

# Planning Panels Victoria

## Wyndham Planning Scheme Amendment C267wynd Wyndham Industrial Land Use Strategy

### Panel Report

*Planning and Environment Act 1987*

**20 December 2024**

### How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

*Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the PE Act

Wyndham Planning Scheme Amendment C267wynd

Wyndham Industrial Land Use Strategy

**20 December 2024**



John Roney, Chair



John Hartigan, Member

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## Glossary and abbreviations

Abiwood	Abiwood MTC Pty Ltd
Amendment	Proposed Amendment C267wynd
Born Free	Born Free Produce Pty Ltd
C2Z	Commercial 2 Zone
Council	Wyndham City Council
Dahua	Dahua Group Melbourne Number 4 Pty Ltd
DPO	Development Plan Overlay
DTP	Department of Transport and Planning
IN3Z	Industrial 3 Zone
MICLUP	<i>Melbourne Industrial and Commercial Land Use Plan, April 2020</i>
MPS	Municipal Planning Strategy
MSS	Municipal Strategic Statement
NEIC	National Employment and Innovation Cluster
Oreana	Oreana Project Management Pty Ltd
PE Act	<i>Planning and Environment Act 1987</i>
Plan Melbourne	<i>Plan Melbourne 2017-2050</i>
Planning Scheme	Wyndham Planning Scheme
PPF	Planning Policy Framework
PPN46	<i>Planning Practice Note 46: Strategic Assessment Guidelines, August 2018</i>
Practitioner's Guide	<i>A Practitioner's Guide to Victorian Planning Schemes, Version 7, June 2024</i>
PSP	Precinct Structure Plan
Remplan report	<i>Strategic Economic Insights Report (Remplan, July 2021)</i>

Riverwalk DP	Riverwalk Development Plan
The Wyndham Plan	<i>The Wyndham Plan, Wyndham City Council, 2023</i>
UGZ	Urban Growth Zone
VCAT	Victorian Civil and Administrative Tribunal
VPA	Victorian Planning Authority
VPP	Victoria Planning Provisions
WILUS	<i>Wyndham Industrial Land Use Strategy, 2022</i>

## Overview

### Amendment summary

The Amendment	Wyndham Planning Scheme Amendment C267wynd
Common name	Wyndham Industrial Land Use Strategy
Brief description	Implementation of the Wyndham Industrial Land Use Strategy 2022
Subject land	Current and future industrial land within the City of Wyndham
Planning Authority	Wyndham City Council
Authorisation	3 August 2023, subject to conditions
Exhibition	1 February to 3 March 2024
Submissions	Number of Submissions: 11, including one late submission Opposed: 7 (see Appendix A)

### Panel process

The Panel	John Roney (Chair), John Hartigan (Member)
Directions Hearing	Wyndham Council Civic Centre and by video conference, 6 November 2024
Panel Hearing	Wyndham Council Civic Centre and by video conference, 9 and 10 December 2024
Site inspections	Unaccompanied, 4 December 2024
Parties to the Hearing	<p>Wyndham City Council represented by Kim Piskuric of Harwood Andrews, who called expert evidence on:</p> <ul style="list-style-type: none"> <li>- planning from Paul Buxton of Plan2Place Consulting &amp; Co Pty Ltd</li> </ul> <p>Dahua Group Melbourne Number 4 Pty Ltd, represented by Paul Chiappi instructed by Nick Sutton and Joshua Khaw of Norton Rose Fulbright, who called expert evidence on:</p> <ul style="list-style-type: none"> <li>- planning from Evan Granger of Urbis Ltd</li> <li>- economics from Rhys Quick of Urbis Ltd</li> </ul> <p>Oreana Project Management Pty Ltd, represented by Henry Wood of Urban Planning Collective</p> <p>Abiwood MTC Pty Ltd represented by Fiona Wiffrie of Beveridge Williams</p> <p>Lignum Field and M &amp; J Miletic represented by Fiona Wiffrie of Beveridge Williams</p> <p>Born Free Produce Pty Ltd, represented by Aileen Lim</p>
Citation	Wyndham Planning Scheme PSA C267wynd [2024] PPV
Date of this report	20 December 2024

## Executive summary

Wyndham Planning Scheme Amendment C267wynd (the Amendment) seeks to implement parts of the *Wyndham Industrial Land Use Strategy 2022* (WILUS). This includes amending sections of the Municipal Planning Strategy at Clause 02.03-7, Clause 02.04 (Strategic Framework Plan), local planning policy at Clause 17.03-1L and the Schedule to Clause 74.02 (Further Strategic Work). The Amendment proposes to include the WILUS as a background document in the Schedule to Clause 72.08.

The Amendment applies to current and future industrial zoned land within the City of Wyndham.

Objecting submissions related to the impact of the Amendment on the future Aviators Field and Oakbank Precinct Structure Plans and the Riverwalk Estate. Key issues raised in submissions included:

- Aviators Field and Oakbank Precinct Structure Plans are residential precincts, have not been identified for industrial use and it is premature to nominate areas for industrial purposes
- Riverwalk Estate should not be identified for industrial purposes
- the WILUS has not suitably considered land use conflicts, impacts on adjacent landholdings and neighbourhoods, noise, odour, or traffic effects.

### The strategic basis for the Amendment

The Panel accepts that the Amendment is based on sound strategic planning and is generally consistent with the key policy objectives in the planning scheme and a range of strategic plans. Preparation of the WILUS has involved extensive research and is supported by a variety of associated reports and investigations. The objectives and strategies in the WILUS are appropriate having regard to the context, findings and conclusions of the background research.

Both the West Growth Corridor Plan and the Melbourne Industrial and Commercial Land Use Plan, April 2020 (MICLUP) clearly contemplate potential local industrial and commercial areas that support future residential Precinct Structure Plans. The WILUS is consistent with this approach.

The Amendment only deals with selected aspects of the WILUS. Other matters may be subject to future planning scheme amendments and the merits of these will need to be assessed at the time of implementation.

The 'gaps' in the provision of industrial land identified in the WILUS are relevant and appropriate. The gaps identify the potential need for some small scale industrial and commercial land associated with future residential Precinct Structure Plans.

Existing locally based industrial and commercial land uses are relatively distant from the future urban growth areas. In some cases, such as Hoppers Crossing and Point Cook, these industrial areas are nearly fully developed and there is limited supply of local industrial land available. Large State and regional scale industrial areas generally require extensive travel to access (usually by car) and often provide services that are not related to the day to day needs of residential communities. In this context, it is appropriate for WILUS to identify the potential opportunity for some locally based industrial and commercial land associated with future residential areas to service local needs. This includes opportunities for local employment as well as providing services to residents that are close to where they live.

Further investigations regarding the supply and demand for future employment land will be a matter to be addressed at the Precinct Structure Planning stage. This stage of the process will also identify the scale and location of all non-residential land uses, including employment land.

Matters such as land use conflicts, impacts on adjacent landholdings and neighbourhoods, noise, odour, or traffic effects arising from employment land can be adequately addressed at the Precinct Structure Planning stage (if required) and through the assessment of planning permit applications for the use and development of land. It is not necessary for the WILUS to address these issues in detail.

The Panel considers that the Amendment generally delivers net community benefit and sustainable development consistent with Clause 71.02-3.

### **Wyndham Industrial Land Use Strategy**

The WILUS provides useful background and context to the proposed changes to the planning scheme and it is appropriate to include it as a background document in the Schedule to Clause 72.08.

It is not necessary for the Panel to consider the merits of the detailed changes to the WILUS. It is only necessary for the Panel to establish that the document provides sufficient strategic justification for the Amendment.

That said, the Panel generally agrees with a variety of relatively minor changes identified by Council and summarised in this report. These changes clarify the intent of the strategy, correct errors, improve the readability and respond to a range of matters raised in submissions and evidence. The Panel makes no specific recommendations regarding these changes but it supports Council updating the WILUS prior to the finalisation of the Amendment.

### **Changes to industry policy**

The proposed changes to Clause 02.03-7 (Economic development) are generally appropriate except that the strategy to *“Support the development of policy that addresses the proliferation of non- industrial uses in the Industrial 3 Zone (IN3Z)”* should be deleted. This is more appropriately included in the Schedule to Clause 74.02 (Further strategic work).

It is appropriate for Clause 02.04 (Strategic Framework Plan) to include a new map titled ‘Industrial Land Strategy Framework Plan (Map 7)’ but the notation that states *“Investigate potential for local employment precincts (IND3Z & C2Z)”* should be modified to state *“Investigate potential for local employment land within future Precinct Structure Plans”* and the associated symbol should be modified. The labels for each of the three Precinct Structure Plan areas (Aviators Field, Oakbank and Bayview) on the exhibited version of Map 7 should be retained.

The proposed new strategies in Clause 17.03-1L (Industrial land supply) are appropriate except that the second strategy to *“Ensure future Precinct Structure Plans include Commercial 2 Zoned land to support, encourage and accommodate peripheral commercial uses and non-industrial uses around activity centres to discourage these uses locating in industrial precincts”* should be deleted. A revised version of this strategy should be included in the Schedule to Clause 74.02 (Further strategic work).

The exhibited additional items in the Schedule to Clause 74.02 are acceptable and consistent with the recommendations in the WILUS. The third item should be amended to correct minor grammatical errors.



The further strategic work to *“Develop an industrial land use strategy to investigate and identify preferred uses and options to guide non-industrial uses and development in industrial land”* has been completed and therefore this dot point in the Schedule to Clause 74.02 should be deleted.

Two further additional dot points proposed by Council to *“Investigate the potential for the inclusion of local employment land, including IND3Z and C2Z land, in Aviators Field, Oakbank and Bayview PSPs to provide for local service industries”* and *“Investigate the potential for the inclusion of Commercial 2 Zone land in future PSPs to support, encourage and accommodate peripheral commercial uses and non-industrial uses around activity centres to discourage these uses locating in industrial precincts”* should be combined into a single item of further strategic work. The two dot points are somewhat related and it would make sense to consider these issues together in the same piece of further strategic work.

## Recommendations

Based on the reasons set out in this Report, the Panel recommends that Wyndham Planning Scheme Amendment C267wynd be adopted as exhibited subject to the following:

1. **Amend Clause 02.03-7 (Economic development) to delete the strategy “Support the development of policy that addresses the proliferation of non-industrial uses in the Industrial 3 Zone (IN3Z)”**
2. **Amend Map 7 ‘Wyndham Industrial Land Strategy Framework Plan’ in Clause 02.04 (Strategic Framework Plan) to delete the symbol and words “Investigate potential for local employment precincts (IN3Z & C2Z)” in the legend and replace with a new symbol and the words “Investigate potential for local employment land within future Precinct Structure Plans.”**
3. **Amend Clause 17.03-1L to delete the strategy “Ensure future Precinct Structure Plans include Commercial 2 Zoned land to support, encourage and accommodate peripheral commercial uses and non-industrial uses around activity centres to discourage these uses locating in industrial precincts.”**
4. **Amend the Schedule to Clause 74.02 (Further strategic work) to:**
  - a) **Delete the words “Develop an industrial land use strategy to investigate and identify preferred uses and options to guide non-industrial uses and development in industrial land.”**
  - b) **Modify the exhibited new third dot point to state “Develop a policy to promote the establishment of industries that offer higher job density in industrial areas.”**
  - c) **Add a new dot point that states “Develop a policy that addresses the proliferation of non-industrial uses in the Industrial 3 Zone (IN3Z).”**
  - d) **Add a new dot point that states:**

**“Investigate the provision of local employment land in Aviators Field, Oakbank and Bayview Precinct Structure Plans to:**

    - **provide for local service industries**
    - **support, encourage and accommodate peripheral commercial uses and non-industrial uses around activity centres.”**

# 1 Introduction

## 1.1 The Amendment

### (i) Amendment description

The Explanatory Report associated with the exhibited Amendment states:

The amendment will ensure that the Wyndham Industrial Land Use Strategy (WILUS) is considered in all future policy and strategic initiatives as a relevant background document and that the strategy objectives are reflected appropriately in local policy in the Wyndham Planning Scheme. This will enable Wyndham to effectively plan and meet the growing demand for industrial land and the economic and employment opportunities that this will provide.

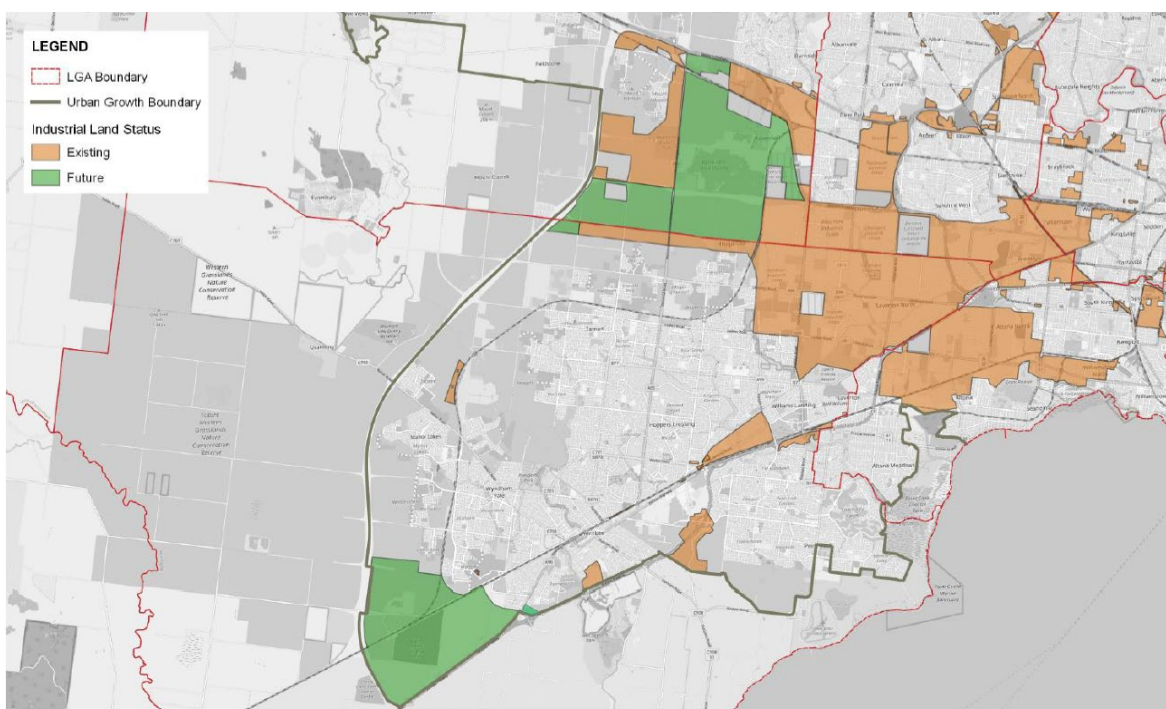
Specifically, the Amendment proposes to:

- insert the *Wyndham Industrial Land Use Strategy 2022* (WILUS) into the Wyndham Planning Scheme as a background document in the Schedule to Clause 72.08
- amend the relevant sections of the Municipal Planning Strategy at Clause 02.03-7 and also at Clause 02.04 (Strategic Framework Plan) to include a new map showing the Wyndham City Industrial Precincts
- amend local planning policy at Clause 17.03-1L to reference and align with the WILUS
- amend the Schedule to Clause 74.02 (Further Strategic Work) to include further strategic work as identified in the WILUS.

