

28 February 2006**MELBOURNE PLANNING SCHEME AMENDMENT C107:
189-219 SALMON STREET, PORT MELBOURNE****Committee** Planning and Environment**Presenter** Cr Ng**Purpose**

1. To inform Council of Melbourne Planning Scheme Amendment C107 and seek its adoption. The Amendment proposes to adjust zone boundaries to align them with the title boundaries of the Holden Corporate Headquarters at 189-219 Salmon Street, Port Melbourne.

Recommendation

2. That Council:
 - 2.1. adopt Melbourne Planning Scheme Amendment C107 pursuant to section 29 of the *Planning and Environment Act 1987* and as presented in Attachments 1 and 2 to the Management Report;
 - 2.2. forward the adopted Amendment to the Secretary of the Department of Sustainability and Environment for certification;
 - 2.3. by instrument of delegation sealed by the Council pursuant to section 98(1) of the *Local Government Act 1989* and section 188 of the *Planning and Environment Act 1987* delegate the power to the Group Manager, Sustainable Regulatory Services, or the person from time to time acting in that position to:
 - 2.3.1. negotiate and liaise with the Secretary of the Department of Sustainability and Environment for the purpose of having the Amendment certified pursuant to section 35A of the *Planning and Environment Act 1987*;
 - 2.3.2. approve the Amendment, if not substantially amended following adoption by Council and if appropriate in the circumstances, pursuant to section 35B of the *Planning and Environment Act 1987*;
 - 2.3.3. do all things incidental and ancillary to the above; and
 - 2.3.4. advise the Minister for Planning of any decision made to approve the Amendment in satisfaction of section 35B of the *Planning and Environment Act 1987*; and
 - 2.4. resolve that the instrument of delegation referred to in paragraph 2.3 immediately above will cease and be of no further effect upon completion of all necessary steps and the execution of all necessary documents in order that the Amendment is certified, approved and notified.

Council Report Attachment:

1. Planning and Environment Committee, Agenda Item 5.9, 7 February 2006

7 February 2006

**MELBOURNE PLANNING SCHEME AMENDMENT C107:
189-219 SALMON STREET, PORT MELBOURNE**

Division Sustainability & Innovation

Presenter Con Livanos, Acting Manager Development Planning

Purpose

1. To inform the Committee of Melbourne Planning Scheme Amendment C107 and seek its adoption. The Amendment proposes to adjust zone boundaries to align them with the title boundaries of the Holden Corporate Headquarters at 189-219 Salmon Street, Port Melbourne.

Recommendation

2. That the Planning and Environment Committee recommend that Council:
 - 2.1. adopt Melbourne Planning Scheme Amendment C107 pursuant to section 29 of the *Planning and Environment Act 1987* and as presented in Attachment 1 & 2;
 - 2.2. forward the adopted Amendment to the Secretary of the Department of Sustainability and Environment for certification;
 - 2.3. by instrument of delegation sealed by the Council pursuant to section 98(1) of the *Local Government Act 1989* and section 188 of the *Planning and Environment Act 1987* delegate the power to the Group Manager, Sustainable Regulatory Services, or the person from time to time acting in that position to:
 - 2.3.1. negotiate and liaise with the Secretary of the Department of Sustainability and Environment for the purpose of having the Amendment certified pursuant to section 35A of the *Planning and Environment Act 1987*;
 - 2.3.2. approve the Amendment, if not substantially amended following adoption by Council and if appropriate in the circumstances, pursuant to section 35B of the *Planning and Environment Act 1987*;
 - 2.3.3. do all things incidental and ancillary to the above; and
 - 2.3.4. advise the Minister for Planning of any decision made to approve the Amendment in satisfaction of section 35B of the *Planning and Environment Act 1987*; and
 - 2.4. resolve that the instrument of delegation referred to in paragraph 4. immediately above will cease and be of no further effect upon completion of all necessary steps and the execution of all necessary documents in order that the Amendment is certified, approved and notified.

