

## **WARRNAMBOOL PLANNING SCHEME**

### **AMENDMENT C210warr**

#### **EXPLANATORY REPORT**

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

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

The proposed amendment has been made at the request of Myers Planning Group on behalf of Warrnambool Presbyterian School Ltd.

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

The proposed amendment applies to:

- 44-52 Balmoral Road, Warrnambool
- 1-22 Royal Court, Warrnambool
- Part of Crown Allotment 2102 Parish of Wangoom
- RES1 on Plan of Subdivision 719889
- R1 on Plan of Subdivision 719889
- Part of RES1 on Plan of Subdivision 728613

See the area shown within the red outline in Map 1, below.



## **What the amendment does**

The proposed amendment makes zoning corrections to the affected land by removing the redundant Public Use Zone – 2 (Education) and applying the logical underlying and adjoining zone.

Specifically, the amendment:

- Rezones 44-52 Balmoral Road, Warrnambool (Kings College school campus) from Public Use Zone – 2 (Education) to General Residential Zone – Schedule 1.
- Rezones 1-22 Royal Court, Warrnambool and the Royal Court road reserve (R1 on Plan of Subdivision 719889N) from Public Use Zone – 2 (Education) to General Residential Zone – Schedule 1.
- Rezones part of Crown Allotment 2102 Parish of Wangoom from Public Use Zone – 2 (Education) to Public Park and Recreation Zone.
- Rezones RES1 on Plan of Subdivision 719889N and part of RES1 on Plan of Subdivision 728613 from Public Use Zone – 2 (Education) to Public Park and Recreation Zone.

## **Strategic assessment of the amendment**

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

The Warrnambool Presbyterian School Ltd adopted the Kings College Master Plan in September 2020. The amendment is required to implement part of the recommendations contained within the Kings College Master Plan. Specifically, the amendment is required to:

- Rezone private land which is incorrectly zoned to an appropriate underlying zone. The Public Use Zone – 2 (Education) applied to these sites does not provide for use or development of the land for non-public purposes.
- Rezone public land administered by the Department of Environment, Land, Water and Planning and Warrnambool City Council (which adjoin the abovementioned sites) to an appropriate underlying zone.

The proposed implementation of the Kings College Master Plan (as described above) will deliver a net community benefit that far outweighs any costs that might be associated with requirements of the proposed new zone. From a procedural perspective, the removal of the redundant Public Use Zone – 2 (Education) from private land is required to bring order and fairness to the current planning process, which currently burdens the school and residential landowners by requiring a planning permit for normal buildings and works which would ordinarily not be required.

This will result in public savings to private residential landowners by removing the need for a planning permit for conventional residential uses and development which would ordinarily not require a permit under the proposed General Residential Zone – Schedule 1.

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

The amendment will better facilitate the efficient development of the land. It will increase the support of land for education and housing and ensure the required services and physical infrastructure for these uses can be provided in an orderly fashion.

The amendment implements the objectives of planning in Victoria under Section 4(1) of the *Planning and Environment Act 1987* (the Act) through applying the correct zone to the subject site and associated statutory planning tools prepared to facilitate development. In particular:

- To provide for the fair, orderly, economic and sustainable use and development of land, by ensuring that an appropriate zone is applied to the subject sites to enable the future use and development of these lands for their intended purpose.
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria, by applying the correct zone to land within the Royal Court address to contribute to the creation of a pleasant living environment consistent with the purpose for which the land has been developed.

- To facilitate development in accordance with the objectives set out in the points above.
- To balance the present and future interests of all Victorians, by applying a zoning regime appropriate for the intended purposes of the subject sites, and which provides long-term security for the future land use framework (i.e. zone) of the school site.

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

This amendment seeks to ensure land is accurately covered by the appropriate planning provisions in accordance with the *Practitioners Guide to Victorian Planning Schemes*. The amendment will have positive environmental, social and economic effects by ensuring the subject lands are within the correct zone.

The school site has not been identified as having any significant environmental constraints and, accordingly, it is considered that the proposal will not have any significant impacts on the environment.

The proposed amendment will help facilitate the continued long-term use of the site as a school campus, which supports the social and economic wellbeing of the broader community. The proposed amendment also facilitates the future development of land which may contribute additional housing supply within an established urban area located in the Warrnambool municipality.

It follows that the proposal is not considered to have any adverse environmental, social, or economic effects.

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

Clause 13.02-1S seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. This amendment seeks to ensure land is accurately covered by the appropriate planning provisions in accordance with the *Practitioners Guide to Victorian Planning Schemes*.

The proposed rezoning changes reflect the existing conditions or underlying zoning controls that are already present on the land. Where appropriate, the land is partially covered by bushfire protection measures that will mitigate risk in accordance with clause 13.02-1S such as Bushfire Prone Area mapping. The amendment will not introduce or intensify development in an area that has more than a BAL-12.5 rating under *AS3959-2009 Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2009) and will not increase the net risk to life, property, community infrastructure and the natural environment from bushfire.