### (ii) The subject land

The Amendment applies to current and future industrial zoned land within the City of Wyndham. The current industrial zoned land within the West Growth Corridor is shown in Figure 1.

**Figure 1 Existing and future industrial land in West Growth Corridor**



Source: WILUS

## 1.2 Background

Wyndham City Council (Council) provided detailed background to the Amendment in its Part A submission, including a chronology of events (see Table 1).

**Table 1** Chronology of events

Date	Event
22 March 2022	Council endorsed draft WILUS for purpose of public consultation
7 April to 7 May 2022	Community engagement on draft WILUS
May to June 2022	Community engagement findings and report finalised
25 October 2022	Council formally adopted the WILUS
9 May 2023	Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C267wynd
17 May 2023	Council submitted request for authorisation for Amendment C267wynd
3 August 2023	Conditional authorisation received from Minister for Planning
6 September 2023	Exemption request made under section 5 of Ministerial Direction No 15 to the requirements of section 4(1)
9 November 2023	Minister for Planning approved exemption regarding requirements of section 4(1) of Ministerial Direction No 15
1 February to 3 March 2024	Amendment C267wynd formally exhibited Following close of exhibition 10 submissions were received
8 May 2024	Exemption request made under section 5 of Ministerial Direction No 15 to the requirements of section 4(3)
3 July 2024	Minister for Planning approved exemption regarding requirements of section 4(3) of Ministerial Direction No 15
13 August 2024	Council considered submissions at Council meeting and resolved to request the Minister for Planning appoint a Panel pursuant to section 23(1)(b) of the Planning and Environment Act 1987 and referred all submissions to the Panel
19 September 2024	Council formally requested a Panel for Amendment C267wynd
23 September 2024	Minister for Planning appointed Panel
6 November 2024	Amendment C267wynd Panel Directions Hearing
18 November 2024	Council referred additional late submission to Panel for consideration

Source: Document 11

Authorisation from the Minister for Planning to prepare and exhibit the Amendment was subject to the following conditions:

- 1) Prior to exhibition, unless otherwise agreed in writing by the Department of Transport and Planning, the Council must:
  - a) Revise Clause 02.03-7 to be generally in accordance with the document titled 'Wyndham C267wynd - Clause 02.03 Strategic Direction - DTP track changes June 2023'.

- b) Revise Map 7 of Clause 02.04 to:
  - i. Remove the indicative boundary of the Werribee National Employment and Innovation Cluster (NEIC). Alternatively, the NEIC should be consistent with Map 6 of the Melbourne Industrial and Commercial Land Use Plan Part B (MICLUP).
  - ii. Ensure consistency with Map 6 of MICLUP. This must include re- instatement and realignment of all areas shown as state significant, regionally significant or local industrial land.
  - iii. Ensure the legend is consistent with Map 6 of MICLUP, including terminology, for example: 'state significant industrial land - existing' instead of 'state importance'.
- c) Revise Clause 17.03-1L to be generally in accordance with the document titled 'Wyndham C267wynd - Clause 17.03-1L Industrial Land Supply - DTP track changes June 2023'.
- d) Update the explanatory report to be generally in accordance with the document titled 'Wyndham C267wynd Explanatory Report Authorisation - DTP track changes June 2023'.

Council submitted that the exhibited version of the Amendment documents reflected the tracked changes outlined in the letter of authorisation.

Formal public exhibition of the Amendment extended over four weeks and included:

- public notice in the Victorian Government Gazette
- public notice in the Star Weekly
- notification on the Wyndham City Council website
- amendment documentation viewable at the Wyndham Council Civic Centre
- direct notice (via email) to the prescribed Ministers, authorities and adjoining municipalities
- direct notice (via email) to key stakeholders from the development of the WILUS:
  - Committee for Wyndham
  - Werribee Business & Tourism Association
  - Wyndham BizNet
  - Logos Property Group
  - Goodman Group
- full amendment documentation available on the Department of Transport and Planning website.

Council submitted that it notified the Victorian Planning Authority (VPA) of the Amendment. The VPA did not make a submission.

### 1.3 Summary of issues raised in submissions

A total of 11 submissions were referred to the Panel. Key issues raised in submissions were:

- Aviators Field and Oakbank Precinct Structure Plans (PSP) are residential precincts and have not been identified for industrial use
- identification of Riverwalk Estate for industrial use is inappropriate as it is not identified for industrial purposes
- the WILUS has not suitably considered land use conflicts, impacts on adjacent landholdings and neighbourhoods, noise, odour, or traffic effects
- landowners seeking a residential outcome consider it premature to nominate an area for industrial purposes

- planning schemes are intended to deliver certainty and they should not contain speculative comments where the process to ultimately determine future land uses is still to come
- direct notice was not provided to landowners.

In general, objecting submissions related to the impact of the Amendment in three geographic areas:

- the future Aviators Field PSP (five submissions - numbers 1, 4, 5, 6 and 11)
- the future Oakbank PSP (two submissions - numbers 3 and 7)
- the Riverwalk Estate (submission number 2).

Three submissions were made by public authorities (Department of Energy, Environment and Climate Action, Melton City Council and Hobsons Bay City Council) and these either supported the Amendment or expressed no objection.

## 1.4 Post exhibition changes proposed by Council

Council noted that discussions occurred with objecting submitters over several months regarding the main concerns raised. These discussions resulted in Council proposing changes to some of the wording and maps of the WILUS document to make corrections or clarifications to address the concerns of submitters.

Council circulated proposed changes to the Amendment documentation including the WILUS in its Part A submission.

Further changes to the Amendment documents were proposed by Council at the Hearing in response to evidence and submissions.

Details regarding the changes proposed by Council are discussed in later chapters of this report.

## 1.5 Procedural issues

Following the Directions Hearing, Council referred a late submission (number 11) to the Panel for consideration. The submission did not raise any additional issues and the submitter did not request to be heard at the Hearing.

Originally, Submitter 2 was in the name of Development Victoria. At that time, Development Victoria was the owner of land known as the 'Riverwalk Southern Super Lot' or 'Southern Employment Area'. At the Directions Hearing, the Panel was advised that Oreana Project Management Pty Ltd (Oreana) had contracted to purchase this land from Development Victoria and as such had taken over Development Victoria's submission to the Amendment. No party objected to this substitution.

The following parties made further written submissions to the Panel but did not appear at the Hearing:

- Oreana
- Abiwood MTC Pty Ltd
- Lignum Field and M & J Miletic
- Born Free Produce Pty Ltd.

The Panel has considered these submissions in its assessment of the Amendment.

## 1.6 The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material, and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Strategic issues
- Wyndham Industrial Land Use Strategy
- Proposed changes to industry policy.

## 1.7 Limitations

Several submissions raised concerns regarding the Notice of Amendment. The Panel makes no comment regarding this issue and notes that there are other processes under section 39 of the PE Act where a person who is substantially or materially affected by a technical defect can refer the matter to the Victorian Civil and Administrative Tribunal.

## 2 Strategic issues

### 2.1 Planning context

This chapter identifies planning context relevant to the Amendment. Appendix C highlights key imperatives of relevant provisions and policies.

**Table 2** Planning context

	Relevant references
<b>Victorian planning objectives</b>	- section 4 of the PE Act
<b>Municipal Planning Strategy</b>	- Clause 02.02 (Vision) - Clause 02.03-1 (Settlement) - Clause 02.03-7 (Economic development – Industry) - Clause 02.04 (Strategic Framework Plan)
<b>Planning Policy Framework</b>	- Clauses 11.01-1S (Settlement), 11.01-1L (Settlement) - Clauses 11.02-1S (Supply of urban land), 11.02-2S (Structure planning) - Clause 13.07-1S (Land use compatibility) - Clauses 15.01-1S (Urban design), 15.01-2L (Industrial and commercial design) - Clauses 17.01-1S (Diversified economy), 17.01-1R (Diversified economy – Metropolitan Melbourne), 17.01-2S (Innovation and research) - Clause 17.02-1S (Business) - Clauses 17.03-1S (Industrial land supply), 17.03-1L (Industrial land supply), 17.03-2S (Sustainable industry), 17.03-3S (State significant industrial land), 17.03-3R (Regionally significant industrial land – Metropolitan Melbourne), 17.03-3R (Regionally significant industrial land – Metropolitan Melbourne – Western Metro Region)
<b>Other planning strategies and policies</b>	- Plan Melbourne Direction 1, Policies 1.1.3, 1.1.5, 1.1.6, 1.1.7 - West Growth Corridor Plan - Melbourne Industrial and Commercial Land Use Plan (MICLUP), April 2020 - Wyndham 2040 Community Vision - The Wyndham Plan - Wyndham Industrial Land Use Strategy 2022 (WILUS)
<b>Planning scheme provisions</b>	- Industrial Zones (IND1Z, IND2Z, IND3Z) Commercial 2 Zone (C2Z) and Urban Growth Zone (UGZ) - Development Plan Overlay (DPO2 and DPO16) and Riverwalk Development Plan
<b>Planning scheme amendments</b>	- Amendment C266wynd – update to Municipal Planning Strategy to align with The Wyndham Plan (pending Panel Hearing)

<b>Ministerial directions</b>	<ul style="list-style-type: none"> <li>- Ministerial Direction – The Form and Content of Planning Schemes</li> <li>- Ministerial Direction 9 (Metropolitan Strategy)</li> <li>- Ministerial Direction 11 (Strategic Assessment of Amendments)</li> <li>- Ministerial Direction 15 (The Planning Scheme Amendment Process)</li> </ul>
<b>Planning practice notes</b>	<ul style="list-style-type: none"> <li>- Planning Practice Note 46: Strategic Assessment Guidelines, September 2022</li> </ul>

## 2.2 Strategic justification

### (i) Evidence and submissions

Council submitted the Amendment has a strong strategic basis and is consistent with a range of planning strategies and policies including those listed in Chapter 2.1 and detailed in Appendix C.

The primary strategic justification for the Amendment is the WILUS and Council noted the extensive research that preceded preparation of the WILUS. This is summarised in Appendix C.

The vision expressed in the WILUS is:

Wyndham will provide serviced, accessible and connected industrial land in appropriate locations to accommodate current and future demand and enhance employment and economic contributions both to Wyndham and Victoria. Our proactive approach to planning, together with our high amenity industrial areas designed with a focus on innovation and sustainability will attract a diverse range of industries and businesses.

The WILUS identified key use and development challenges facing industrial land in the City of Wyndham, including:

- the spread of non-industrial uses into industrial land (bulky goods retail, office, entertainment, places of worship, gyms) noting these are discretionary uses under the current industrial zones, which influence land use and development patterns and reduce land available for industrial uses as well as impacting on the viability of activity centres
- a shortfall in industrial zoned land to meet medium to long term demand
- inadequate design and amenity of some industrial areas
- the absence of local industrial precincts to accommodate service industry uses in specific areas.

The WILUS identifies four guiding principles to achieve its vision:

#### Principle 1: Be proactive

Ensure that adequate long-term industrial land supply is planned for and set aside to support business growth and future industry, and to enhance economic and employment contribution to Wyndham, Melbourne's west and the State of Victoria.

#### Principle 2: Be transparent and reliable

Provide clarity and certainty to industry about how and where industry and business can grow over time to support and guide long term investment and location decisions. Keep a proactive approach to appropriate development and facilitation of planning approvals to ensure quick decision-making.

#### Principle 3: Be innovative and adaptive

Support industries and business to innovate and operate efficiently and effectively now and into the future in areas identified for these purposes. Plan for a mix of lot sizes, types, access and adequate land zoning to support a diverse, changing market.



#### Principle 4: Be sustainable and attractive

Promote the development of new industrial areas and the maintenance of existing industrial areas to be high in amenity and designed with focus on sustainability, energy efficiency, crime prevention, and the enhancement of the public realm and streetscapes.

It then identifies seven objectives and strategies:

**Table 3 WILUS Objectives and Strategies (as exhibited)**

Objective	Strategies
<p><b>Objective 1:</b> To ensure that adequate industrial land will be provided for the next 20 years.</p>	<ul style="list-style-type: none"> <li>▪ Advocate for the VPA to prioritise the PSPs for future industrial land identified in the West Growth Corridor Plan, particularly the Bayview, Werribee Junction and Mambourin East PSPs, as well as focusing on delivery of the East Werribee Enterprise Precinct.</li> <li>▪ Advocate for the State Government to review the industrial zone provisions.</li> <li>▪ Advocate for ongoing retention of industrial uses in other key industrial areas that can accommodate industry needs for land into the future.</li> <li>▪ In the future employment PSPs, incorporate a mix of land size, type, access, service and location.</li> </ul>
<p><b>Objective 2:</b> To protect core industrial areas from the encroachment of sensitive uses</p>	<ul style="list-style-type: none"> <li>▪ Advocate for ongoing protection of core industrial areas in the SSIP's against non-industrial uses.</li> <li>▪ Develop a planning policy to guide planning approval decisions on 'Section 2' uses in industrial precincts in Wyndham.</li> <li>▪ Encourage non-industrial uses to establish in activity centres where appropriate.</li> <li>▪ Ensure future residential PSPs include Commercial 2 Zone land to accommodate peripheral commercial uses around activity centres that may otherwise go to industrial land.</li> <li>▪ Investigate options for introducing additional Commercial 2 Zone land in established areas.</li> </ul>
<p><b>Objective 3:</b> To provide a planning framework which allows for clarity and certainty to attract more investments and employment to Wyndham</p>	<ul style="list-style-type: none"> <li>▪ Advocate for State Government to review the industrial zone provisions in the VPP.</li> <li>▪ Consider the regional context and advocate for industrial land development outside of Wyndham, particularly to the north of Boundary Road – Melton.</li> </ul>
<p><b>Objective 4:</b> To attract investment, support innovation and create jobs in Wyndham's industrial areas</p>	<ul style="list-style-type: none"> <li>▪ Plan for a mix of industrial land supply in appropriate serviced locations.</li> <li>▪ Develop and apply Design Guidelines in consultation with industry and key stakeholders for Industrial Areas in Wyndham.</li> <li>▪ Apply planning controls which promote the establishment of industries that offer higher job density in our industrial areas.</li> <li>▪ Review the role and function of commercial zones currently applying to Industrial areas and Activity Centres.</li> </ul>
<p><b>Objective 5:</b> To enhance the appearance, environmental performance and connectivity of industrial areas in Wyndham</p>	<ul style="list-style-type: none"> <li>▪ Develop and apply design guidelines for industrial areas in Wyndham with a focus on innovation, sustainability and crime prevention.</li> <li>▪ Support subdivisions which provide good connection to public streets, pedestrian networks and surrounding open spaces in new industrial precincts.</li> <li>▪ Improve the appearance, functionality and safety of public areas, such as nature strips, footpaths, bike lanes and bus stops.</li> <li>▪ Advocate for improvements in public transport services in existing industrial precincts where access is poor.</li> <li>▪ Provide and improve active transport options to industrial areas where appropriate.</li> </ul>

Objective	Strategies
<p><b>Objective 6:</b> To ensure that the Wyndham Planning Scheme will reflect the changes recommended in this Strategy</p>	<ul style="list-style-type: none"> <li>▪ Review the provisions of the Wyndham Planning Scheme (WPS).</li> <li>▪ Prepare planning scheme amendment to implement the outcomes of the WILUS.</li> <li>▪ Prepare structure plans for Hoppers Crossing, Point Cook and Laverton industrial precincts.</li> </ul>
<p><b>Objective 7:</b> To support State and Regional significant industrial precincts as identified in the MICLUP to remain as industrial precincts that deliver significant employment for Wyndham</p>	<ul style="list-style-type: none"> <li>▪ To retain the State and Regional precincts listed in MICLUP (Western SSIP, Regional – Old Geelong Road, part of EWEP, and South-West Quarries) as industrial land.</li> </ul>

Source: WILUS (as exhibited)

Section 4.0 of the WILUS contains the Wyndham Industrial Land Strategy Framework Plan and Section 4.1 contains precinct-based maps, issues and recommendations for all existing industrial areas (either zoned industrial or zoned UGZ with applied industrial zoning).