Key Issues

3. The Holden Corporate Headquarters has been re-established at 189-219 Salmon Street, Port Melbourne. The Minister for Planning approved Amendment C74 to the Melbourne Planning Scheme on 17 June 2002. The amendment allowed the rezoning of 189-219 Salmon Street, Port Melbourne from Industrial 1 Zone to Business 3 Zone.
4. Amendment C74 also allowed the development of a 3 storey office building with associated car parking at 189-219 Salmon Street for use as the Holden headquarters. The road layout for this development has been amended and incorporates a small part of the title at 173-187 Salmon Street, Port Melbourne (within the Industrial 1 Zone). Consequently, the title boundary between the two sites has been realigned (Plan of Subdivision 539198U) and 189-219 Salmon Street now includes an additional 380 sqm on its title.
5. This additional portion of land (now included on the title of 189-219 Salmon Street) is still zoned Industrial 1 Zone. The remainder of the site is Business 3 Zone. The Amendment will align the zoning with the current titles. Refer to the map within Attachment 2.

Time Frame

6. The Minister for Planning has authorised the Council to approve the amendment under section 35B of the *Planning and Environment Act 1987*. Recent changes to the Act mean that, in certain circumstances, the Minister can authorise Council to approve the amendment instead of the Minister for Planning. Before Council can approve the amendment, it must be certified by the Secretary of the Department of Sustainability and Environment. This process is to check that the amendment is substantially in the form that has been authorised and is in an appropriate format.
7. Once Council adopts Melbourne Planning Scheme Amendment C107, all relevant documentation will be sent to the Secretary of the Department of Sustainability and Environment for certification. Once certification is received the amendment can be approved.

Relation to Council Policy

8. The amendment is consistent with the *Municipal Strategic Statement* (MSS). The MSS identifies Port Melbourne (Fishermans Bend) as undergoing rapid transformation where manufacturing is transforming from heavy manufacturing to clean high technology and research and development.
9. The proposed rezoning is consistent with the objectives of the MSS in regards to Port Melbourne (Fishermans Bend). It consolidates the zoning for the site and encourages the completion of an already approved office development for Holden who are key automotive industrial stakeholders in the area.

Consultation

10. The amendment is considered minor in nature and will not affect any party outside the subject land. A request was made to the Minister for Planning to exempt the amendment from notification, this request was approved. The Amendment was referred to relevant State Government Ministers, no objection was received.

Finance

11. There are no direct financial implications from the recommendations contained in this report.

Legal

12. Divisions 1, 2 and 3 of Part 3 of the *Planning and Environment Act 1987* (“the Act”) set out the required process for amending a planning scheme.

Sustainability

13. The amendment will have no significant environmental effects and will have a positive economic and social benefit by facilitating the final stage of the development of the Holden Corporate Headquarters, which will have a major benefit to the City of Melbourne and the Victorian economy.
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Attachments:

1. Amendment C107 – Explanatory Report
2. Melbourne Planning Scheme – Local Provision

Planning and Environment Act 1987

MELBOURNE PLANNING SCHEME

AMENDMENT C107

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the City of Melbourne, which is the planning authority for this amendment.

The amendment has been made at the request of Graeme Dickson Partners Pty Ltd acting for James Fielding Developments Pty Ltd.

Land affected by the amendment.

The amendment applies to part of the land situated at 189-219 Salmon Street, Port Melbourne.

What the amendment does.

The amendment alters the zone boundary between the Business 3 Zone and the Industrial 1 Zone to incorporate approximately 380m² within the Business 3 Zone which applies to the Holden Corporate Headquarters at 189-219 Salmon Street, to facilitate the construction of safer vehicle and pedestrian access.

Strategic assessment of the amendment

- *Why is the amendment required?*

The Holden Corporate Headquarters has been re-established at 189-219 Salmon Street, Port Melbourne. The Minister for Planning approved Amendment C74 to Melbourne Planning Scheme on 17 June 2002. The amendment allowed the rezoning of 189-219 Salmon Street, Port Melbourne from Industrial 1 Zone to Business 3 Zone. Amendment C74 also allowed the development of a 3 storey office building with associated car parking at 189-219 Salmon Street for use as the Holden headquarters. The road layout for this development has been amended and incorporates a small part of the title at 173-187 Salmon Street. The title boundary between the two sites has been realigned (Plan of Subdivision 539198U). The rezoning will align the zoning with current titles.