Therefore, the proposed amendment meets the objectives of Clause 13.02-1S.

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

Relevant Ministerial Directions which have been considered in the preparation of this amendment are as follows:

- Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.
- Ministerial Direction No. 11 – Strategic Assessment of Amendments.

The amendment complies with these directions as follows:

- The amendment has been prepared having regard to the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act. The proposed zoning changes are consistent with the requirements of the Ministerial Direction.
- Ministerial Direction No 11 seeks to ensure that a comprehensive strategic evaluation of a planning scheme amendment has been undertaken as well as the outcomes it produces. A strategic assessment of the proposed amendment has been undertaken in accordance with this Ministerial Direction in this explanatory report and attachments.

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

The Planning Policy Framework (PPF) seeks to ensure the objectives of planning in Victoria (as set out in Section 4 of the Act) are fostered through appropriate land use and development policies and practices. The PPF informs the preparation and implementation of local planning policy objectives and the introduction of zone and overlay controls, and seeks to integrate relevant environmental, social and economic factors in the interest of net community benefit and sustainable development. The proposed amendment supports and implements the PPF as per the following:

- Clause 01 **Purposes of this planning scheme** by providing a clear, consistent and correct land use framework (i.e. zones) within which fair and orderly decisions about the use and development of land can be made.
- Clause 11.02-1 **Supply of urban land** by creating potential additional land supply within an established urban area located in the Warrnambool municipality.
- Clause 16.01-1S **Housing supply** by applying the correct residential zone to land to provide a range of housing types to meet the community's needs.
- Clause 16.01-1L **Housing supply** by applying the correct residential zone to support residential infill development within established urban areas that complements the area's neighbourhood character.
- Clause 19.02-2S **Education facilities** by securing the long-term future of the school site and ensuring the ongoing provision of high-quality educational facilities.

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

The Municipal Planning Strategy (MPS) sets out the City's context, municipal vision, and strategic planning directions, with a focus on specific areas and issues within Warrnambool.

The proposed amendment supports the MPS as per the following:

- Clause 02.02 **Vision** by providing a clear, consistent and correct land use framework (i.e. zones) within which fair and orderly decisions about the use and development of land can be made, which is consistent with Council's vision for the municipality.
- Clause 02.03-1 **Settlement** by applying the correct zoning to privately owned land which is currently incorrectly zoned for public use.
- Clause 02.03-5 **Built environment and heritage** by applying a zone which supports Council's strategic directions in relation to creating sustainable communities, compact urban environments and integrating infill development.
- Clause 02.03-6 **Housing** by applying a zone which supports Council's strategic directions in relation to the provision of housing diversity, infill opportunities and moderate housing growth.
- Clause 02.03-8 **Transport and infrastructure** by applying the most appropriate zone to support Council's strategic directions in relation to education institutions and open space.

## How does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes appropriate use of the Victoria Planning Provisions (VPP) by applying appropriate zone controls consistent with the existing and intended use of the land.

*A Practitioner's Guide to Victorian Planning Schemes* outlines that *Ministerial Direction 7(5): The Form and Content of Planning Schemes* specifies that a planning scheme may only include land in a public land zone if the land is Crown land or is owned, vested in or controlled by a Minister, government department, public authority or a municipal council. The rezoning of private land from Public Use Zone to the underlying zone reflects this direction and correctly applies the VPPs.

It is appropriate, in this circumstance, that Crown land and public open space affected by the amendment be rezoned to a more appropriate public land zone and that the public land zone no longer be applied to private land affected by the amendment.

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

Consultation with the Department of Environment, Land, Water and Planning (DELWP) has informed the preparation of the amendment. The amendment addresses the views of DELWP by implementing the changes sought by the agency to areas of crown land under DELWP management.

The views of other relevant agencies will be sought as part the exhibition process, with no foreseen issues.

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

There are no applicable statements of policy principles prepared under section 22 of the Transport Integration Act that would affect 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 proposed amendment is not expected to have any significant impact on the administrative costs of the responsible authority.

## Where you may inspect this amendment

The amendment can be inspected free of charge at the Warrnambool City Council website at [www.warrnambool.vic.gov.au](http://www.warrnambool.vic.gov.au).

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

Warrnambool City Council Civic Centre  
25 Liebig Street  
Warrnambool VIC 3280

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) or by contacting 1800 789 386 to arrange a time to view the amendment documentation.

## Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment and/or planning permit must be received by **Monday, 23<sup>rd</sup> May 2022**.

A submission must be sent to:

Warrnambool City Council  
PO Box 198  
Warrnambool VIC 3280

Or by email [jmclean@warrnambool.vic.gov.au](mailto:jmclean@warrnambool.vic.gov.au)

## 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: Week commencing 1 August 2022
- panel hearing: Week commencing 29 August 2022