Council submitted the Amendment seeks to implement the key planning objectives and strategies identified in WILUS into the Planning Scheme and identify further strategic work that needs to be completed. The Amendment does not implement all of the strategies and actions identified in WILUS given this is a broad strategic document that is intended to provide guidance to Council for purposes beyond its role as a planning authority. Council said:

The Amendment is intended to be the ‘first step’ by the planning authority in providing a comprehensive planning framework for the use and development of industrial land. Council’s intention is that this first step will lay the foundation and provide the strategic justification for the further strategic work that the Amendment identifies.<sup>1</sup>

Mr Buxton gave planning evidence that the Amendment is strategically sound and justified and implements State, regional and local planning policies and strategies related to appropriate land use and development of industrial and associated land. He said the WILUS is a sound strategic plan for the future use and development of industrial land in the municipality and is consistent with the Victorian Government’s industrial land use designations detailed in MICLUP, noting that MICLUP states that planning for the region should:

- Investigate industrial areas that could support other employment uses that support or are well connected to adjacent employment uses or transport connections.
- Consider the future demand for and need for, commercial and employment land across the growth areas and ensure that PSPs make adequate and sufficient provision to accommodate longer-term commercial and employment needs.

Mr Buxton noted the Victorian Government’s 10-year plan for Melbourne’s greenfields show:

- five future PSPs in the City of Wyndham
- the Oakbank PSP is categorised as ‘Horizon 2’ – meaning planning is due to commence between 2025/26 and 2028/29 and completed by 2033
- Aviators Field, Bayview, Mambourin East and Werribee Junction are categorised as ‘Horizon 3’ – meaning planning is due to commence in between 2029/30 and 2033/34.

<sup>1</sup> Document 16

He said Aviators Field is a large PSP area and the VPA website shows that the preparation of a PSP for the land is not currently a priority for the Victorian Government. He noted:

The PSP area surrounds the Point Cook RAAF base to its west and north. At least where this land has abuttal to the RAAF base, it would appear to be a good location for additional industrial and commercial land. This is accentuated by the large distances as measured adjacent to the entrance to the RAAF base to the nearest industrial land (by direct measurement) located at:

- Laverton/Point Cook (5 km approximately to the north).
- Werribee (7.3 km approximately to the west).
- Werribee East (NEIC) (4 km approximately to the west).

The inclusion of any future industrial and commercial land and what is reasonable can be considered for the Aviators Field PSP area if, and when, a PSP is prepared.

With respect to the Oakbank PSP area, Mr Buxton said it may be appropriate for some industrial land to be located within the area having regard to its abuttal to the proposed Outer Metropolitan Ring Transport Corridor.

The WILUS states:

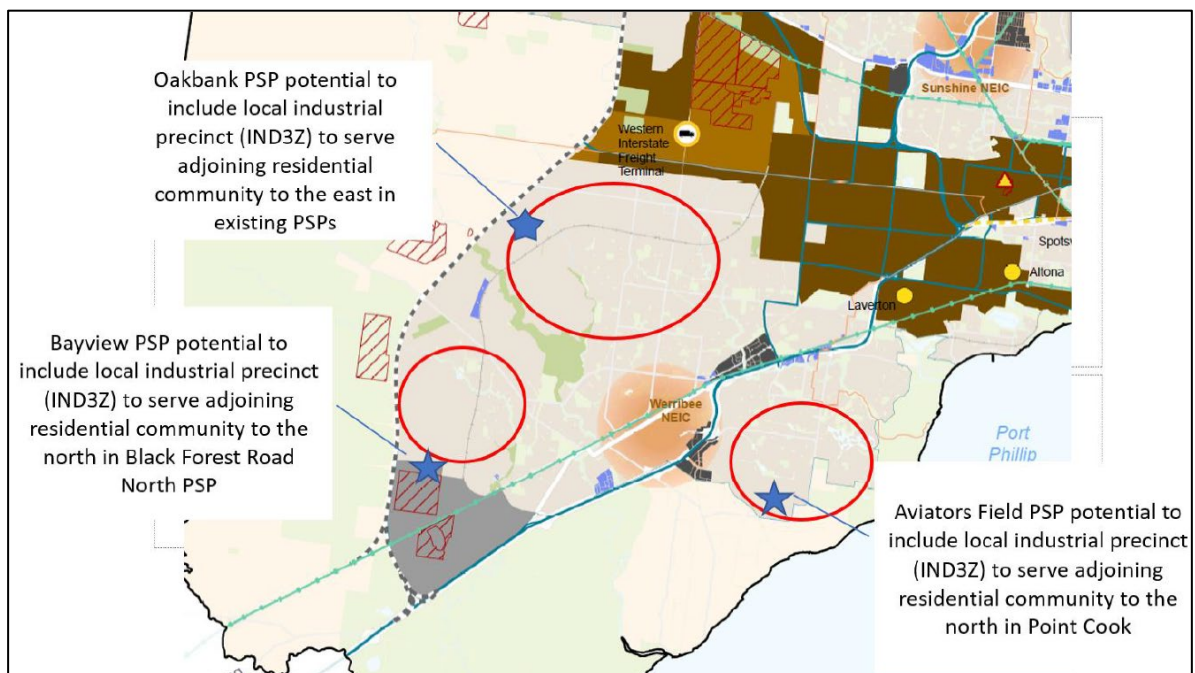
The Bayview, Werribee Junction and Mambourin East PSPs are important employment land precincts. It will secure the availability of stocks of competitively priced land for manufacturing and logistics uses, ensuring that a competitive advantage for Wyndham and greater Melbourne is protected in the future. This will improve our local jobs capacity, providing more choices for our community to access employment and services.

...

Planning for a mix of land size, type, access, service and location will ensure that Wyndham City is prepared for the upcoming changes in the market and provide adequate industrial land to attend future demand.

The Strategy has recognised a lack of local industrial precincts to service the fast-growing Wyndham community in particular areas. Plan 5 below [Figure 2 in Panel report] identifies those gaps and recommends that the Oakbank, Bayview, and Aviators Fields PSPs investigate the inclusion of Industrial 3 Zone land to create local industrial precincts.

**Figure 2 Potential areas for additional Industrial 3 Zone land**



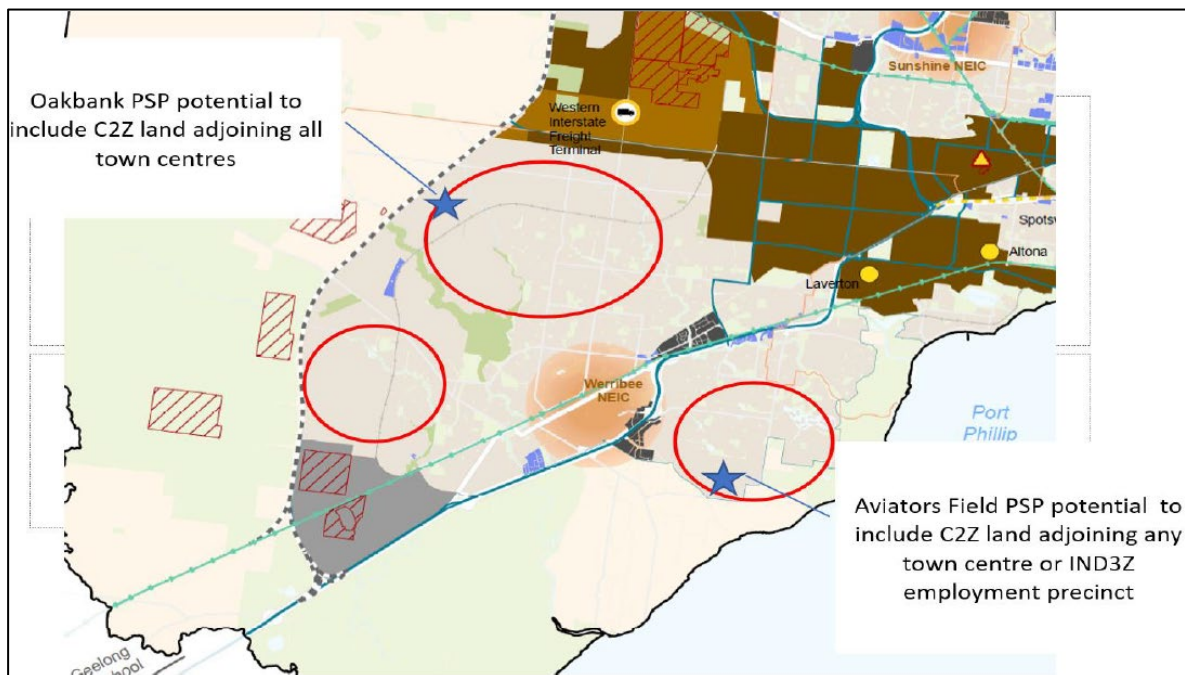
Source: WILUS

Reviewing the existing zoning applying to industrial precincts (and surrounding areas) as proposed in the precinct-specific recommendations, together with implementing planning controls that prevent non-core industrial uses from establishing in industrial precincts, will ensure the functionality of industrial precincts and deliver on the Wyndham 2040 vision of vibrant activity centres.

Some non-industrial uses are a 'Section 2' use in industrial zones, and as such they require a planning permit to establish in these areas. A local industrial land use policy or decision guidelines will promote non-industrial uses that complement the local industries to establish in these areas, as appropriate, and uses which do not match or complement these industries will be directed to Activity Centres or other areas within the municipality.

Opportunities for additional Commercial 2 Zone land to provide opportunities for businesses to locate in more appropriate locations are shown on the following plan [Figure 3 in Panel report].

**Figure 3 Potential areas for additional Commercial 2 Zoned land**



Source: WILUS

Mr Buxton said:

A PSP does not establish the strategic framework, it needs to respond to the strategic framework that exists from the P&E Act, Ministerial Directions, the Metropolitan Strategy and associated metropolitan and regional strategic plans, municipal strategies and the strategic framework, and the local planning scheme. Part of this planning hierarchy is established in the PSP Guidelines.

...

It is entirely appropriate that Council as the planning authority undertakes strategic studies such as the WILUS to plan appropriately for industrial and commercial land in the municipality. This needs to be consistent with state policy for industrial and commercial land and policy documents such as MICLUP. The WILUS is consistent with MICLUP.

WILUS should explore and include strategic directions for the municipality's existing and future industrial needs. If these needs affect PSP areas where PSPs are yet to be prepared, then those planning details and future land supply needs for different types of land uses can be determined at a future time through the PSP process.<sup>2</sup>

<sup>2</sup> Document 12

Mr Buxton gave evidence that the WILUS:

- is consistent with MICLUP and the designations that the plan makes for industrial and commercial land
- is seeking to provide a municipal planning framework for industrial land and it is appropriate for it to consider future needs for local employment areas
- considers potential land use conflicts but also balances this against its role and function in planning for appropriate areas for industry and commerce and the employment and economic benefits that they create.

In Mr Buxton's view:

- Council has been proactive in reviewing the strategic work and updating the strategic directions for industrial land in the municipality
- the WILUS is based on significant and comprehensive strategic analysis from a range of economic, land use and urban design related reports
- the strategic directions, principles, objectives, strategies and actions that have been included in the WILUS are appropriate
- the WILUS is a robust strategic document that has been prepared in accordance with the guidance provided in MICLUP.

Mr Granger gave planning evidence for the Dahua Group Melbourne Number 4 Pty Ltd (Dahua) that the WILUS broadly aligns with State level employment land policy and the issues that it identifies are generally supported by thorough and recent analysis. He said there were large parts of the WILUS (and the associated Amendment material) that he supported, such as:

- the WILUS 'vision' and the strategy's four principles
- Objectives 4, 5, 6 and 7, and their respective strategies
- the intent of Objectives 1, 2 and 3 - but not some of the strategies proposed to achieve each objective.

Mr Granger had two main concerns regarding the WILUS.

First, the proposal to include land within 'non-employment' PSPs for local service industry purposes and include Industrial 3 Zone (IN3Z) and Commercial 2 Zone (C2Z) land within the future Aviators Field PSP in addition to a standard mixed use, town centre environment.

Second, he said the proposal to advocate for changes to the VPP Industrial Zone provisions was "unlikely to bear fruit" and that Council would be better served by focussing on other matters such as developing a coherent and contemporary local policy that clearly articulates the preferred land use and development vision for each industrial precinct.

Mr Granger made a number of detailed suggestions to modify the WILUS and these are discussed in chapter 3 of this report. He said subject to these changes, the Amendment should be adopted.

