



PLANNING & COMMUNITY DEVELOPMENT COMMITTEE MEETING AGENDA

**to be held on Tuesday 1 April 2003 at 8.00 pm
at the Richmond Town Hall**

COUNCILLOR MEMBERSHIP

Councillor Judy Morton (Chairperson)

Councillor Greg Barber

Councillor Di Natale

Councillor Kay Meadows

Councillor Gurm Sekhon

I. ATTENDANCE

II. DECLARATIONS OF PECUNIARY INTEREST

III. COMMITTEE BUSINESS REPORTS

***Welcome to the City of Yarra.
Council acknowledges the
Wurundjeri community as the first
owners of this country.
Today, they are still the custodians
of the cultural heritage of this land.***

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE MEETING

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2.1 Mayors Park Master Plan

EXECUTIVE SUMMARY

Purpose

To consider the adoption of the Master Plan for Mayors Park.

Issues

In general, the feedback supported the overall intent of the Master Plan. There was significant pressure from stakeholders of the tennis club to expand this facility. Equally, there was pressure from local residents to explore opportunities for increasing the passive open space within the park. The final design seeks to balance the varied community viewpoints with functional, aesthetic, environmental, heritage and maintenance considerations. Difficult compromises were made in an attempt to satisfy as many parties and concerns as possible.

Resource Financial Implications

Full implementation of the plan will cost approximately \$867,999 but the work will be staged over a number of years and will be subject to budget approval.

Community Implications

The community has been extensively consulted and supports the major elements of the plan. The plan has been modified where appropriate in response to the submissions that have been received.

Environmental Implications

The Master Plan proposals will enhance the existing open space, and provide further opportunities for planting.

City Plan, Strategy and Policy Implications

The Master Plan is consistent with the City Plan and other Council policies.

PROPOSED ACTIONS

That Council adopt the Mayors Park Master Plan.

2.1 Mayors Park Master Plan

File: C90012 - 02
Responsible Officer: Coordinator, Open Space Planning

Purpose

1. To consider the adoption of the Master Plan for Mayors Park (refer Attachment A). The Master Plan has undergone extensive community consultation and has been modified where appropriate in response to the submissions that have been received.

Background

2. Mayors Park is located between Hoddle Street, Turnbull Street and Heidelberg Road in Clifton Hill. Key recreational features within the park include a leisure centre, tennis courts, pavilion and passive recreational areas.
3. In May 2002, Aspect Pty Ltd were commissioned to undertake the development of a Master Plan for Mayors Park. The purpose of the plan is to establish a clear framework for the future development and use of the reserve. This will allow for the effective management of the reserve as well as identifying where additional resources should be directed.

Consultation

4. Extensive community consultation was undertaken to complete the plan. This included:
 - (a) initial meetings with all the stakeholder groups to discuss the project and identify any issues to be addressed as part of the Master Planning process;
 - (b) an invitation to stakeholders and residents to participate in the consultation process. This invitation was extended by way of:
 - (i) media releases in the Yarra Leader and Melbourne Times;
 - (ii) individual letters to all stakeholder groups; and
 - (iii) letter-box-drop of 1500 flyers to residents surrounding the park.
5. The first community workshop was held at the Collingwood Town Hall on 23 July 2002. Nineteen people attended the workshop, the purpose of which was to identify the main issues to be addressed by the Master Plan. At the workshop, a Site Analysis Plan was presented and discussed. Following the workshop, this plan was placed on display for a two-week period and residents were invited to forward any further comments for consideration as part of the planning process.

6. Fourteen written submissions were received. The Draft Master Plan was then developed and presented at a second community workshop held on 12 September 2002. Nine people attended the second workshop.
7. There was general support for the plan at the second workshop. Once again, following the workshop, the plan was placed on display for a three-week period and residents and stakeholders were invited to forward their comments on the plan in writing.
8. Six written submissions were received. Most were in general agreement with the recommendations of the plan and appreciated the consultation process. However, whilst feedback to the plan was generally positive, there were a number of issues raised by several submitters. (A copy of the submissions are available on file for Councillor information).
9. The main issues raised during the consultation process are outlined below:

(a) Active Recreation versus Passive Recreation

Presently, approximately 70% of Mayors Park is dedicated to active sporting facilities. This has an advantageous quality and is reasonable given its close proximity to Darling Gardens, a large passive recreational parkland.