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

The Amendment implements the objectives of Planning for Victoria by providing for the orderly development of land and to secure an efficient and safe working environment.

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

The Amendment will have no significant environmental effects and will have a positive economic and social benefit by facilitating the final stage of the development of the Holden Corporate Headquarters, which will have a major benefit to the City of Melbourne and the Victorian economy.

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

The Amendment is affected by Minister's Direction No 9 Metropolitan Strategy, which requires that Planning Scheme Amendments have regard to Melbourne 2030.

The most relevant Direction of Melbourne 2030 for this Amendment is Direction 4 – A More Prosperous City.

A number of issues are identified which are addressed below :

1. The need to protect Industrial land around the Port of Melbourne;

While Fishermans Bend has traditionally been associated with heavy manufacturing, it is increasingly being developed for high tech manufacturing and office / warehouse uses. This small reduction, 380m², in the Industrial 1 Zone is not significant, and is consistent with the establishment of offices adjacent to Lorimer Street, which support and are integrated with manufacturing industry. It is considered that the proposed Amendment, as with Amendment C74 which preceded it, supports the continued use of industrial land around the Port of Melbourne and will not compromise the implementation of Melbourne 2030

2. The need to ensure that new development in the Fishermans Bend precinct does not impact the operation of the Port;

The proposed rezoning is minor but consolidates the zone which accommodates the corporate headquarters of Holden and will not change the way in which the Holden, or adjacent land, is used; thus the amendment will not have an impact on the Port of Melbourne.

3. The need to encourage the development of the Fishermans Bend precinct as an economic cluster for the auto and aviation industries, while not undermining activity centre policy of Melbourne 2030;

The amendment will consolidate the zoning of all buildings & works constituting Holden's headquarters in one zone. As Holden is one of the key players forming the auto industry cluster, the amendment is consistent with this direction, and it will not undermine the activity centre policy.

The Amendment is consistent with the relevant Directions and Policies of Melbourne 2030.

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

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

Clause 11.03-5 in the State Planning Policy Framework relates to the Economic well being of the State. The proposed Amendment is consistent with this policy as it will consolidate in one zone and complete a development that has significant economic benefits for the State.

The Amendment although minor, is consistent with Clause 17.02 Business, and will not have an adverse impact on the achievement of policies in Clause 17.03 Industry, as it does not prejudice the sustainable development of industry.

The Amendment will not change land use and so will not have an adverse impact on the operation of the Port, and thus is consistent with Clause 18.05 Ports.

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

Municipal Strategic Statement – City Plan

In City Plan under Prosperous City, aim 1.3 is “to ensure that the Victorian economy benefits from world - competitive gateway infrastructure in the City”.

Outcome 1.3.5 recognises Melbourne internationally as a key centre for value-added manufacturing. To contribute to this Council will:

- *“encourage development and investment in industries of State significance in Fishermans Bend and Docklands;*
- *restrict fragmented development of the Fishermans Bend area or erosion of its capacity to support development of the aerospace, automotive and other industries identified as being of State significance;*
- *encourage emission free or office-based manufacturing uses and development in Lorimer Street, Fishermans Bend, that are complementary to Docklands redevelopment.”*

The objective for Fishermans Bend outlined in City Plan is “to encourage the creation of an attractive and well serviced high technology business and industrial park”. In order to do this growth in manufacturing and research and development facilities, particularly in high tech areas such as the automotive, aerospace, multimedia, biotechnology and information technology industries are encouraged to locate in the Fishermans Bend area. Growth in smaller scale clean manufacturing that requires office type accommodation is also encouraged. Development in Fishermans Bend is encouraged to contribute towards the creation of an attractive and well serviced business park environment.

The proposed rezoning is consistent with the above as it consolidates the zoning for the site and encourages the completion of an already approved office development for Holden who are key automotive industrial stakeholders in the area.

Amendment C60

Amendment C60 (Review of the Municipal Strategic Statement) identifies Port Melbourne (Fishermans Bend) as undergoing rapid transformation where manufacturing is transforming from heavy manufacturing to clean high technology and research and development.

The MSS review lends support to the development of the “Corporate” precinct as identified in the Port Melbourne Structure Plan 1999 as an area to attract new major manufacturing business and corporate headquarters, focussing on research and technology. A strategy for the Fishermans Bend area is to discourage small scale industrial and commercial development not related to advanced manufacturing and research and development uses.