Mr Quick gave economic evidence for Dahua which focussed on the nomination of Aviators Field PSP in the WILUS (and the Amendment more generally) as an area for industrial development without it clarifying the appropriate scale and location of industrial land. He noted:

- the MICLUP does not identify Aviators Field PSP or any areas nearby as a future industrial or commercial precinct
- the *Strategic Economic Insights Report* (Remplan, July 2021) (Remplan report) did not identify the need for industrial land specifically in the Aviators Field PSP or surrounding

Point Cook area, despite noting the need for local industrial precincts elsewhere in the City of Wyndham

- the only justification in the WILUS to consider Aviators Field PSP an investigation area for industrial use is identification of a relative ‘gap’ in the distribution of employment land which is based only on “*eyeballing a map*”
- there is a need for more industrial land as highlighted by the Remplan report, however most of the recent demand has been within the State Significant Industrial Precinct
- land capable of providing large lots and accommodating major transport, logistics and advanced manufacturing uses will be needed in a short timeframe and the South West Quarries area west of Werribee should be prioritised
- the Remplan report concluded there was a need for more local industrial land, noting the encroachment of non-industrial uses and the lack of smaller lots in the municipality
- although there is a need to provide local industrial opportunities in growing areas, the shortage of this land type is overstated
- the Remplan report did not account for the fact that large lots are typically subdivided to provide for small lots, and non-industrial uses can be accommodated by providing more commercial land opportunities, rather than designating more industrial land
- the Remplan report did not indicate a need for industrial land in the Point Cook area, rather noting the need for local industrial areas was largely in the west of the municipality
- population growth is moderating in the Point Cook/Aviators Field area, where there are already several local and regional industrial areas serving this part of the municipality
- the Aviators Field PSP area sits at the southern edge of the urban growth boundary which limits access to a sufficient catchment area needed by prospective occupiers of an industrial precinct and is largely isolated from established industrial and commercial areas, preventing any co-locational benefits
- only a small industrial area is likely to be supported providing some opportunities for local industrial and peripheral commercial uses in the Aviators Field PSP area
- a modest provision of other commercial land could be provided around any future activity centre to provide for a range of non-industrial uses
- the WILUS should reflect the very limited role of Aviators Field PSP in supporting industrial or commercial use
- as any PSP will consider the need for local employment in its development, there would appear to be limited utility in specifically nominating Aviator Fields as a location to supply industrial and commercial land.

Mr Quick concluded:

- there is a need for additional industrial land in the right locations within the City of Wyndham, although primarily to support larger format and more intensive industrial activity
- there is no analysis in the WILUS or any other strategic planning document to support the designation of employment land in the Aviators Field PSP
- the Aviators Field PSP lacks the necessary attributes to support a successful industrial or commercial precinct “*of any material scale*”
- if any industrial or commercial area is to be considered in the Aviators Field PSP, it should be small in scale.

Dahua own nearly three quarters of the land in the Aviators Field PSP area (almost 300 hectares out of 406 hectares). It agreed with the evidence of Mr Granger and Mr Quick and submitted:

- it is inappropriate for the WILUS to nominate the Aviators Field precinct for future industrial purposes when the area has not been identified for that purpose in the West Growth Corridor Plan or MICLUP and it is inconsistent with the VPA's consideration of the area as a residential precinct
- the WILUS has not suitably considered land use conflicts, impacts on adjacent landholdings and neighbourhoods, noise, odour, or traffic effects arising from industrial use
- it is inappropriate for the planning scheme to identify Aviators Field as an investigation area for industrial or employment use because:
  - there is no strategic basis to support the designation of the land for industrial purposes
  - while the WILUS states there is a 'gap' in the provision of local industrial precincts, there is no supporting analysis of supply and demand for industrial or employment land and there is no gap
  - there has been no analysis of whether turning the precinct in part to industrial or employment use is appropriate in the context of significant policy supporting the precinct's use for residential
  - there is no analysis of whether Aviators Field would provide a suitable location for an industrial or employment precinct.

Dahua submitted:

It is not sufficient that the proposed references are couched as 'investigate potential' for industrial or employment use. Identifying a precinct as an area where an investigation for a particular use should be carried out will inevitably create an expectation, or encourage an argument, that the area has some form of strategic support for such use. This would be wholly unwarranted in respect of industrial or employment use for Aviators Field.

If there is a need to investigate the provision of further employment land, that can be set out at clause 74.02 as an item of further strategic work. (The inclusion should not, of course, identify a particular area without proper justification for doing so.)<sup>3</sup>

Other land owners and developers in the Aviators Fields PSP area such as Born Free Produce Pty Ltd (Born Free), Lignum Field and the SIG Group made similar submissions.

Born Free was also concerned that the size and extent of the proposed industrial land allocation at Aviators Fields has not been detailed. It acknowledged that Council had stressed that the entire precinct will not be rezoned to Industrial and Commercial and had indicated a likely concentration adjacent to the Point Cook RAAF base. This did not, however, address its concerns with locating light industry within what was "*initially gazetted as a PSP for future residential land use*".

Lignum Field advocated for a residential outcome on its land. Whilst acknowledging that there are a number of issues to work through and that the ultimate land use for this precinct is yet to be resolved, it submitted it was premature to "*speculate in a statutory document such as the planning scheme as to what the ultimate land use may be for this precinct*" until such a time as the PSP commences.

The SIG Group also owns land within the Oakbank PSP area and submitted that the WILUS lacks the appropriate rigour in terms of rationality, methodology and detailed evidence-based

<sup>3</sup> Document 20

justification. As an example, it said the ‘gaps’ identified in the WILUS appear to be based solely on a spatial analysis of the municipality rather than an analysis of the existing conditions, adjoining land uses and additional local economic needs and land capacity assessments.

Abiwood MTC Pty Ltd (Abiwood) also owns land in the Oakwood PSP area and submitted the WILUS fails to adequately account for the nearby designated industrial land, which will not only provide industrial land supply but also create employment opportunities for Wyndham residents.

In response, Council submitted:

... there is simply no basis to suggest, as Mr Granger does, that the Amendment has the effect of ‘quarantining’ land for additional industrial land or that WILUS ‘seeks to introduce a land use zoning that actively prohibits housing within the three remaining unapproved non-employment PSPs in Wyndham’.

Council submitted these views are unnecessarily alarmist and inconsistent with the drafting and role of the WILUS in the context of the Amendment.

## **(ii) Discussion**

The Panel accepts that the Amendment is based on sound strategic planning and is generally consistent with the key policy objectives in the planning scheme and the range of strategic plans referred to in chapter 2.1. Preparation of the WILUS has involved extensive research and is supported by a variety of associated reports and investigations referred to in Appendix C. This work has been completed in accordance with the expectations of plans such as MICLUP and is consistent with good strategic planning processes. The objectives and strategies in the WILUS are appropriate having regard to the context, findings and conclusions of the background research.

The Panel notes the Amendment only deals with selected aspects of the WILUS. Other matters in the WILUS may be subject to future planning scheme amendments and the merits of these will need to be assessed at the time of implementation. There are also parts of the WILUS that relate to matters outside of the planning scheme, and this is appropriate for a broad based WILUS.

The Panel considers the ‘gaps’ in the provision of industrial land identified in the WILUS are relevant and appropriate. The gaps identify the potential need for some small scale industrial and commercial land associated with future residential PSPs. This will ensure that planning for future communities considers the need for service industries and commercial development that meet the needs of the local population. This includes opportunities for local employment as well as providing services to residents that are close to where they live.

The gap analysis has been largely based on a spatial assessment of local industrial and commercial opportunities. Existing locally based industrial and commercial land uses are relatively distant from the future urban growth areas. In some cases, such as Hoppers Crossing and Point Cook, these industrial areas are nearly fully developed and there is limited supply of local industrial land available. Large State and regional scale industrial areas generally require extensive travel to access (usually by car) and often provide services that are not related to the day to day needs of residential communities. In this context, it is appropriate for WILUS to identify the potential opportunity for some locally based industrial and commercial land associated with future residential areas to service local needs.

Further investigations regarding the supply and demand for future employment land will be a matter to be addressed at the PSP planning stage. This stage of the process will also identify the scale and location of all non-residential land uses, including employment land. It is possible that



these investigations may identify different needs and opportunities for different PSP areas. The Panel considers this approach in uncontroversial and is generally standard practice when preparing a PSP. The WILUS simply affirms the need to investigate the potential for employment land without mandating the provision of a specific quantum or location. No zoning changes to land are proposed as part of the Amendment.

The Panel does not agree that identifying the potential for future industrial and commercial land within residential PSPs will, at this stage, 'quarantine' areas that may otherwise be developed for residential purposes or undermine the provision of housing. Although other parts of government planning policy encourage maximising the provision of housing, it is unrealistic and poor planning to contemplate that all areas in a PSP are only for residential uses. Good planning practice for large new communities requires a mix of land uses including employment uses, and this mix will be finalised at the PSP stage.

It is clear from the submissions of Council and the WILUS that the scale of any potential employment land in residential PSPs is likely to be small. In this context, it is unsurprising that all small scale future employment areas are not identified on broad plans such as the West Growth Corridor Plan or MICLUP. That said, the West Growth Corridor Plan states:

Around 100 gross hectares of additional land could also be provided for a range of local industrial and commercial activities across residential PSPs. These will be identified as required through the process.

In addition, MICLUP notes that PSPs should make adequate and sufficient provision to accommodate longer-term commercial and employment needs.

Both the West Growth Corridor Plan and MICLUP clearly contemplate potential local industrial and commercial areas that support future residential PSPs. The WILUS is consistent with this approach.

Matters such as land use conflicts, impacts on adjacent landholdings and neighbourhoods, noise, odour, or traffic effects arising from employment land can be adequately addressed at the PSP stage (if required) and through the assessment of planning permit applications for the use and development of land. It is not necessary for the WILUS to address these issues in detail.

The Panel considers that the Amendment generally delivers net community benefit and sustainable development consistent with Clause 71.02-3.

### **(iii) Conclusions**

For the reasons set out in this report, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

## 3 Wyndham Industrial Land Use Strategy

### 3.1 Background

Many submissions made specific reference to the detailed content of the WILUS. The Panel has concluded in chapter 2 that the WILUS (and associated supporting documents) generally provides an appropriate strategic justification for the Amendment. This chapter deals with the detailed content of the WILUS in response to submissions.

The WILUS is proposed to be included as a Background Document in the Schedule to Clause 72.08.

### 3.2 The issues

The issues are:

- Whether the content of the Wyndham Industrial Land Use Strategy is appropriate.
- Whether the Wyndham Industrial Land Use Strategy should be included as a 'Background Document' in the Schedule to Clause 72.08 (Background Documents).

### 3.3 Evidence and submissions

Development Victoria (later Oreana) originally objected to the WILUS showing part of the Riverwalk Estate as a future industrial precinct. It said this land use designation and site area is identified inconsistently throughout the document and does not accurately capture its current context.

The Riverwalk Estate is zoned General Residential Zone and is affected by DPO16. DPO16 applies the Riverwalk Development Plan (Riverwalk DP) on the land. The Riverwalk DP was amended and endorsed by Wyndham City Council on 2 August 2022. A portion of the site is nominated as 'Southern Employment Area' within the Riverwalk DP.

Under the current zoning, a number of employment generating uses can be contemplated without the need to rezone to the land, such as medical centres, aged care or retirement living, convenience shops, service stations, cafes, and restaurants.

The submission stated that the Riverwalk Estate should be removed from the WILUS as an industrial precinct.

In negotiations with Oreana, Council agreed to amend the WILUS and these changes are summarised in Table 4 below. Oreana advised the Panel that it accepted the proposed changes (Document 10).

Abiwood submitted that the following parts of the WILUS should be deleted:

- Plan 3
- the following strategies under the respective objectives:
  - Objective 1 – Strategy to:
    - Review the potential to include some industrial land in Aviators Field PSP for local service industry to serve the wider Point Cook community. This is to be undertaken as part of the Aviators Field PSP.

- Review the potential to include some employment land adjoining any town centre to serve the wider Point Cook community. This is to be undertaken as part of the Aviators Field PSP.
- Review the potential to include some industrial land in Oakbank PSP for local service industry to serve the wider Oakbank community.
- Review the potential to include some employment land adjoining any town centre to serve the wider Oakbank community. This is to be undertaken as part of the Oakbank PSP.
- Objective 2 – Strategy to:
  - Ensure future residential PSPs include Commercial 2 Zone land to accommodate peripheral commercial uses around activity centres that may otherwise go to industrial land.
- Maps 6 and 7.

Abiwood submitted that if these parts of the WILUS are not deleted then the following changes should be made:

- Plan 1 modified to:
  - more accurately represent the future industrial precincts in the immediate vicinity of the municipality by identifying the industrial area to the north of Boundary Road
  - illustrate the future Industrial designation for the northern most section of the Oakbank PSP, south of Boundary Road as determined by the MICLUP.
- Map 3 modified to:
  - identify the northern most portion of land within the future Oakbank PSP area as either vacant or not zoned for industrial purposes
  - recognise the commercial areas, to accurately reflect the future development intent of the area and better identify land supply gaps
  - accord with the applied zone information contained in Plan 4.
- Replace the two strategies in Objective 1 regarding Oakbank PSP with:
 

Ensure that the Oakbank PSP responds to the Melbourne Industrial and Commercial Land Use Plan by providing for industrial and commercial land in areas identified for such purpose.
- Combine Map 5 and Map 6 and show:
  - the relevant PSP boundaries
  - a modified notation in the legend that states:
 

Investigate the potential for local employment land as part of the future planning of PSPs.
- Replace the strategy in Objective 2 (referred to above) with a new strategy to:
 

Investigate opportunities for future residential PSPs to include Commercial 2 Zone land to accommodate peripheral commercial uses around activity centres that may otherwise go to industrial land, where it can be successfully accommodated to enhance employment opportunities without being to the detriment of the residential precincts.
- Amend Map 7 consistent with the changes proposed above.

Consistent with his evidence regarding the strategic justification for the Amendment Mr Granger said the following modifications should be made to the WILUS:

- delete Plan 3 (Gaps in the network of industrial land) and associated commentary around perceived gaps in the industrial land network
- delete the following strategies under the respective objectives:
  - Objective 1 – Strategy to:
    - Advocate for the State Government to review the industrial zone provisions

- Review the potential to include some industrial land in the future preparation of the Aviators Field PSP and Oakbank PSP for local service industry to serve the wider Point Cook and Oakbank communities. This is to occur as part of the future Aviators Field PSP and Oakbank PSP if and when these are prepared<sup>4</sup>
- Review potential to include some employment land adjoining any future town centre to serve the wider Point Cook and Oakbank communities. This is to occur as part of the future Aviators Field PSP and Oakbank PSP if and when these are prepared<sup>5</sup>
- Objective 2 – Strategy to:
  - Ensure future residential PSPs include Commercial 2 Zone land to accommodate peripheral commercial uses around activity centres that may otherwise go to industrial land.
- Objective 3 – Strategy to:
  - Advocate for the State Government to review the industrial zone provisions in the VPP
- delete all references to investigating potential for local employment/industrial precincts (IN3Z and C2Z) within PSP areas
- amend the Monitoring and Implementation Plan to better articulate or expand upon the ‘key actions’ that identify avenues for further policy development.

Dahua supported the recommendations of Mr Granger and submitted it was not the role of the Panel to rewrite the WILUS.

In response to these submissions, Council proposed a range of changes to the exhibited version of the WILUS and these are summarised in Table 4.