Generally feedback relating to the balance of active and passive recreation was varied. Some residents and stakeholders expressed a desire to explore opportunities for increasing the passive open space within the park. Others, particularly those stakeholders with an association with the tennis club, were keen to see this facility expanded.

To accommodate the range of views, the Master Plan recommends the following:

- (i) that two additional multi-purpose courts be provided;
- (ii) that the existing netball courts (presently in poor condition and not used for competitive purposes) be removed and this area be returned to passive open space;
- (iii) that a new half basketball court be provided adjacent to the multi-purpose courts;
- (iv) that the existing boundary fence of the Leisure centre (adjacent to the main central pathway) be moved back approximately 17m;
- (v) that a new informal seating/skateable area be provided in this area;
- (vi) improved pedestrian access;
- (vii) new and improved park furniture, including BBQs, seats, bins, drinking fountains and security lights;
- (viii) relocation of the existing playground; and

- (ix) improved landscaping including the introduction of three new established Palm trees to reinforce the existing avenue.

Overall, the recommendations of the Master Plan will result in a net overall gain of passive/informal active open space.

(b) Tennis Facility

Presently there are four tennis courts at Mayors Park. These are used by the Clifton Tennis Club, a private social club (Netsports Management), Collingwood Leisure entre members and one-off casual users.

The Master Plan proposes that an additional tennis court and a new multi-purpose court be constructed. It also proposes that one of the existing tennis courts be resurfaced to a multi-purpose court. This decision was made in response to the findings of the Yarra Leisure Needs Strategy and feedback received from the local community and tennis facility stakeholders all of which indicate that additional facilities would be well utilised.

By ensuring that the new courts are multi-purpose, the new design aims to create a facility that caters to both tennis and netball, thereby increasing participation in active recreation in this part of the municipality. This is particularly important for netball, as there are presently no opportunities to participate in this sport in the northern part of the municipality.

Some residents expressed concern that the additional courts would reduce passive recreational opportunities, however overall there was acknowledgement that Mayors Park was already a significant active recreational precinct. This, together with the fact that overall the new design will result in a net gain in passive recreational space within the park, also led to the inclusion of the extra courts in the final design.

The management of the tennis facility within Mayors Park was also raised as part of the Master Planning process, however this is a separate issue and is being dealt with by Council Officers and the relevant stakeholder groups.

(c) Collingwood Leisure Centre

Throughout the Master Planning process it was indicated that the Collingwood Leisure Centre had plans to expand its facility. The details of such plans are still in their preliminary phases, however when they are further developed a separate consultation process with residents will be undertaken. In the mean time, it is known that any development of the Centre will take place within the new fence-line.

(d) Heritage Considerations

The City of Yarra undertook a Heritage Review in 1998, and as part of this all Public Open Space was assessed in terms of its heritage value. Those parks of cultural and heritage significance were identified for heritage protection under the Yarra Planning Scheme. Mayors Park was not identified as a park of heritage significance, and it is therefore not

considered a priority for a conservation study. The more recent 2002 Review of Heritage Places confirmed this situation.

It is however recognised that there are certain elements within the park that may have heritage value including the existing Elms, the Palms and the path alignments. The possible importance of these elements have been carefully considered during the design phase of the project and the new proposal works towards maintaining their integrity.

Importantly, a number of other factors (including functionality, aesthetics, future maintenance and financial implications) have contributed to the final design proposal. The need to balance these factors with any possible heritage considerations is imperative.

10. Aside from the above issues there were a number of other comments made by residents. These, along with a response are outlined in Attachment B.