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

Zoning

The part of land proposed to be rezoned is currently located in the Industrial 1 Zone of the Melbourne Planning Scheme. The purpose of this Zone is:

To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.

The Amendment request is to rezone the land to a Business 3 Zone. The purpose of this Zone is:

To encourage the integrated development of offices and manufacturing industries and associated commercial and industrial uses.

- *What impact the amendment will have on resource and administrative costs*

It is expected that the new planning provisions will have a limited impact on the resource and administrative costs of 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.

Department of Sustainability and Environment
Planning Information Centre
Ground Floor
8 Nicholson Street
East Melbourne VIC 3002

City of Melbourne
Level 6, Council House
200 Little Collins Street
Melbourne VIC 3000

Planning and Environment Act 1987
MELBOURNE PLANNING SCHEME

AMENDMENT C107

The planning authority for this amendment is the City of Melbourne

The Melbourne Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of one attached map:

Zoning Maps

1. Planning Scheme Map No. 8 is amended in the manner shown on the attached map marked “Melbourne Planning Scheme, Amendment C107”.

End of document

Amendment C107

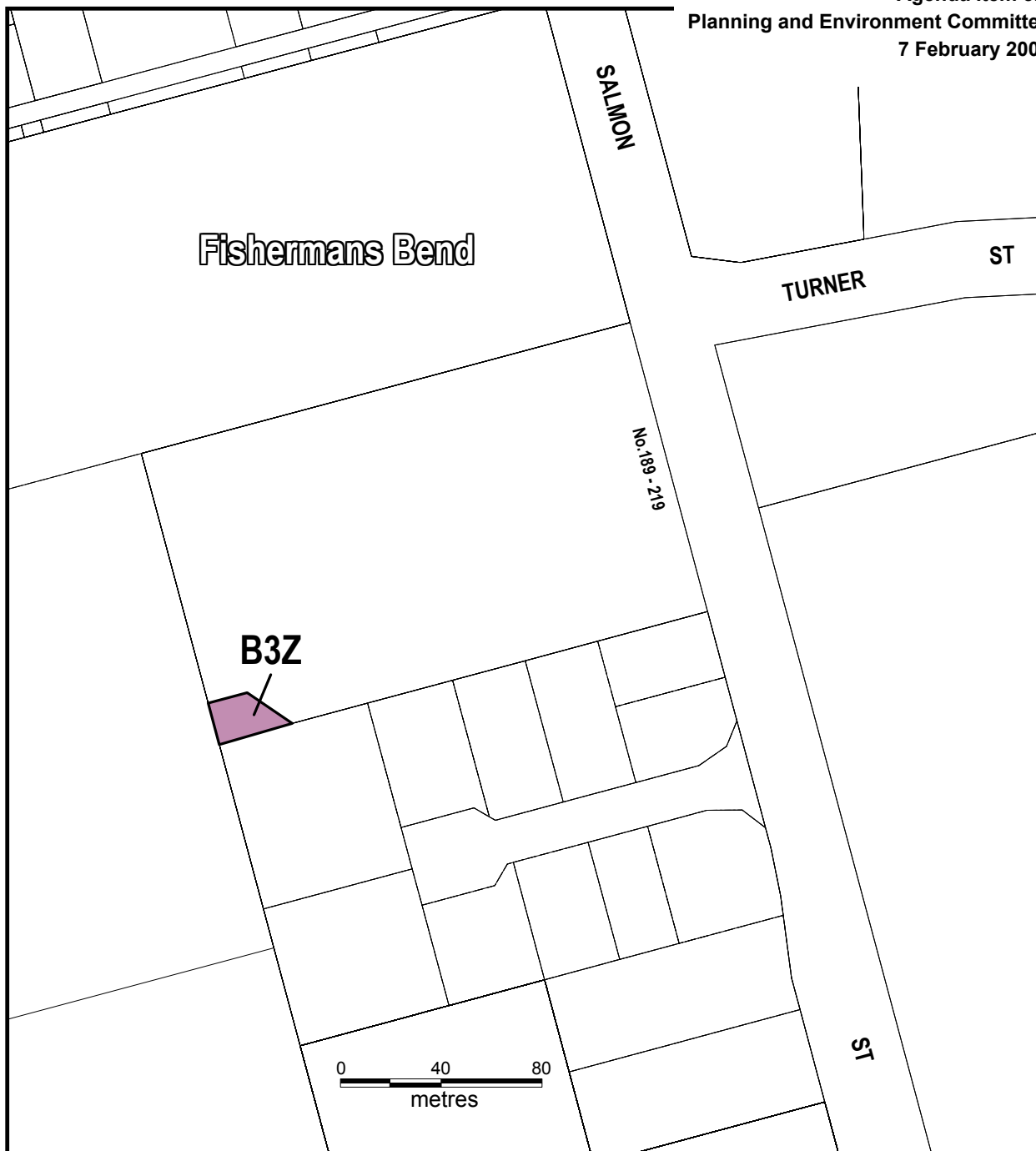
List of changes to the Melbourne Planning Scheme