**Table 4 Council proposed changes to Wyndham Industrial Land Use Strategy**

Page Number	Deletion	Addition or rewording
5	Remove green shading from Riverwalk Southern Employment Land depicting the land as ‘Future’ Industrial Land on Map 1 (Existing and Future Industrial Land in Western Growth Corridor)	Replace with a new shading depicting the land as ‘Southern Employment Land within the Riverwalk Development Plan’.
6		On page 6 amend the fifth bullet point as follows: The Southwest Quarries that contain Mambourin, Werribee Junction <del>and Riverwalk industrial precincts</del> <a href="#">Riverwalk Southern Employment Land</a> and identified as future industrial land in the West Growth Corridor Plan.
14	Remove the reference to ‘Riverwalk’ Industrial Precinct on Map 3 (Land Supply Status of Wyndham’s Industrial Precincts)	Replace it with the ‘Southern Employment Land of the Riverwalk Development Plan’.

<sup>4</sup> Included in Council Part A submission but later amended in Document 23, consistent with Document 11.15

<sup>5</sup> Included in Council Part A submission but later amended in Document 23, consistent with Document 11.15

Page Number	Deletion	Addition or rewording
22		<p>Under Objective 1 add the following strategies:</p> <ul style="list-style-type: none"> <li>▪ Review the potential to include some industrial land in Aviators Field PSP for local service industry to serve the wider Point Cook community. This is to be undertaken as part of the Aviators Field PSP.</li> <li>▪ Review the potential to include some employment land adjoining any future town centre to serve the wider Point Cook community. This is to be undertaken as part of the Aviators Field PSP.</li> <li>▪ Review the potential to include some industrial land in Oakbank PSP for local service industry to serve the wider Oakbank community. This is to be undertaken as part of the Oakbank PSP.</li> <li>▪ Review the potential to include some employment land adjoining any future town centre to serve the wider Oakbank community. This is to be undertaken as part of the Oakbank PSP.</li> </ul>
23	<p>Remove stars from Map 5 and the notations:</p> <p>Oakbank PSP potential to include local industrial precinct (IND3Z) to serve adjoining residential community to the east in existing PSPs</p> <p>Bayview PSP potential to include local industrial precinct (IND3Z) to serve adjoining residential community to the north in Black Forest Road North PSP</p> <p>Aviators Field PSP potential to include local industrial precinct (IND3Z) to serve adjoining residential community to the north in Point Cook</p>	<p>Replace with:</p> <p>Potential for some industrial land for local service industry in Oakbank PSP to serve the wider Oakbank community.</p> <p>Potential for some industrial land for local service industry in Bayview PSP to serve the wider community north of Black Forest Road.</p> <p>Potential for some industrial land for local service industry in Aviators Field PSP to serve the wider Point Cook community.</p> <p>Amend the title of Map 5 to: Potential areas for <del>additional Industrial 3 Zone</del> <a href="#">employment</a> land</p>
25	<p>Remove stars from Map 6 and the notations:</p> <p>Oakbank PSP potential to include C2Z land adjoining all town centres</p> <p>Aviators Field PSP potential to include C2Z land adjoining any town centre or IND3Z employment precinct</p>	<p>Replace with:</p> <p>Potential for some employment land in Oakbank PSP adjoining future town centres to serve the wider Oakbank community.</p> <p>Potential for some employment land in Aviators Field PSP adjoining future town centres to serve the wider Point Cook community.</p> <p>Replace the title of Map 6 to state: Investigate potential for local employment land to provide for local service industries (IND3Z and C2Z) as part of the future planning of PSPs.</p>
	Delete the title of Map 6	

Page Number	Deletion	Addition or rewording
27		Under Objective 5 add the following strategy: <ul style="list-style-type: none"> <li>Ensure that any future industrial or employment areas address potential land use conflicts.</li> </ul>
30		Update Map 6 (Overall Framework Plan) to: <ul style="list-style-type: none"> <li>renumber the Map to Map 7</li> <li>show the western extension of the Laverton North – Truganina ‘State importance’ land consistent with MICLUP</li> <li>delete the words ‘Aviators Field PSP’ and ‘Oakbank PSP’ and ‘Bayview PSP’ from the map but retain the symbols and description in the legend for these areas consistent with the updated map proposed to be included in Clause 02.04.</li> </ul>
45	Remove all references in map and text to Riverwalk Industrial Precinct  Remove ‘Manor and Riverwalk Industrial’ from the heading	Replace references in map and text to ‘Southern Employment Land as identified in Riverwalk Development Plan (as amended 2 August 2022)’
All		Review whole of document to ensure consistent terminology of either ‘plan’ or ‘map’ is used and to make minor layout changes to improve readability.

Source: Document 23

Mr Buxton supported these changes. He noted that whether a strategy should be included as a background document is detailed in *A Practitioner's Guide to Victorian Planning Schemes Version 7, June 2024* in section 6.6.2 ‘How to refer to a background document’, which states:

**What is a background document?**

A background document provides information that helps to understand why a particular policy or control has been included in the planning scheme. Background documents were previously referred to as ‘reference documents’.

A background document is not part of the planning scheme and must not be directly relied on for decision making. If a background document contains content that is necessary for decision making (such as strategies or decision guidelines) then these must be extracted and placed in the relevant policy or control.

**When should a document be mentioned as a background document?**

If a document gives useful information that will help a user understand the planning scheme, it may be suitable for mention as a background document. These documents are however most relevant at the planning scheme amendment stage and are generally not needed at the decision making stage. As with incorporated documents, avoid referencing background documents wherever possible to keep the scheme user-friendly and self-contained.

A background document can explain why a particular policy or provision is in the planning scheme. For example, a flora and fauna study that documents the reasons for applying an Environmental Significance Overlay may be usefully referenced as the basis for the statement of environmental significance in the overlay.

...

Mr Buxton said it was appropriate to include the WILUS as a background document in the Schedule to Clause 72.08.

No party objected to including the WILUS as a background document.

Council submitted:

- the content of the WILUS is not the Amendment and the Amendment only implements aspects of WILUS
- the Amendment only proposes to reference WILUS as a background document and does not intend to incorporate it into the Planning Scheme
- a background document only provides information as to ‘why’ a particular policy or provision has been included in the Planning Scheme but does not form part of the Planning Scheme and must not be directly relied on for decision making.

Council concluded that:

... it would not be appropriate for the Panel to consider the contents of WILUS beyond being satisfied that the aspects of WILUS being implemented through the Amendment provide strategic support for and are consistent with the Amendment.

...

In the context of the Amendment, where submissions have sought changes to WILUS that seek to clarify its intent and correct drafting errors rather than make substantive changes, Council officers have sought to respond to these submissions by proposing drafting changes to WILUS, which they have agreed to recommend that Council implement and adopt prior to or concurrently with the any decision to adopt the Amendment.

...

Council submits that the changes proposed will ensure that WILUS is consistent with the Amendment (incorporating the proposed post-exhibition changes to the Amendment). Council invites the Panel to consider and make any comments the Panel considers appropriate about the merit of making these changes to WILUS in response to submissions.<sup>6</sup>

### 3.4 Discussion

The Panel considers it is appropriate to include the WILUS as a background document in the Schedule to Clause 72.08. It is accepted that the WILUS forms the strategic basis for the Amendment and as such it provides useful background and context to the proposed changes to the planning scheme.

It is acknowledged that the WILUS contains issues, strategies and actions beyond the Amendment. Implementation of these matters may be subject to separate planning scheme amendments, however whether the WILUS provides suitable justification for any future planning scheme amendment will be subject to assessment at that time.

It is not necessary for the Panel to consider the merits of the detailed changes to the WILUS. It is only necessary for the Panel to establish that the document provides sufficient strategic justification for the Amendment.

That said, the Panel generally agrees with the changes identified by Council and summarised in Table 4. These changes clarify the intent of the strategy, correct errors, improve the readability and respond to a range of matters raised in submissions and evidence. The Panel has considered the range of other changes proposed by experts and submitters but considers the changes recommended by Council are sufficient and appropriate.

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<sup>6</sup> Document 16

The Panel makes no specific recommendations regarding these changes but it supports Council updating the WILUS prior to the finalisation of the Amendment.

In addition, Council may wish to consider:

- updating the WILUS to reflect any further changes recommended by the Panel to the Amendment maps and text in Chapter 4 to ensure consistency
- modifying the proposed (amended) title to Map 6.

As exhibited, the title to Map 6 on page 25 states:

Potential areas for additional Commercial 2 zoned land

Council proposed to amend the title to state:

Investigate potential for local employment land to provide for local service industries (IND3Z and C2Z) as part of the future planning of PSPs.<sup>7</sup>

The Panel considers this is a cumbersome and inappropriate title for the map and suggests that Council could vary the title to state:

Investigation areas for potential local employment land adjoining future town centres

This wording is consistent with the proposed revised notations on the plan of each PSP area. For example, the notation associated with the Aviators Field PSP area states:

Potential for some employment land in Aviators Field PSP adjoining future town centres to serve the wider Point Cook community

Ultimately this and any of the other changes proposed in Table 4 are matters for Council to consider.

### 3.5 Conclusions

The Panel concludes:

- It is appropriate to include the Wyndham Industrial Land Use Strategy as a background document in the Schedule to Clause 72.08.
- It would be appropriate to update the Wyndham Industrial Land Use Strategy generally in accordance with the changes proposed by Council prior to the finalisation of the Amendment.

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<sup>7</sup> Document 11.15



## 4 Proposed changes to industry policy

### 4.1 Economic development

#### (i) What does the Amendment propose?

The Amendment proposes to modify Clause 02.03-7 (Economic development) by adding the following words under the heading 'Industry':

Wyndham's industrial land is part of a regional network of employment precincts. There are six existing industrial precincts in Wyndham with a further five identified in the West Growth Corridor Plan as future industrial land. Industrial sectors account for approximately 39% of all employment in the municipality, while the Laverton North – Truganina industrial precinct contributes 42.7% of Wyndham's total economic output (\$8.6 billion).

Wyndham has locational attributes and advantages that support opportunities for economic growth through local and regional industrial, retail and commercial activities. Wyndham has emerged over the past 15 years as a major logistics hub due to its efficient transport network that caters for high frequency freight movement; well-located industrial precincts that allow for 24/7 operations; considerable supply of available and affordable industrial zoned land and excellent connections to air, seaports, road and rail.

To the same clause, the Amendment also adds five 'strategic directions' for industry:

Council's strategic directions for industry are to:

...

- Support the development of policy that addresses the proliferation of non-industrial uses in the Industrial 3 Zone (IN3Z).
- Ensure that adequate industrial land will be provided for the next 20 years.
- Attract investment, support innovation and create jobs in Wyndham's industrial areas.
- Enhance the appearance, environmental performance and connectivity of industrial areas in Wyndham.
- Support State and Regional significant industrial precincts as identified in the Melbourne Industrial and Commercial Land Use Plan (MICLUP) to remain as industrial precincts that deliver significant employment for Wyndham.

#### (ii) The issue

The issue is whether the proposed changes to Clause 02.03-7 (Economic development) are appropriate.

#### (iii) Evidence and submissions

Mr Granger generally supported the proposed changes to Clause 02-03-7, but said two of the proposed strategies were inappropriate.

With respect to the strategy to *"Support the development of policy that addresses the proliferation of non- industrial uses in the Industrial 3 Zone (IN3Z)"*, he said:

- this is not a strategic direction that assists in industrial land use or development decision-making
- it is a prompt for Council to undertake further work to address identified land use issues and it should instead be included in the Schedule to Clause 74.02 (Further strategic work)
- the first existing strategic direction in the clause (*"Protect industrial precincts from intrusion by inappropriate land uses that put pressure on lawful existing industrial activities"*) arguably achieves the intent of this point anyway.

Mr Granger said the strategy to *“Support State and Regional significant industrial precincts as identified in the Melbourne Industrial and Commercial Land Use Plan (MICLUP) to remain as industrial precincts that deliver significant employment for Wyndham”* is unnecessary. This is because it “mimics” Clauses 17.03-3S (State significant industrial land) and 17.03-3R (Regionally significant industrial land - Metropolitan Melbourne). He noted MICLUP is already referenced as a policy document for decision-makers to consider as relevant.

Dahua supported the changes recommended by Mr Granger.

In cross examination, Mr Buxton agreed that the first new strategy could be located in Clause 74.02 (Further strategic work) but said it was also appropriate in Clause 02.03-7 as it *“flagged the issue”*. He said it was appropriate for Council to affirm support for State and Regional significant industrial precincts.

In response to the evidence, Council proposed to delete the first new strategy and relocate it in the Schedule to Clause 74.02. It proposed the further strategic work identified in the Schedule to Clause 74.02 should state:

Develop a policy that addresses the proliferation of non-industrial uses in the Industrial 3 Zone (IN3Z).

Council said it was important to retain the strategy to *“Support State and Regional significant industrial precincts as identified in the Melbourne Industrial and Commercial Land Use Plan (MICLUP) to remain as industrial precincts that deliver significant employment for Wyndham”* and it had the support of the Department of Transport and Planning.

#### (iv) Discussion

The Panel agrees with Mr Granger that the first new strategy should be deleted because it refers to the development of a policy that does not currently exist. It is difficult to see how such a ‘strategy’ could assist a decision maker when assessing a planning permit application. The proposed strategy should be relocated to the Schedule to Clause 74.02 as proposed by Council.

The Panel accepts it is appropriate to include the strategy to *“Support State and Regional significant industrial precincts as identified in the Melbourne Industrial and Commercial Land Use Plan (MICLUP) to remain as industrial precincts that deliver significant employment for Wyndham”*. This is consistent with the findings of the WILUS.

