitan Planning Strategy

The amendment is consistent with the following outcomes, directions and policies outlined in Plan Melbourne 2017 - 2050:

Outcome 1 - Melbourne is a productive city that attracts investment, supports innovation and creates jobs

- *Directions 1.1 Create a city structure that strengthens Melbourne's competitiveness for jobs and investment*

- *Policy 1.1.6 Plan for industrial land in the right locations to support employment and investment opportunities.*
- *Direction 1.2 Improve access to jobs across Melbourne and closer to where people live*
 - *Policy 1.2.2 Facilitate investment in Melbourne's outer areas to increase local access to employment*

Outcome 5 - Melbourne is a city of inclusive, vibrant and healthy neighbourhoods

- *Direction 5.1: Living locally-20 minute neighbourhoods*
- *Direction 5.2: Creating neighbourhoods that support safe communities and healthy lifestyles*
- *Direction 5.4: Deliver local parks and green neighbourhoods in collaboration with communities*

The amendment will provide an additional supply of industrial land which is currently underutilised. It will facilitate the creation of jobs and bring employment local opportunities close to where people live. The incorporation of open space will provide a recreational space that both workers and local residents will be able to utilise.

Ministerial Direction No.11 – Strategic Assessment of Amendments

The amendment is consistent with Ministerial Direction No. 11 on the Strategic Assessment of Amendments.

Ministerial Direction No.14 – Ports Environs

The amendment will not negatively impact upon the existing operation of the Port of Hastings and is accordance with the Ministerial Direction No.14 – Ports Environs. The subject land was identified in the Hastings Port Development Strategy 2018 as part of an area that should be investigated for industrial uses that are compatible with the nearby communities and the activities of an adjacent port at some time in the future. Under the Industrial 3 Zone, sensitive uses such as residential uses are prohibited and the IN3Z is considered an appropriate transitional zone between the established edge of the Somerville township and the port area/regionally and state significant industrial precinct to the east.

Ministerial Direction No. 17 – Localised Planning Statements

The amendment is consistent with the *Mornington Peninsula Localised Planning Statement, 2014* (the LPS). The LPS promotes integrated planning and the provision of local employment opportunities which are key objectives of the amendment. The LPS also emphasizes conservation of natural systems and biodiversity, which are addressed by provisions of the DPO. Finally, the LPS seeks to ensure the appropriate use and development of the Hastings port area and adjacent hinterland. In this regard the amendment reflects the recommendations of the *Port of Hastings Development Strategy (2018)* and will have no negative impact on the operation of the Port.

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

The amendment is supported by and implements various aspects of the Planning Policy Framework as follows:

- *Clause 11.01S Settlement*
- *Clause 11.02-1S Supply of urban land*
- *Clause 17.01-1S Diversified economy*
- *Clause 17.01-1R Diversified economy – Metropolitan Melbourne*
- *Clause 17.01-2S Innovation and research*
- *Clause 17.03-1S Industrial Land Supply*

- *Clause 18.01-1S Land use and transport integration*
- *Clause 18.01-3 Sustainable and safe transport*
- *Clause 18.02-1S Walking*
- *Clause 18.02-2S Cycling*

The amendment will rezone underutilised land that is currently associated with the Port of Hastings to Industrial 3 Zone to facilitate the use and development of the land for the Mornington Peninsula Technology, Industry & Business Park.

This will result in the supply of additional industrial land on the Mornington Peninsula area, on which industries and businesses, such as technology-based industries, manufacturing, strategic industries, and research & development can be established and co-locate to allow for high value knowledge sharing. A diverse range of lot and building sizes will be encouraged and be provided throughout each stage of the development to suit the needs of different industries and businesses.

Sustainable and active transport, such as walking and cycling, will be encouraged through the provision of walking and bicycle paths which will be incorporated into the design of the precinct. These walking and cycling paths will be designed to connect to regional walking and cycling routes, where available, linking the site to Somerville and other areas in the future. The location of the open space with the associated facilities will also encourage local residents to walk and/or cycle to and from the site.

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

The amendment is supported by the following relevant Clauses of the Municipal Planning Strategy:

Clause 02.02 Vision

Strategic objectives

The strategic objectives related to land use and development, as set out in the Council Plan, are:

- *To create thriving, accessible and inclusive places to live, work and visit.*
- *To facilitate improved mobility and connectivity accessible to all within the Mornington Peninsula.*
- *To support an integrated transport and connectivity network.*
- *To facilitate opportunities for job creation and an environment for business to succeed.*
- *To enhance shoulder season and off-peak visitor experiences that are dispersed throughout the region.*
- *To help grow key strategic industries, such as the food economy, niche manufacturing and health economy, in the Mornington Peninsula.*

Clause 02.03-6 Economic Development

Council's strategic directions for 'Economic development' are to:

- *Facilitate the expansion of existing industries and support new industries that provide services to the Peninsula community, contribute to the local employment base and are compatible with the Peninsula's character and environment, and the amenity of the local area.*
- *Support larger industrial lot sizes to provide opportunities for a wider range of manufacturing activities.*

The amendment will result in an additional supply of industrial zoned land on the Mornington Peninsula which will allow for creation of local job opportunities and allow for strategic industries to locate to the Mornington Peninsula area. The application of the Local Policy and Development Plan

Overlay (Schedule 24) will ensure that a wide range of lots, including larger lots are available at each stage of development.

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

The amendment makes proper use of the Victorian Planning Provisions through the application of a local policy an appropriate zone and overlay. Applying the Industrial 3 Zone and Development Plan Overlay (Schedule 24) will facilitate the future use and development of the land for the Mornington Peninsula Technology, Industry & Business Park.

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

As per Ministerial Direction No.19, the responsible authority has obtained early advice from the Environmental Protection Authority (EPA) in relation to potentially contaminated land. This advice is reflected in the proposed Development Plan Overlay provisions.

The views of other relevant agencies will be sought during the exhibition of the amendment.

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

The amendment addresses the requirements of the Transport Integration Act 2010 by:

- Ensuring the provision of safe access to the site, including the provision of a signalised intersection if required.
- Including provision of walking and cycling paths, including a connection from the site to Frankston Flinders Road, which will encourage the use of active transport.
- Including provision for bus stops in the design of the required road works to facilitate future access by public transport

Preliminary traffic modelling undertaken by Stantec Australia P/L also indicates that Bungower Road has the capacity to accommodate the additional traffic movements for the site based on the proposed future development of the land.

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 not result in any significant impact to the Responsible Authority resources and/or administrative costs.

Where you may inspect this amendment

The amendment is available for public inspection online at : Mornington Peninsula Shire Council: www.mornpen.vic.gov.au or at the following places, free of charge, during office hours:

Hastings office – 21 Marine Parade, Hastings

Mornington office – 2 Queen Street, Mornington

Rosebud office – 90 Besgrove Street, Rosebud, or

The amendment can also be inspected free of charge on the 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 [insert submissions due date].

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must in writing and be received by [TBD].

A submission must be sent to the Mornington Peninsula Shire by:

- Email: strategic.admin@mornpen.vic.gov.au

Please use 'Amendment C243morn – submission' in the email subject line

Or

- Mail, addressed to:

Strategic Planning Department
Mornington Peninsula Shire
Private Bag 1000,
Rosebud, Victoria 3939

Please quote *Amendment C243morn – submission* in the subject line.

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: [TBD]
- panel hearing: [TBD]