<i>Clause / Map Numbers</i>	Change	Comment
PLANNING SCHEME MAP CHANGES		
Map 8	Amended in the manner shown on the attached map marked “Melbourne Planning Scheme, Amendment C107 Map 8”	Rezones a small part of 177 Salmon Street, proposed to be transferred to 191 Salmon Street the Holden Corporate Headquarters, to a Business 3 Zone, consistent with the zoning of the host parcel.
TABLE OF CONTENTS (Information to accompany amendment)		
LOCAL PLANNING POLICY FRAMEWORK		
ZONES		
OVERLAYS		
PARTICULAR PROVISIONS		
GENERAL PROVISIONS		
INCORPORATED DOCUMENTS		
LIST OF AMENDMENTS (Information to accompany amendment)		
List of Amendments	Amends Map 8 to include part of the land at 177 Salmon Street within a Business 3 Zone	Updates the List of Approved Amendments to the Planning Scheme

MELBOURNE PLANNING SCHEME

LOCAL PROVISION

Attachment 2
Agenda Item 5.9
Planning and Environment Committee
7 February 2006



Part of Planning Scheme Map 5

LEGEND

 B3Z BUSINESS 3 ZONE

AMENDMENT C107

FINANCE ATTACHMENT

**MELBOURNE PLANNING SCHEME AMENDMENT C107: 189-219 SALMON
STREET, PORT MELBOURNE**

There are no direct financial implications from the recommendations contained in this report.

Joe Groher
Manager Financial Services

LEGAL ATTACHMENT

MELBOURNE PLANNING SCHEME AMENDMENT C107: 189-219 SALMON STREET, PORT MELBOURNE

Divisions 1, 2 and 3 of Part 3 of the *Planning and Environment Act 1987* (“the Act”) set out the required process for amending a planning scheme. This includes the granting of authorisation to prepare the amendment, exhibition, giving notice of the proposed amendment, receiving public submissions, the appointment of a panel to hear submissions in relation to the proposed amendment, adoption, certification and approval.

Section 11 of the Act provides that the Minister may authorise the preparation of an amendment to a planning scheme.

Further, section 29(1) of the Act provides that after complying with Divisions 1 and 2 in respect of an amendment or any part of it, the planning authority may adopt the amendment or that part with or without changes.

Section 35B of the Act sets out that:

“(1) If a planning authority is authorised under section 11 to approve an amendment, the planning authority may approve the amendment in the form certified under section 35A”.

Relevantly, Council has been authorised by the Minister to prepare this amendment and in accordance with Section 35B may approve the amendment.

Section 35A prescribes that:

“(1) This section applies if a planning authority is authorised under section 11 to approve an amendment and has adopted the amendment under Section 29”.

(2) The planning authority must not approve the amendment under section 35B unless the amendment has been certified by the Secretary to the Department as being in an appropriate form.

(3) Before certifying an amendment under this section, the Secretary to the Department may require any changes to the amendment that are necessary to ensure that it is an appropriate form”.

Council is authorised by sections 98(1) of the *Local Government Act 1989* and 188 of the Act to delegate to a member of Council’s staff the power to approve the amendment once certified properly under the Act.

Alison Lyon
Manager Legal & Governance