#### (v) Conclusions and recommendations

The Panel concludes:

- The proposed changes to Clause 02.03-7 (Economic development) are generally appropriate except that the strategy to *“Support the development of policy that addresses the proliferation of non- industrial uses in the Industrial 3 Zone (IN3Z)”* should be deleted.
- The schedule to Clause 74.02 should be amended to include an additional matter of further strategic work to *“Develop a policy that addresses the proliferation of non-industrial uses in the Industrial 3 Zone (IN3Z)”*

The Panel recommends:

**Amend Clause 02.03-7 (Economic development) to delete the strategy *“Support the development of policy that addresses the proliferation of non-industrial uses in the Industrial 3 Zone (IN3Z)”***

**Amend the Schedule to Clause 74.02 (Further strategic work) to include “Develop a policy that addresses the proliferation of non-industrial uses in the Industrial 3 Zone (IN3Z)”**

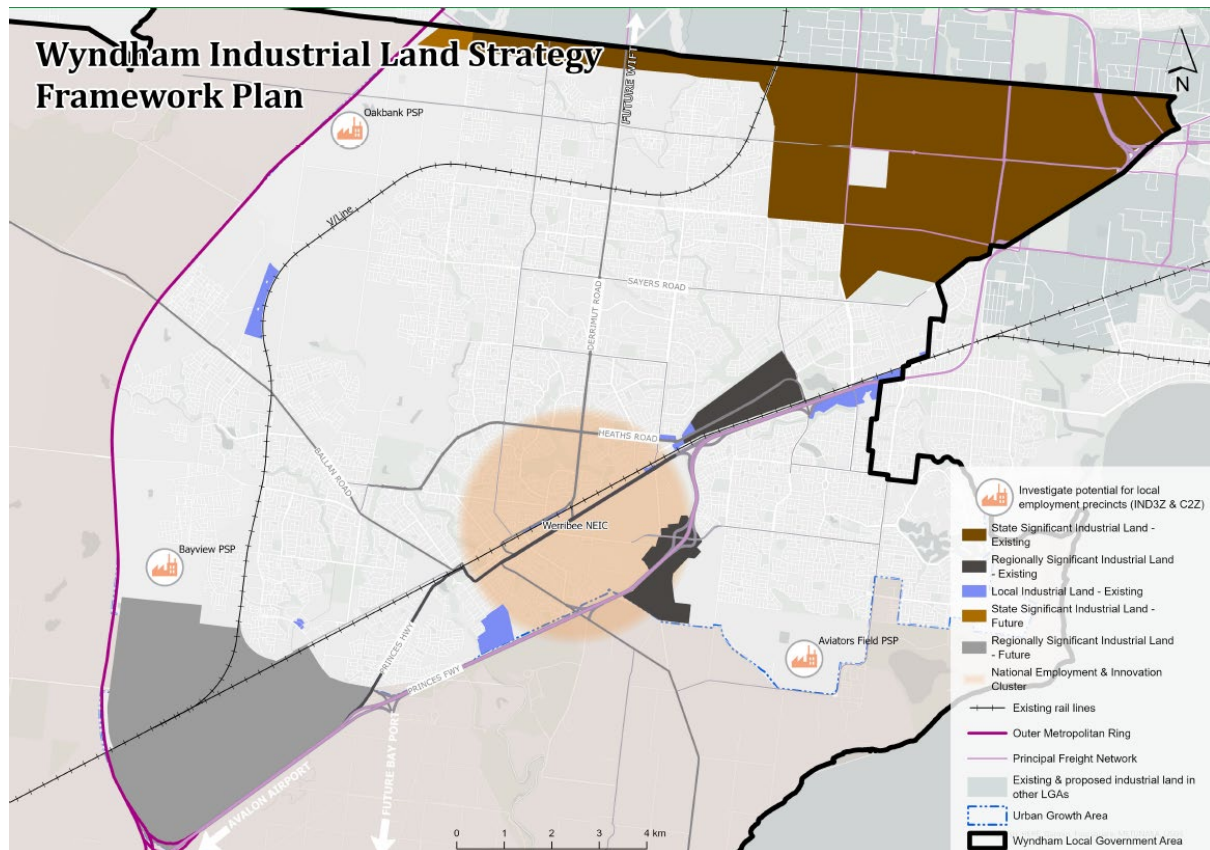
## 4.2 Strategic framework plan

### (i) What does the Amendment propose?

The Amendment proposes to include a new map (Map 7, Wyndham Industrial Land Strategy Framework Plan) as part of the collection of plans in Clause 02.04 (Strategic framework plan).

Plan 7, as exhibited, is presented below in Figure 4.

**Figure 4 Exhibited Wyndham Industrial Land Strategy Framework Plan (Clause 02.04, Map 7)**



Source: Exhibited Amendment

The legend includes a symbol and notation that states:

Investigate potential for local employment precincts (IND3Z & C2Z)

The symbol is shown on the map and labelled ‘Aviators Field PSP’, ‘Oakbank PSP’ and ‘Bayview PSP’.

### (ii) The issue

The issue is whether the changes to Clause 02.04 (Strategic framework plan) are appropriate.

**(iii) Evidence and submissions**

Council submitted the basis for the exhibited Map 7 in Clause 02.04 was ‘Map 6: Overall Framework Plan’<sup>8</sup> in the WILUS. It includes the same symbol and notation regarding Aviators Field, Oakbank and Bayview PSPs.

Multiple submissions objected to the inclusion of the symbols on the plan showing the Aviators Field and Oakbank PSP areas and the notation in the legend. The concerns expressed regarding Map 7 in Clause 02.04 were the same as those expressed regarding the WILUS and referred to in previous chapters.

In response to submissions, Council in its Part A submission proposed to delete the names ‘Aviators Field PSP’, ‘Oakbank PSP’ and ‘Bayview PSP’ on Map 7 in Clause 02.04. The symbol remained on the map in the same location as the exhibited map and there was no change to the description of the symbol in the legend.<sup>9</sup>

Council submitted these changes “*provide for the investigation of potential local employment precincts (INDZ3 and C2Z) in the general vicinity of the PSP area but not expressly identify these PSPs*”. This was to address particular concerns from some submitters that it could be implied that the whole of the PSP area could be a local employment precinct.

Council said it was not the intention of the designation that the PSPs to be identified as future industrial land or that all of it be used and developed or rezoned for industrial purposes. Nor was such an interpretation open on the face of the exhibited document. Future industrial land (both State Significant and Regionally Significant) is identified differently on the map. Council submitted:

... the words ‘investigate potential’ mean just that – consider and assess whether there is any potential to include local employment precincts (comprising of IND3Z or C2Z) within these PSP areas as part of preparing the PSPs.<sup>10</sup>

In response to Council’s proposed change to Map 7 in Clause 02.04, Abiwood submitted that the symbol and notation “*Investigate potential for local employment precincts (IN3Z & C2Z)*” should be deleted. It was concerned that the symbol was located directly over its land at 515 Sewells Road and implied (or could be misconstrued to imply) that this is where future industrial uses should be investigated and located. If Map 7 remained in Clause 02.04, it said:

- the industrial symbol should be removed as the work informing its application has yet to be undertaken, and confirmation of future land uses should be resolved as part of the PSP process
- the PSP boundaries should be identified on the Framework Plan rather than a localised symbol implying industrial land use
- the wording in the legend of Map 7 as shown in Council’s Part A submission is generally acceptable but should be limited to the Commercial 2 Zone due to the identification of the Oakbank PSP as a residential precinct on the West Growth Corridor Plan.

Mr Granger gave evidence that even with Council’s proposed changes outlined in its Part A submission, Map 7 in Clause 02.04 should be deleted because:

- it does not provide clear guidance to decision-makers, instead noting that further strategic work is required (‘investigate potential for local employment precincts (IN3Z & C2Z)’)

<sup>8</sup> This map in the WILUS is incorrectly numbered and should be Map 7.

<sup>9</sup> Document 11.13

<sup>10</sup> Document 16

- it creates the potential for land use conflict between future industrial and residential land uses, and reduces potential housing capacity in the parts of Wyndham that are well suited to boosting housing supply
- if the IN3Z and C2Z ‘investigation areas’ are to be removed, there is no need to include the rest of plan as it merely replicates content included within M1CLUP, which is already included in the planning scheme as a policy document.

Dahua agreed with the assessment of Mr Granger. It said if there is a need to investigate the provision of further employment land that it should be set out at Clause 74.02 as an item of further strategic work, however, *“it is part and parcel of precinct planning to investigate the appropriate uses for the precinct”*. It said if the notation regarding investigating the potential for local employment is deleted from Map 7 then there is no purpose for the map and it should be deleted from Clause 02.04.

Dahua submitted if the notation regarding investigating the potential for local employment remains on Map 7 then:

- references to ‘IND3Z and C2Z’ should be deleted
- the symbol applied to Map 7 appeared to be an inappropriate depiction of heavy industry rather than the type envisaged in the WILUS.

The Panel asked Council whether reference to *“investigating potential for local employment precincts”* in the legend of Plan 7 within the context of future Precinct Structure Plans may have created some difficulty or confusion understanding the intent of the notation.

In response to issues raised in submissions, evidence and questions from the Panel, Council presented a further revised version of Plan 7 in its closing submission that:

- retained the symbols on the plan as exhibited
- deleted the specific identification of the ‘Aviators Field PSP’, ‘Oakbank PSP’ and ‘Bayview PSP’ on the plan (as shown in its Part A submission)
- modified the legend to state:

Investigate potential for local employment land within future PSPs.

Council said it was open to modify the type of symbol on the plan associated with this notation in the legend.

Council submitted that if the Panel concluded it was not necessary or appropriate to include any reference to investigating the potential for local employment land within any of the identified future PSPs then it was still necessary to include the balance of the plan within Clause 02.04.

#### **(iv) Discussion**

Map 7 ‘Wyndham Industrial Land Strategy Framework Plan’ in Clause 02.04 forms part of a ‘set’ of plans and maps in the clause that deal with a range of other matters such as:

- Map 1 – Strategic Framework Plan
- Map 2 – Conservation Map
- Map 3 – Special Places and Landscapes Map
- Map 4 – Coastal and Werribee South Precincts Map
- Map 5 – Activity centres existing and planned
- Map 6 – Werribee City Centre Activity Land use and Built Form Map

The clause notes that *“the plans contained in Clause 02.04 are to be read in conjunction with the strategic directions in Clause 02.03”*.

It is appropriate that the proposed Map 7 is included in Clause 02.04. The strategic directions in Clause 02.03-7 (Economic development) regarding ‘Industry’ are better understood by having Map 7 and it has been prepared consistent with the content of the WILUS.

What is in question is whether:

- the symbol and wording in the legend regarding *“Investigate potential for local employment precincts (IN3Z & C2Z)”* are appropriate
- the specific PSP areas should be indicated on the map.

Each of these matters is addressed below.

The Panel supports the wording of the legend presented by Council in its closing submission. Deletion of ‘employment precincts’ and replacing it with ‘employment land’ helps to reduce confusion that the PSP could be an ‘employment PSP’. The removal of reference to specific zones (IND3Z and C2Z) in the notation is also supported. It is premature to identify specific zoning for the land and this should be identified as part of the PSP process for each area. Other zoning alternatives may also enable the creation of local employment opportunities.

The symbol on the plan (and legend) for this aspect is inappropriate and should be updated. The connotation associated with the exhibited symbol is inconsistent with the intentions expressed in the WILUS. Although not a major issue, the Panel considers that a more appropriate symbol should be applied and that this can easily be done as part of updating the text in the legend. The Panel makes no prescriptive recommendation regarding this issue but a generic symbol such as a star or something similar could be an appropriate alternative. The symbol does not necessarily have to relate to employment, industrial or commercial development.

The Panel considers there is some benefit in labelling each of the identified PSP areas (Aviators Field, Oakbank and Bayview) on the map as exhibited. This helps to identify the specific future PSPs to which the notation in the legend refers and makes it clear that the symbol relates to the whole of the PSP area and not just the land where the symbol is located. It is not necessary to show the outline of the PSP area in detail.

The Panel supports updating the WILUS (Map 6: Overall Framework Plan) to align with the updated content on Map 7 in Clause 02.04, however this is a matter for Council as part of its finalisation of the Amendment documentation. Consistent with its conclusions in Chapter 3, the Panel makes no specific recommendation regarding this proposed change.

## **(v) Conclusions and recommendations**

The Panel concludes:

- It is appropriate for Clause 02.04 (Strategic Framework Plan) to include a new map titled Industrial Land Strategy Framework Plan (Map 7).
- The notation on Map 7 that states *“Investigate potential for local employment precincts (IN3Z & C2Z)”* should be modified to state *“Investigate potential for local employment land within future Precinct Structure Plans”*.
- The symbol for the above notation should be modified.
- The labels for each of the three Precinct Structure Plan areas (Aviators Field, Oakbank and Bayview) on the exhibited version of Map 7 should be retained.

- It would be appropriate to update the Wyndham Industrial Land Use Strategy generally in accordance with the changes noted above prior to the finalisation of the Amendment.

The Panel recommends:

**Amend Map 7 ‘Wyndham Industrial Land Strategy Framework Plan’ in Clause 02.04 (Strategic Framework Plan) to delete the symbol and words “Investigate potential for local employment precincts (IN3Z & C2Z)” in the legend and replace with a new symbol and the words “Investigate potential for local employment land within future Precinct Structure Plans.”**

## 4.3 Industrial land supply

### (i) What does the Amendment propose?

The Amendment proposes to delete the following ‘strategies’ in Clause 17.03-1L (Industrial land supply):

Promote Laverton North as the preferred location for industrial uses.

Support the development of a business park and industrial precinct within the Truganina Employment Precinct.

The Amendment adds the following new strategies to replace the deleted strategies and includes the WILUS as a ‘Policy document’:

Prioritise retention of industrial uses in key industrial areas that can accommodate industry needs into the future and prevent the encroachment of inappropriate uses on existing industrial land.

Ensure future Precinct Structure Plans include Commercial 2 Zoned land to support, encourage and accommodate peripheral commercial uses and non-industrial uses around activity centres to discourage these uses locating in industrial precincts.

Support the provision of industrial land by providing and improving transport options, including active transport, where appropriate.

#### **Policy documents**

Consider as relevant:

Wyndham Industrial Land Use Strategy (Wyndham City Council, October 2022)

### (ii) The issue

The issue is whether the proposed changes to Clause 17.03-1L are appropriate.

### (iii) Evidence and submissions

No submissions objected to the deletion of the current strategies in Clause 17.03-1L.

Consistent with comments made regarding the strategic basis for the Amendment (as discussed in chapter 2), several submissions objected to the proposed strategy to:

Ensure future Precinct Structure Plans include Commercial 2 Zoned land to support, encourage and accommodate peripheral commercial uses and non-industrial uses around activity centres to discourage these uses locating in industrial precincts.

In response to submissions, in its Part A submission Council proposed to modify this strategy to state:

~~Investigate potential to~~ ~~Ensure future Precinct Structure Plans~~ include Commercial 2 Zoned land to support, encourage and accommodate peripheral commercial uses and non-

industrial uses around activity centres to discourage these uses locating in industrial precincts [in future PSPs](#).

Mr Buxton gave evidence with respect to Clause 17.03-1L and concluded that:

- prioritising the retention of industrial uses in key industrial areas is an important thrust of this local planning policy
- the encroachment and “*pushing out*” of industrial uses in industrial areas by non-industrial uses needs to be prevented and the policy gives clear direction in an appropriate way
- non-industrial uses in industrial areas can significantly limit the amount of land for industrial uses and can constrain existing or proposed industrial uses by virtue of separation distances to sensitive uses and the consideration of amenity issues
- land within the C2Z can provide a good buffer between industrial land (Industrial 1 Zone and IN3Z land in particular) and residential areas
- it is appropriate that future PSPs consider an integrated planning response that provide for the needs of the future community with the provision of residential land and the components that are necessary to support the future community.