Resource and Financial Implications

11. A proposed implementation plan for the Master Plan with preliminary costings have been provided by Aspect, with a breakdown as follows:

Stage	Description	Cost
1	Open space expansion and main path upgrade	\$170,002.01
2	Development of park open space spine	\$173,947.75
3	BBQ, playground and secondary path construction	\$220,543.51
4	Tennis & basketball court installations	\$192,919.58
5	North-east corner and general park upgrades	\$110,586.30
	Total Project Budget The above budgets include professional fees (10%), construction contingency (10%) and GST (10%).	\$867,999.16

12. The Master Plan provides future direction for management and improvement of the park. Recommendations in the Master Plan will have both recurrent and capital budget implications. Projects from the Master Plan will be considered in context with all of Council's other priorities and commitments through the budget process each year. It is envisaged that stage 1 of the project be implemented as part of the 2003/2004 capital works budget, should funds be made available.

City Plan, Strategy and Policy Implications

13. The preparation of the Mayors Park Master Plan has been undertaken as part of the implementation of the recently adopted Master Planning Framework Strategy.

RECOMMENDATION

14. That Council adopt the Master Plan for Mayors Park.
15. That it be noted that the implementation of the Master Plan will be subject to the availability of funding under Council's 2003/04 Capital Works Budget and beyond.
16. That all submitters be advised of Council's Resolution.

CONTACT OFFICER: Mark Dornau
TITLE Coordinator, Open Space Planning
TEL: 9205-5109

See Attachment



Adobe Acrobat
Document



Adobe Acrobat
Document

2.2 Coate Park and Rudder Grange Master Plan

EXECUTIVE SUMMARY

Purpose

To consider the adoption of the Master Plan for Coate Park and Rudder Grange.

Issues

There has been overall support for the intent of the Master Plan. There was varying feedback in relation to the management of native and exotic vegetation within the park. The final design seeks to balance the varied community viewpoints with functional, aesthetic, environmental, heritage and maintenance considerations. Difficult compromises were made in an attempt to satisfy as many parties and concerns as possible.

Resource Financial Implications

Full implementation of the plan will cost approximately \$243,863.58 but the work will be staged over a number of years and will be subject to the annual budget approval process.

Community Implications

The community has been extensively consulted and supports the major elements of the plan. The plan has been modified where appropriate in response to the submissions that have been received.

Environmental Implications

The Master Plan proposals will enhance the existing open space, and provide further opportunities for planting.

City Plan, Strategy and Policy Implications

The Master Plan is consistent with the City Plan and other Council policies.

PROPOSED ACTIONS

That Council adopt the Coate Park and Rudder Grange Master Plan.

2.2 Coate Park and Rudder Grange Master Plan

File: C90036-03
Responsible Officer: Manager, Environmental Services

Purpose

1. To consider the adoption of the Master Plan for Coate Park and Rudder Grange (refer Attachment A). The Master Plan has undergone extensive community consultation and has been modified where appropriate in response to the submissions that have been received.

Background

2. Coate Park and Rudder Grange abut residential, industrial and commercial development, and together form a green buffer between these developments and the Yarra River. Both parks contain rich local, historical, cultural and environmental values. The parks form part of and link into Melbourne's open space networks along the Yarra River wildlife corridor. Both are considered to have flora, fauna and habitat values of significance, including areas of important remnant vegetation.
3. In May 2002, Aspect Pty Ltd were commissioned to undertake the development of a Master Plan for Coate Park and Rudder Grange. The purpose of the Master Plan, having considered past and present values, is to provide an indication of the desired physical planning and design character of the area. In addition it provides a framework for future detailed design of development proposals and a context for management and maintenance policies and practice.
4. Consultation was a key part of the Master Planning process. A working group was established consisting of local residents. The aim of the working group was to provide guidance, assistance and most importantly direction, as the Master Plan was being developed. In addition, the general community was also consulted on two occasions.