Mr Granger gave evidence that:

- although specific references to Laverton North and Truganina Employment Precinct are deleted, the two industrial areas fit within the ‘key industrial areas’ designation in the proposed first new strategy
- the proposed second new strategy is not a ‘strategy’ that will assist in industrial land use or development decision-making – rather, it is a prompt for Council to undertake further work to address identified land use issues.

Dahua agreed with Mr Granger. It said there is no need to introduce a clause into local policy that says there should be an investigation as to whether a precinct should include industrial land or commercial land when planning policy already says that.

Abiwood also submitted that the proposed second new strategy should be deleted.

The Panel questioned Council about whether the revised wording of the second strategy in its Part A submission was intended to mean:

- investigate the potential to include Commercial 2 Zoned land to support, encourage and accommodate peripheral commercial uses and non-industrial uses around activity centres so as to discourage these uses locating in industrial precincts [in future PSPs](#); or
- investigate the potential to include Commercial 2 Zoned land [in future PSPs](#) to support, encourage and accommodate peripheral commercial uses and non-industrial uses around activity centres so as to discourage these uses locating in industrial precincts.

Council confirmed it meant the later.

In its closing submission, Council agreed to delete the proposed second strategy from Clause 17.03-1L. It agreed it was more appropriate to include this in the Schedule to Clause 74.02 (Further strategic work).

#### **(iv) Discussion**

The Panel accepts that the first and third proposed new strategies are appropriate and agrees with submissions and evidence that the second strategy is more appropriately located in the Schedule to Clause 74.02. It supports the final position of Council to delete the second strategy from Clause



17.03-1L and to include a new additional piece of further strategic work generally aligned with the intent of the second strategy.

The detailed wording of the further piece of strategic work and associated recommendations is discussed in Chapter 4.4 because Council said it was open to combining this matter with another piece of further strategic work that is referenced in that chapter.

#### **(v) Conclusions and recommendations**

The Panel concludes:

- The first and third proposed new strategies in Clause 17.03-1L are appropriate.
- The second proposed new strategy in Clause 17.03-1L should be deleted but with a related action included in an amended Clause 74.02 for further strategic work as recommended in Chapter 4.4.

The Panel recommends:

***Amend Clause 17.03-1L to delete the strategy “Ensure future Precinct Structure Plans include Commercial 2 Zoned land to support, encourage and accommodate peripheral commercial uses and non-industrial uses around activity centres to discourage these uses locating in industrial precincts.”***

## **4.4 Further strategic work**

### **(i) What does the Amendment propose?**

The exhibited Amendment proposed to include four additional dot points identifying further strategic work in the schedule to Clause 74.02 (Further strategic work):

- Prepare Structure Plans for the Hoppers Crossing, Point Cook and Laverton industrial precincts.
- Develop a planning policy to guide planning approval decisions on “Section 2” uses in industrial precincts in Wyndham.
- Develop a policy to promote the establishment of industries that offer higher job density in our industrial area.
- Review the role and function of commercial zones currently applying to Industrial areas and activity centres to encourage the location of non-industrial uses into locations that support activity centres and discourage these uses from locating in industrial precincts.

### **(ii) The issue**

The issue is whether the proposed changes to Clause 74.02 (Further strategic work) are appropriate.

### **(iii) Evidence and submissions**

Council submitted the list of further strategic work was consistent with the findings and recommendations in the WILUS.

Mr Buxton and Mr Granger supported the proposed changes to the Schedule to Clause 74.02.

Dahua agreed with the exhibited changes and said additional matters should be added to the Schedule, consistent with its submissions made with respect to Clauses 02.03-7 (Economic development), 02.04 (Strategic Framework Plan) and 17.03-1L (Industrial land supply).

An existing item in the Schedule to Clause 74.02 states:

Develop an industrial land use strategy to investigate and identify preferred uses and options to guide non-industrial uses and development in industrial land.

The Panel sought clarification from Council regarding whether the WILUS had addressed this matter. Council agreed the WILUS dealt with this issue and submitted that this item should be deleted from the Schedule to Clause 74.02 because it has been completed.

In its closing submission Council proposed two further additions to the Schedule to Clause 74.02<sup>11</sup>:

- Investigate the potential for the inclusion of local employment land, including IND3Z and C2Z land, in Aviators Field, Oakbank and Bayview PSPs to provide for local service industries.
- Investigate the potential for the inclusion of Commercial 2 Zone land in future PSPs to support, encourage and accommodate peripheral commercial uses and non-industrial uses around activity centres to discourage these uses locating in industrial precincts.<sup>12</sup>

Council said these matters are consistent with the WILUS and it was important to specifically reference the IND3Z and C2Z to avoid future disputation and to provide clear direction of what should be investigated.

Council acknowledged that further drafting could possibly combine these two items into a single consolidated piece of further strategic work.

Dahua submitted that the wording of the items should not reference specific zones and instead should say *“Investigate the provision of land...”*.

#### **(iv) Discussion**

The Panel agrees the exhibited additional items in the Schedule to Clause 74.02 are acceptable and consistent with the recommendations in the WILUS. The third item should be amended to correct minor grammatical errors and state:

- Develop a policy to promote the establishment of industries that offer higher job density in ~~our~~ industrial areas.

The Panel accepts Council’s view that the further strategic work to *“Develop an industrial land use strategy to investigate and identify preferred uses and options to guide non-industrial uses and development in industrial land”* has been completed and therefore this dot point in the Schedule to Clause 74.02 should be deleted.

The two further additional dot points proposed by Council should be combined into a single matter of further strategic work. The two dot points are somewhat related and it would make sense to consider these issues together in the same piece of further strategic work. The Panel agrees with Dahua that it is appropriate to remove reference to specific zones. The type of zone that might be applied to facilitate any additional employment land in these areas is a matter for the further investigations to establish. The further strategic work should not be limited to the IND3Z and C2Z. Other zones should also be considered.

The additional piece of further strategic work should state:

Investigate the provision of local employment land in Aviators Field, Oakbank and Bayview Precinct Structure Plans to:

- provide for local service industries

<sup>11</sup> These changes are in addition to the further piece of strategic work identified in Chapter 4.1

<sup>12</sup> This further strategic work is discussed in Chapter 4.3

- support, encourage and accommodate peripheral commercial uses and non-industrial uses around activity centres.

**(v) Conclusions and recommendations**

The Panel concludes:

- The 19<sup>th</sup> existing dot point relating to the development of an industrial land use strategy in the Schedule to Clause 74.02 should be deleted because it has been completed.
- The third new additional dot point should be modified to correct minor grammatical errors.
- A new item of further strategic work to investigate the provision of local employment land in Aviators Field, Oakbank and Bayview Precinct Structure Plans to provide for local service industries and support, encourage and accommodate peripheral commercial uses and non-industrial uses around activity centres should be added.

The Panel recommends:

**Amend the Schedule to Clause 74.02 (Further strategic work) to:**

- a) Delete the words *“Develop an industrial land use strategy to investigate and identify preferred uses and options to guide non-industrial uses and development in industrial land.”***
- b) Modify the exhibited new third dot point to state *“Develop a policy to promote the establishment of industries that offer higher job density in industrial areas.”***
- c) Add a new dot point that states:**
  - “Investigate the provision of local employment land in Aviators Field, Oakbank and Bayview Precinct Structure Plans to:***
    - provide for local service industries***
    - support, encourage and accommodate peripheral commercial uses and non-industrial uses around activity centres.”***

## Appendix A Submitters to the Amendment

No	Submitter
1	Born Free Produce Pty Ltd
2	Development Victoria
3	SIG Group
4	SIG Group
5	Lignum Field and Marijo & Jolanda Miletic
6	Dahua Group Melbourne Number 4 Pty Ltd
7	Abiwood MTC Pty Ltd
8	Hobsons Bay City Council
9	Melton City Council
10	Department of Energy, Environment and Climate Action
11	Stephen Azzopardi

## Appendix B Document list

No.	Date	Description	Provided by
1	30/9/2024	Directions Hearing notice letter	Planning Panels Victoria (PPV)
2	11/11/2024	Panel directions version 1 and hearing timetable version 1	PPV
3	14/11/2024	Attachment 2 to the report to Council Planning Committee meeting held on 13 August 2024 (officer responses to submissions)	Council
4	14/11/2024	Appendix 3 to the Wyndham Industrial Land Use Strategy 2022 (Strategic Economic Insights Report, REMPLAN, July 2021)	Council
5	14/11/2024	<i>Wyndham Industrial Survey</i> (Tim Nott and Geografia, November 2017)	Council
6	14/11/2024	<i>Wyndham Urban Framework Plan – Emerging Options Paper</i> (May 2019)	Council
7	14/11/2024	<i>Industrial land supply – market perspectives, discussion paper</i> (Manager Economic Growth, March 2019), which is a document referenced on page 12 of WILUS	Council
8	14/11/2024	Location of Submitters (Panel only)	Council
9	18/11/2024	Late submission (Submission 11) referred by Council	Council
10	20/11/2024	Submission - Oreana Property Group	Oreana
11	25/11/2024	Council Part A submission including attachments: <ul style="list-style-type: none"> <li>11.1 Council meeting report 22 March 2022 (including attachments and minutes)</li> <li>11.2 <i>Wyndham Industrial Land Use Strategy Community Engagement Report 2022</i></li> <li>11.3.1 Council meeting report 25 October 2022</li> <li>11.3.2 <i>Wyndham Industrial Land Use Strategy 2022</i></li> <li>11.3.3 <i>Wyndham Industrial Land Use Strategy Community Engagement Report 2022</i></li> <li>11.3.4 Council minutes 25 October 2022</li> <li>11.4.1 Council meeting report 9 May 2023</li> <li>11.4.2 Clause 02.03 and 02.04</li> <li>11.4.3 Clause 17.03</li> <li>11.4.4 Schedule to Clause 74.02</li> <li>11.4.5 <i>Wyndham Industrial Land Use Strategy 2022</i></li> <li>11.4.6 Council meeting minutes 9 May 2023</li> <li>11.5.1 Council meeting report 13 August 2024</li> <li>11.5.2 Submissions</li> <li>11.5.3 Summary of issues raised in submissions and response</li> <li>11.5.4 Council meeting minutes 13 August 2024</li> </ul>	Council

No.	Date	Description	Provided by
		11.6 <i>West Growth Corridor Plan</i>	
		11.7 <i>Wyndham 2040 Community Vision</i>	
		11.8 <i>Wyndham City Council Plan 2021-25</i>	
		11.9 <i>Melbourne Industrial and Commercial Land Use Plan, 2020</i>	
		11.10 <i>The Wyndham Plan, October 2023</i>	
		11.11 <i>Riverwalk Estate Development Plan, approved 2 August 2022</i>	
		11.12 <i>Summary of issues raised in submissions and response</i>	
		11.13 <i>Post exhibition version of Map 7 Clause 02.04</i>	
		11.14 <i>Post exhibition version of Clause 17.03-1</i>	
		11.15 <i>Post exhibition version of Wyndham Industrial Land Use Strategy, 2022</i>	
12	28/11/2024	Evidence statement, planning – Paul Buxton	Council
13	28/11/2024	Evidence statement, planning – Evan Granger	Dahua
14	28/11/2024	Evidence statement, economics – Rhys Quick	Dahua
15	2/12/2024	Hearing Timetable version 2	PPV
16	6/12/2024	Council Part B submission (including 2 attachments)	Council
17	6/12/2024	Submission – Abiwood MTC Pty Ltd	Abiwood
18	6/12/2024	Presentation of Evan Granger	Dahua
19	6/12/2024	Submission – Lignum Field and M & J Miletic	Lignum Field and M & J Miletic
20	6/12/2024	Submission – Dahua Group Melbourne Number 4 Pty Ltd	Dahua
21	6/12/2024	Submission – Born Free Produce Pty Ltd	Born Free
22	9/12/2024	Presentation of Rhys Quick	Dahua
23	10/12/2024	Council Part B submission - Appendix A - revised version	Council
24	10/12/2024	Council 'Day 2' version Clause 02.03-7	Council
25	10/12/2024	Council 'Day 2' version Clause 02.04 (Map 7)	Council
26	10/12/2024	Council 'Day 2' version Clause 17.03-1L	Council
27	10/12/2024	Council 'Day 2' version Clause 74.02	Council

## Appendix C Planning context

### C:1 Planning policy framework

#### Victorian planning objectives

Council submitted the Amendment will assist in implementing State policy objectives set out in section 4 of the PE Act by providing for the fair, orderly, economic and sustainable use and development of land.

#### Municipal Planning Strategy and Planning Policy Framework

Council submitted that the Amendment is supported by various clauses in the Municipal Planning Strategy and Planning Policy Framework, which the Panel has summarised below.

Table 5 Summary of Municipal Planning Strategy and Planning Policy Framework

Clause	Policy
<b>Municipal Planning Strategy</b>	
Clause 02.02 (Vision)	<p>Council's vision is for a healthy, liveable city that:</p> <ul style="list-style-type: none"> <li>▪ Is future-focused and plans for sustainable development.</li> <li>▪ ...</li> <li>▪ Consists of connected, vibrant neighbourhoods that provide for the cultural, social, economic and recreational needs of the community.</li> </ul>
Clause 02.03-1 (Settlement)	<p>Council's strategic directions in relation to industry are to:</p> <ul style="list-style-type: none"> <li>▪ Protect industrial and residential activities from encroaching on each other.</li> <li>▪ Provide jobs closer to where people live especially in the new employment corridor.</li> </ul>
Clause 02.03-7 (Economic development – Industry)	<p>This policy currently focuses on Laverton North and Truganina industrial precincts and will be updated by the Amendment.</p> <p>More broadly, the policy provides for the following strategic direction for industry:</p> <ul style="list-style-type: none"> <li>▪ Protect industrial precincts from intrusion by inappropriate land uses that put pressure on lawful existing industrial activities.</li> </ul>
Clause 02.04 (Strategic Framework Plan)	<p>The Strategic Framework Plan does not currently identify industrial land and the Amendment proposes to introduce a new plan (Plan 7) showing a Wyndham Industrial Land Strategy Framework Plan.</p>
<b>Planning Policy Framework</b>	
Clause 11.01-1S (Settlement)	<p>This policy promotes sustainable growth and development.</p>
Clause 11.01-1L (Settlement)	<p>This policy seeks to ensure that interfaces between residential and employment areas are planned to minimise land use conflicts.</p>
Clause 11.02-1S (Supply of urban land)	<p>This policy seeks to ensure that a sufficient supply of land is available for residential, commercial, retail, industrial, recreational and other community uses.</p> <p>Strategies include:</p> <ul style="list-style-type: none"> <li>▪ ensure that sufficient land is available to meet forecast demand</li> <li>▪ plan to accommodate population growth over at least 15 years</li> <li>▪ provide clear direction on locations where growth should occur</li> <li>▪ monitor development trends and land supply and demand for housing and industry.</li> </ul> <p>Policy guidelines include considering the Victorian Government population projections and land supply estimates and the <i>Melbourne</i></p>

Clause	Policy
	<i>Industrial and Commercial Land Use Plan</i> , Department of Environment, Land, Water and Planning, 2020 (MICLUP).
Clause 11.02-2S (Structure planning)	<p>This policy seeks to facilitate the fair, orderly, economic and sustainable use and development of urban areas.</p> <p>Strategies include encouraging the preparation of structure planning and undertaking comprehensive planning for new areas as sustainable communities that offer high-quality, frequent and safe local and regional public transport and a range of local activities for living, working and recreation.</p> <p>The <i>Precinct Structure Planning Guidelines</i> (VPA, 2021) are identified as a policy document that should be considered.</p>
Clause 13.07-1S (Land use compatibility)	<p>This policy seeks to protect amenity, health and safety while facilitating uses with potential adverse off-site impacts.</p> <p>Strategies seek to ensure that use or development is compatible with adjoining land uses and also to protect commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.</p>
Clause 15.01-1S (Urban design)	<p>It is policy to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. Strategies include improving the quality of living and working environments and facilitating accessibility.</p>
Clause 15.01-2L (Industrial and commercial design)	<p>This policy includes the strategy to ensure new industrial and commercial development especially with a residential interface, complements the character of the area.</p>
Clause 17.01-1S (Diversified economy)	<p>Policy seeks to strengthen and diversify the economy including by protecting and strengthening existing and planned employment areas and planning for new employment areas and improving access to jobs closer to where people live.</p>
Clause 17.01-1R (Diversified economy – Metropolitan Melbourne)	<p>Policy seeks to facilitate the development of the National Employment and Innovation Clusters and plan for industrial land in suitable locations to support employment and investment opportunities.</p>
Clause 17.01-2S (Innovation and research)	<p>Create opportunities for innovation and the knowledge economy within existing and emerging industries, research and education.</p>
Clause 17.02-1S (Business)	<p>Strategies to plan for an adequate supply of commercial land in appropriate locations.</p>
Clause 17.03-1S (Industrial land supply)	<p>This policy seeks to ensure availability of land for industry.</p> <p>Strategies include:</p> <ul style="list-style-type: none"> <li>▪ Provide an adequate supply of industrial land in appropriate locations including sufficient stocks of large sites for strategic investment.</li> <li>▪ Identify land for industrial development in urban growth areas where: <ul style="list-style-type: none"> <li>• Good access for employees, freight and road transport is available.</li> <li>• Appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses.</li> </ul> </li> <li>▪ Protect and carefully plan existing industrial areas to, where possible, facilitate further industrial development.</li> <li>▪ Preserve locally significant industrial land for industrial or employment generating uses, unless long-term demand for these uses can be demonstrably met elsewhere.</li> <li>▪ Avoid approving non-industrial land uses that will prejudice the availability of land in identified industrial areas for future industrial use.</li> </ul>
Clause 17.03-1L (Industrial land supply)	<p>This policy currently focuses on Laverton North and the Truganina Employment Precinct and is proposed to be updated by the Amendment.</p>



Clause	Policy
Clause 17.03-2S (Sustainable industry)	This policy seeks to facilitate the sustainable operation of industry. Strategies include protect industrial activity in industrial zones from the encroachment of commercial, residential and other sensitive uses that would adversely affect industry viability.
Clause 17.03-3S (State significant industrial land)	<p>Policy seeks to protect industrial land of state significance. Laverton North and Derrimut are identified as the State Significant Western Industrial Precinct.</p> <p>Strategies include:</p> <ul style="list-style-type: none"> <li>▪ protect state significant industrial precincts from incompatible land uses to allow for future growth</li> <li>▪ ensure sufficient availability of strategically located land for major industrial development, particularly for industries and storage facilities that require significant threshold distances from sensitive or incompatible uses</li> <li>▪ protect heavy industrial areas from inappropriate development and maintain adequate buffer distances from sensitive or incompatible uses.</li> </ul> <p>The MICLUP is identified as a policy document.</p>
Clause 17.03-3R (Regionally significant industrial land – Metropolitan Melbourne)	Policy seeks to protect industrial land of regional significance and facilitate continual growth in freight, logistics and manufacturing investment and support the transition from manufacturing land uses to other employment uses in strategically identified areas well connected to transport networks.
Clause 17.03-3R (Regionally significant industrial land – Metropolitan Melbourne – Western Metro Region)	Policy includes the strategy to protect industrial land including south of Werribee and industrial land adjacent to major transport gateways.

Source: Document 11

## C:2 Other relevant planning strategies and policies

### i) Plan Melbourne

*Plan Melbourne 2017-2050* (Plan Melbourne) sets out strategic directions to guide Melbourne's development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved.

**Table 6** Relevant parts of Plan Melbourne

Outcome	Directions	Policies
Melbourne is a productive city that attracts investment, supports innovation and creates jobs	1.1 Create a city structure that strengthens Melbourne's competitiveness for jobs and investment	1.1.3 Facilitate the development of national employment clusters 1.1.5 Support major transport gateways as important locations for employment and economic activity 1.1.6 Plan for industrial land in the right locations to support employment and investment opportunities 1.1.7 Plan for adequate commercial land across Melbourne

## ii) West Growth Corridor Plan

The West Growth Corridor Plan is a high level integrated land use and transport plan that provides a strategy for the development of the West Growth Corridor over the coming decades. It guides the delivery of housing, jobs, transport, town centres, open space and key infrastructure in the growth corridor.

Section 4.5 states:

Melbourne's west does not generate sufficient employment to provide for the job needs of its rapidly growing population. As a result, Melbourne's west has a strong reliance on the CBD and inner west for jobs and services.

Over time, the West Growth Corridor will achieve greater local job self containment. In total this Corridor has the capacity to accommodate between 164,000 and 202,000 new jobs across a range of employment sectors and locations.

This will be achieved in a variety of ways, including new investment and job creation including in existing and planned town centres, business precincts, and industrial areas.

The West Growth Corridor Plan identifies the Werribee Town Centre and Werribee Employment Precinct as Wyndham's main jobs and services generators and makes provision for:

- 3,960 gross hectares of industrial land
- 1,410 gross hectares of business land
- around 100 gross hectares of additional land could also be provided for a range of local industrial and commercial activities across residential PSPs. These will be identified as required through the process.

## iii) Melbourne Industrial and Commercial Land Use Plan, April 2020

The MICLUP builds on the relevant policies and actions of Plan Melbourne 2017-2050 and its associated Plan Melbourne 2017-2050 Five-Year Implementation Plan.

The MICLUP seeks to retain and protect land identified for strategic long term growth for its intended purposes. It also seeks to ensure that industrial areas support their intended function and user needs.

MICLUP identifies:

- existing and future State Significant Industrial Land
- existing and future Regionally Significant Industrial Land
- existing Local Industrial Land – including land within the City of Wyndham.

The Western Industrial Precinct is recognised as a state significant industrial precinct. State significant industrial precincts provide strategically located land for major industrial development links to the Principal Freight Network and transport gateways. The MICLUP outlines that they must be protected from incompatible land uses to allow for continual growth in freight, logistics and manufacturing investment.

MICLUP also encourages Councils to prepare and implement municipal-wide industrial land use strategies and activity centre strategies, or similar strategic work for precincts, to guide future development of industrial and commercial land and includes guidance on preparing this work.

#### iv) Wyndham 2040 Community Vision

Wyndham 2040 Community Vision was developed in 2015 following extensive community consultation. The Vision included the following statement:

Our city will offer varied and plentiful local employment opportunities. It will be a place of choice for businesses of all sizes and have a thriving network of small business operators.

The document notes that Wyndham is located with excellent logistics connections, technology is rapidly advancing, population is forecast to grow by 424,000 by 2036 and around 60 per cent of the employed residents work outside of Wyndham.

Strategic priorities identified through the process informed the *Wyndham City Council Plan 2021-25*, which includes strategies related to ‘support for local businesses and local job creation’, ‘upgrade of local facilities’ and ‘better public and active transport’.

#### v) The Wyndham Plan

The *Wyndham Plan*, Wyndham City Council, 2023 (the Wyndham Plan) seeks to further implement the Wyndham 2040 Community Vision to connect people and places and encourage development in areas supported by infrastructure and services. It provides a strategic planning framework and the foundations of Council’s future strategies, plans, policies and responses to emerging issues for managing land use and development for the next 10 to 20 years.

The Wyndham Plan was adopted by Council on 24 October 2023 and is proposed to be implemented in the Planning Scheme by Amendment C266wynd. Amendment C266wynd has completed public exhibition.

Among other things, Amendment C266wynd proposes to replace the Strategic Framework Plan at Clause 02.04 and identifies ‘Employment/ Industrial Precincts’ identified in the WILUS.

The Wyndham Plan:

- is structured around six ‘Big ideas’
- identifies 11 goals, including “*Goal 3: Wyndham’s resident workforce will have more choice in employment opportunities within the municipality*”
- proposes a policy development program for targeted urban design guidance for industrial areas, among other areas.

#### vi) Wyndham Industrial Land Use Strategy, 2022

Details regarding the content of the Wyndham Industrial Land Use Strategy (WILUS) are contained in Chapters 2 and 3 of this report.

Council submitted the development of the WILUS commenced in 2017 and involved a series of several steps including community consultation. The development of the WILUS is summarised below.

**Wyndham Industrial Survey** (Tim Knott with Geografia Pty Ltd, November 2017)

The Wyndham Industrial Survey was commissioned by Council to provide a land use survey of vacant land in the existing and future industrial precincts within the municipality. It identified seven industrial precincts within the municipality:

- Laverton North-Truganina
- Hoppers Crossing
- Laverton
- Point Cook
- Werribee
- Railway Avenue
- Future industrial precincts of Werribee / Werribee South, Mambourin and Wyndham Vale.

The key findings included:

- the total land area of existing and future industrial precincts is 2,793 hectares
- the Laverton North-Truganina precinct (part of the larger Western State Significant Industrial Precinct) accounts for 77 per cent of total industrial land
- the industrial precincts – comprising land zoned for Industrial purposes, ancillary land and land earmarked for future industrial activity – host buildings with a combined total of 2.5 million square metres of floorspace
- manufacturing, transport, storage and wholesale trade are by far the largest activities by land area, but the industrial precincts also accommodate a wide range of activities across the employment spectrum
- approximately 5 per cent of total building area is vacant, a small share by the standards of many industrial areas elsewhere
- approximately 59 per cent of the land area in the precincts (1,635 hectares) is vacant, most of which is in the Urban Growth Zones.

**Industrial Land Supply: Market Perspectives** (Wyndham City Council, March 2019)

This report was prepared by Council and provided a ‘current market status’ position based on discussions with industry stakeholders whilst drawing on two main reports prepared by the Australian Property Council and Colliers International. It identified a number of points for further discussion, including that the municipality had reached, or was fast approaching, the point where large industrial footprints to accommodate new job creation investment will be exhausted and looked to possible new ‘frontiers’ for industrial development. The report provided a broad perspective on the future industrial land supply needs for the municipality.

**Strategic Economic Insights Report** (Remplan, July 2021)

The Remplan report provided further analysis of future demand for industrial land in the City of Wyndham in order to inform Council’s industrial land use strategy. The Remplan report included:

- a literature review and targeted engagement
- preparation of quantitative trend analysis

- an assessment of existing and future land supply within Wyndham and the broader region
- demand modelling within Wyndham, accounting for demand from across the broader region
- engagement with industrial landholders with the assistance of Council's economic development team.

The key recommendations from the Remplan report to ensure that adequate land is available for industrial and other large format uses were:

Preparation of PSPs in South West Quarries area in Wyndham and/or the PSP areas in Melton's SSIP region commences as soon as is practical to accommodate demand from large footprint business operations.

To provide industrial and employment land for smaller industries and population serving sectors, additional employment land close to populations will likely be required, particularly in the west of the municipality. To address this the provision of local industrial precincts within completed PSP areas should be explored.

To increase diversity in the types of zoned land available for business, allocation of additional C2Z land is explored.

Implement stronger planning controls over existing and future industrial precincts to discourage and restrict the establishment of non-industrial uses.

### **Wyndham Industrial Land Use Strategy Community Engagement Report 2022 (Wyndham City Council)**

A draft WILUS was endorsed by Council in March 2022 for the purposes of community consultation. The draft WILUS was exhibited from 7 April to 7 May 2022 and notification included:

- placement on Council's web page and social media channels
- advertisements in the local newspaper
- targeted consultation with local business associations.

Fifteen submissions were received from local residents. No submissions were received from local business associations. The Wyndham Industrial Land Use Strategy Community Engagement Report 2022 provided a summary of the issues raised in submissions and informed the finalisation of the WILUS prior to the preparation of the Amendment.

## **C:3 Planning scheme provisions**

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

### **i) Zones**

The Amendment relates to land within Industrial, Commercial and Urban Growth Zones, including:

- Industrial 1 Zone
- Industrial 2 Zone
- Industrial 3 Zone (IN3Z)
- Commercial 2 Zone (C2Z)
- Urban Growth Zone (UGZ)

Particular reference is made to the IN3Z and C2Z.

The purpose of the INZ3 is:

To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.

To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.

To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.

To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.

The purpose of the C2Z is:

To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.

To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

## ii) Overlays

The Riverwalk Estate is subject to the Development Plan Overlay (Schedule 2 – Future Urban Development Areas and Schedule 16 – Riverwalk Estate).

The purposes of the Overlay are:

To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.

To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.

The Riverwalk Estate Development Plan (as amended) was approved on 2 August 2022 and applies to approximately 200 hectares of triangular-shaped land bounded by:

- Farm Road to the north
- Farm Road and the Werribee River to the east
- Princes Freeway to the south
- Princes Highway (formerly known as Geelong Road) to the west.

The Development Plan includes an area identified as the ‘Southern Employment Area’ and has various employment objectives and requirements for this area.

Land in the Riverwalk Estate is within the General Residential Zone, Schedule 1 which has a purpose to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

## C:4 Ministerial Directions, Planning Practice Notes and guides

### Ministerial Directions and Planning Practice Notes

The Explanatory Report discusses how the Amendment meets the relevant requirements of:

- Ministerial Direction – the Form and Content of Planning Schemes
- Ministerial Direction 9 (Metropolitan Strategy)
- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction 15 (The Planning Scheme Amendment Process)
- Planning Practice Note 46: Strategic Assessment Guidelines, August 2018.

That discussion is not repeated here.

## **Practitioner's Guide**

*A Practitioner's Guide to Victorian Planning Schemes, Version 7, June 2024* sets out key guidance to assist practitioners when preparing planning scheme provisions. The guidance seeks to ensure:

- the intended outcome is within scope of the objectives and power of the PE Act and has a sound basis in strategic planning policy
- a provision is necessary and proportional to the intended outcome and applies the VPP in a proper manner
- a provision is clear, unambiguous and effective in achieving the intended outcome.