Master Plan Details

5. Based on feedback gained during the consultation process it was evident that both Coate Park and Rudder Grange are valued, significant elements of the Yarra River Corridor. The key elements identified as needing to be addressed by the Master Plan included:
 - (a) the environmental value of the parks;
 - (b) trails within the parks;
 - (c) quality of the open space;
 - (d) enhancement of the river edge;
 - (e) improvement of habitat quality of the parks;

- (f) protection of scar tree;
 - (g) improvement of the landscape and visual character of the parks;
 - (h) appropriate river and trail recreation.
6. Following the consultant's site analysis and community consultation, the following principles were established to guide the development of the Master Plan and the future of the parks:
- (a) Context

The distinct quiet and contemplative character of the parks will underpin the development of all park proposals. Coate Park and Rudder Grange will provide a well-planned, long term, passive open space asset for the local community.
 - (b) History

The layers of pre and post colonial history will be celebrated and revealed through future park developments.
 - (c) Immediate Concerns

The Master Plan will provide direction for the asset management and ongoing maintenance of both parks.
 - (d) Park Function

Develop the function of Coate Park and Rudder Grange in accordance with their present and anticipated uses.
 - (e) Entrances and Public Private Boundaries

The boundary and entrances of Coate Park and Rudder grange will be consistently treated in the Master Plan with a view to creating a sense of intimacy.
 - (f) Vegetation

There will be a balance of exotic and indigenous vegetation types and structures within the parks.
7. From these principles the Master Plan was developed (refer Attachment A). The plan was presented to the working group and then placed on display in the park for comment.
8. The key elements of the Master Plan include:
- (a) improvement to the Alphington Street entrance;
 - (b) establishment of an open lawn area in Rudder Grange with English Oak;
 - (c) restoring and make safe boat house footings;

- (d) installing 'Memory Oak Seats';
- (e) re-establishing typical floodplain topography at Rudder Grange;
- (f) providing exotic and indigenous trees along river and path edge;
- (g) improving access between parks;
- (h) planting oak trees along riparian (river) embankment lawn;
- (i) planting fruit trees at Perry Street entrance;
- (j) extending grasslands area under significant Yellow Box and provide minimal interpretative signage;
- (k) planting small blossom species at Coate Avenue entrance;
- (l) removing agapanthus and other weeds at Coate Avenue entrance; and
- (m) providing signage referencing park history.

Consultations

9. Following is a summary of the consultation process:

- (a) Stage 1: Approved brief (prepared by City of Yarra and community Working Group).
 - (i) consultant appointed.
- (b) Stage 2: Site Analysis
 - (i) working group & Council consultation;
 - (ii) on-site interviews;
 - (iii) letter drop and local advertisement;
 - (iv) community open day & consultation;
- (c) Stage 3: Master Plan Principles
 - (i) working group & Council consultation;
- (d) Stage 4: Draft Master Plan
 - (i) working group & Council consultation;
 - (ii) letter drop and local advertisement;
 - (iii) public exhibition of draft Master Plan – 4 weeks on site and Council web site; and

(e) Stage 5: Final Master Plan

(i) Council endorsement of Master Plan.

10. As well as the above, internal consultation was undertaken with the relevant Council Branches including Open Space Planning; Recreation Services; Asset Management; Urban Planning and the City of Yarra Open Space maintenance contractor.
11. External consultation was undertaken with adjacent local residents; Melbourne Water; Parks Victoria; Heritage Victoria; Aboriginal Affairs and AMCOR.
12. There was overall support for the Master Plan. A total of four written submissions were received most of which were in general agreement with the recommendations of the plan and appreciative of the consultation process. However, whilst feedback to the plan was generally positive, there were a number of issues raised by several submitters. (A copy of the four submissions are available on file for Councillor information).
13. The main issues raised during the consultation process are outlined below:

(a) Vegetation

Feedback relating to the balance of native and exotic vegetation at Coate Park and Rudder Grange was varied. Some members of the community expressed a desire to explore opportunities for increasing indigenous vegetation within the park. Others wanted restoration of recently lost vegetation as well as further plantings of exotic trees.

To accommodate the range of views, the Master Plan recommends that there be a balance of exotic and indigenous vegetation types and structures within the park. The recommended placement of trees attempts to take into account the management requirements of the vegetation types whilst at the same time compliment both passive/open play use and habitat value across both parks.

(b) Consultation Process

There was feedback from several submitters in relation to the initial lack of consultation and communication between Council and residents in relation to the planning and management of Coate Park and Rudder Grange.

The extensive nature of the recent consultation process demonstrates a commitment to repairing and establishing a new relationship between council and the community. There will be ongoing community involvement in the park management decision-making process, as outlined in the Master Plan report.

Resource and Financial Implications

14. The Master Plan provides future direction for management and improvement of the park. Recommendations in the Master Plan will have both recurrent and capital budget implications. Preliminary costing provided by Aspect has indicated that the capital component of the project will cost approximately

\$243,863.58. It will be implemented over a three-year period, subject to Council funding.

City Plan, Strategy and Policy Implications

15. The preparation of the Coate Park & Rudder Grange Master Plan has been undertaken as part of the implementation of Council's recently adopted Master Planning Framework Strategy.

RECOMMENDATION

16. That Council adopt the Master Plan for Coate Park and Rudder Grange.
17. That it be noted that the implementation of the Master Plan will be subject to the availability of funding under Council's 2003/04 capital works budget and beyond.
18. That all submitters be advised of Council's resolution.

CONTACT OFFICER: **Geoff Ovens**
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TEL: **9205-5036**

See Attachment



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2.3 Amendment C53 to the Yarra Planning Scheme - Precinct Bounded by Abinger, Coppin and Lord Streets, Richmond - Public Exhibition Stage.

EXECUTIVE SUMMARY

Purpose

To consider whether to prepare a planning scheme amendment pursuant to section 8 of the *Planning and Environment Act 1987*, and whether to exhibit Amendment C53 to the Yarra Planning Scheme. Amendment C53 proposes to apply an Environmental Audit Overlay (EAO) to the precinct bounded by Abinger, Coppin, and Lord Streets, Richmond and the rear of buildings fronting Bridge Road, Richmond (the subject land).

Issues

The subject land is currently zoned Mixed Use Zone (MUZ). This amendment does not seek to alter this zoning.

Planning permits for residential uses that have been issued in this precinct since the application of the Mixed Use Zoning have contained conditions which require that a certificate or a statement of environmental audit be obtained.

The purpose of this amendment is to apply an Environmental Audit Overlay to the precinct and therefore to standardise the treatment of the subject land with other former industrial sites as Environmental Audit Overlays have been applied to other former industrial sites throughout the municipality.

Resource Financial Implications

The costs associated with the amendment process are to be borne by Council. The exhibition stage costs \$700.00 with a total possible cost of \$2560.00.

Community Implications

The application of the Environmental Audit Overlay (EAO) on the subject land ensures that soil will be tested for contamination and decontaminated if necessary to facilitate an application for a more sensitive use on the site (such as a residential use).

Environmental Implications

Any contaminated soil from the subject land will be taken to a prescribed waste land fill. These are specifically designed for the storage and disposal of contaminated soil.

City Plan, Strategy and Policy Implications

This amendment accords with Council's commitment to good community governance by providing a transparent planning mechanism to ensure the decontamination of former industrial sites, and therefore enhancing Yarra's liveability.

Legal Implications

The preparation of the proposed amendment is guided by Ministerial Direction No. 1 pursuant to Section 12(2)(a) of the *Planning and Environment Act 1987*.

PROPOSED ACTIONS

That Council resolves to prepare and place on exhibition Amendment C53 to the Yarra Planning Scheme to apply the Environmental Audit Overlay (EAO) to land bounded by Abinger, Coppin and Lord Streets, Richmond and the rear of buildings fronting Bridge Road, Richmond.

2.3 Amendment C53 to the Yarra Planning Scheme - Precinct Bounded by Abinger, Coppin and Lord Streets, Richmond - Public Exhibition Stage.

File: 30/25/07/53
Responsible Officer: Coordinator Strategic Planning

Purpose

1. To consider whether to prepare a planning scheme amendment pursuant to section 8 of the *Planning and Environment Act 1987*, and whether to exhibit Amendment C53 to the Yarra Planning Scheme. Amendment C53 proposes to apply an Environmental Audit Overlay (EAO) to the precinct bounded by Abinger, Coppin, and Lord Streets, Richmond and the rear of buildings fronting Bridge Road, Richmond (the subject land).

Issues

2. Under the previous Yarra Planning Scheme the precinct was zoned Light Industrial Zone (IN1), which permitted industrial land uses to operate.
3. With the introduction of the new format Yarra Planning Scheme on 27 May 1999 the subject land was rezoned to a Mixed Use Zone (MUZ). This amendment does not seek to alter this zoning. A zoning plan is provided at Attachment 1.
4. Ministerial Direction Number 1 (Potentially Contaminated Land) requires that Council has certain responsibilities when considering a rezoning of industrial zoned land to allow a more sensitive land use such as a residential use, a child care centre, a pre school centre or a primary school.
5. Council must satisfy itself that one of the following has been done.
 - (a) Before a notice of the amendment is given that a certificate of environmental audit has been issued for the land, or that a statement of environmental audit has been obtained that states that the land is suitable for the development proposed, or;
 - (b) As a part of the amendment Council require that a certificate or statement of environmental audit needs to be obtained before a sensitive use commences or buildings and works associated with that sensitive use commence.
6. Under the Victoria Planning Provisions which form the basis of the Yarra Planning Scheme a Mixed Use Zone (MUZ) is contained in a suite of residential zones. Use of a site for residential land use does not require planning permission as long as all other provisions in the scheme are met.
7. However, buildings and works for construction or an extension to a dwelling on a lot under 500 m² requires a planning permit as does the construction of more than one dwelling on a lot.
8. Residential land uses would require a planning permit on land that is affected by an Environmental Audit Overlay.

9. Given the size of the current parcels of land forming the subject land it is unlikely that they would be redeveloped for a single dwelling. Similarly, the existing residential land uses on the subject land are on lots small enough to trigger the requirement for a planning permit for buildings and works.
10. One planning permit has been issued for the subject land that would trigger consideration of Ministerial Direction Number 1. The Planning Permit PL02 / 0123 pertains to 8 Lord Street, Richmond. The permit was issued by VCAT on 3 January 2003 for the construction of a five level residential building (with basement level car parking) for the purpose of 29 dwellings, and a partial reduction in the car parking requirements of the Planning Scheme. Council recommended that a condition requiring that the applicant obtained a statement or a certificate of environmental audit was placed on the permit and this was done.
11. A second planning permit is presently being advertised. The planning permit PL02 / 0159 pertains to 2 – 6 Lord Street. The permit is for the construction of buildings and works for the purpose of 41 new dwellings (up to five levels including ground level car park for 68 car spaces) and two office/studio units fronting Lord Street with a partial reduction in the car parking requirements of the Planning Scheme. A condition should be placed on any planning permit that issues requiring that a statement of certificate of environmental audit is obtained prior to the use and development of the land commencing. A decision has yet to be made on this planning permit.
12. Given the above, Council's responsibilities in relation to its duty of care to ensure that previously industrial zoned land which could be used for a more sensitive use is tested for contamination and decontaminated if necessary, have been met.
13. The purpose of this amendment is to standardise the treatment of the subject land with other former industrial sites throughout the municipality by the application of the Environmental Audit Overlay.

Background

Subject Land & Environs

14. The subject land contains a variety of land uses. Abinger Street forms the southern boundary of the subject land and along this boundary industrial land uses predominate. Coppin Street forms the western boundary of the subject land, and along this boundary the land uses are mainly residential but also include a manufacturing industry and a community hall. Lord Street which runs south off Bridge Road forms the western boundary of the subject land. Along this boundary the current land uses are predominantly industrial. The northern boundary of the subject land is formed by the rear of buildings which front Bridge Road. These buildings contain a variety of retail functions.

Planning Scheme Controls

15. The subject site is zoned Mixed Use Zone (MUZ). This zoning will not change as a result of this amendment. A copy of the zoning plan is provided at Attachment 1.

16. The amendment is required pursuant to Section 12(2)(a) of the *Planning and Environment Act 1987* which requires that planning authorities have regard to the Minister's Directions.

State Planning Policy Framework

17. Clause 15.06 of the Yarra Planning Scheme (State Planning Policy Framework) details the responsibilities of planning authorities in relation to soil contamination. The objective of this clause is to *"ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely."*
18. The provisions require that *"in considering applications for use of land used or known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel, responsible authorities should require applicants to provide adequate information on the potential for contamination to have adverse effects on the future use of land."*

Local Planning Policy Framework

19. Clause 21 of the Yarra Planning Scheme (Municipal Strategic Statement) states a need to facilitate *"a greater diversity in new housing developments, to respond to broader social and economic change (for example, studio/ apartment style housing to meet the trend towards people working from home)."*
20. The application of an Environmental Audit Overlay to the subject land provides a planning framework that ensures that these changes can take place in an environmentally responsible manner, as well as ensuring a transparent planning process.

Consultations

21. The proposed amendment will include a one month exhibition period comprising:
 - (a) direct notice to all owners and occupiers within the subject land (see Attachment 2);
 - (b) notice in the Government Gazette;
 - (c) notice in the Yarra News and on Council's website; and
 - (d) display of the amendment at the Richmond and Collingwood Town Halls and at the Department of Infrastructure (Department of Sustainability and Environment). See Attachment 3 for amendment documentation.

Resource and Financial Implications

22. The costs incurred in processing the amendment will be borne by Council. It is estimated that the costs will be approximately \$2,560 which can be met through Council's Strategic Planning Budget.

Environmental Implications

23. Any contaminated soil is taken to one of Melbourne's prescribed waste landfill sites. These landfills are managed and designed for the storage of contaminated matter.

City Plan, Strategy and Policy Implications

24. This amendment accords with Council's commitment to good community governance and role to enhance Yarra's liveability.
25. Firstly, the application of an Environmental Audit Overlay provides a transparent planning mechanism to ensure that sites that are being rezoned to allow more sensitive uses are tested for contamination and decontaminated, if necessary.
26. Secondly, the recycling of redundant former industrial sites into residential ones helps to enhance Yarra's liveability with higher residential densities meaning increased patronage for public transport, local shops and services.

Legal Implications

27. Council has responsibility under the requirements of Ministerial Direction Number 1 to ensure that sensitive land uses in previously industrial zoned land are subject to the requirements of an environmental audit and decontamination if necessary. The clearest mechanism to achieve this is the application of an Environmental Audit Overlay on the subject site through the Yarra Planning Scheme.
28. Legal advice has been sought in relation to Council's role and responsibility as planning authority in relation to land that is thought to be potentially contaminated. The following advice has been received from Maddocks lawyers:

"Where land is subject to the Environmental Audit Overlay... it is a requirement of the scheme that before a sensitive use (defined as a residential use, child care centre, pre- school centre or primary school) or the construction or carrying out of buildings and works in association with such a use commences, either a statement or a certificate of environmental audit under the EP Act or a statement of environmental audit must be made under the Act to provide that the environmental conditions of the land are suitable for a sensitive use. Should permit conditions be used for a use or development in the Overlay area, arguably they are not required. They nevertheless serve to better bring the scheme requirements to the attention of the land user."

Options

29. Council has the following options available to it:
 - (a) Option 1 - resolve to prepare and exhibit Amendment C53 to the Yarra Planning Scheme to apply the Environmental Audit Overlay; or
 - (b) Option 2 - resolve to refuse to prepare and exhibit Amendment C53 to the Yarra Planning Scheme.

RECOMMENDATION

30. That Council resolves to prepare and place on exhibition Amendment C53 to the Yarra Planning Scheme to apply the Environmental Audit Overlay on the precinct bounded by Abinger, Coppin and Lord Street, Richmond and the rear of buildings fronting bridge Road, Richmond.

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See Attachments



Image Document