

City of Yarra

Amendment C97

Explanatory Report

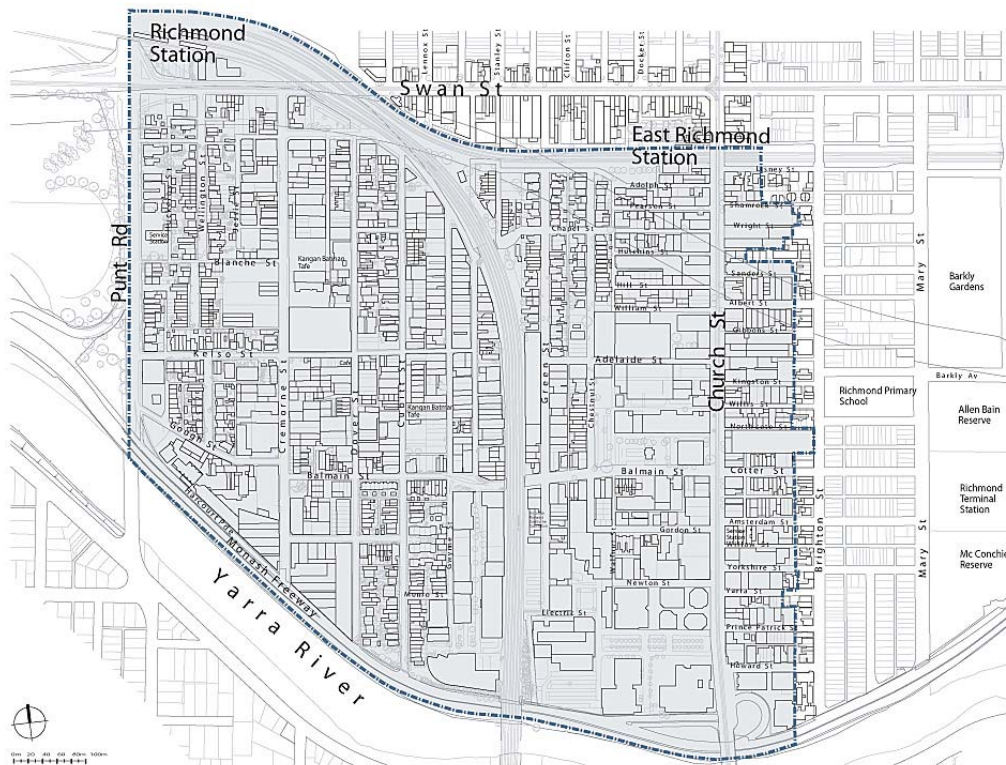
Who is the Planning Authority?

This amendment has been prepared by the City of Yarra who is the Planning Authority for the amendment.

Land affected by the Amendment

The land affected by the amendment includes the neighbourhood in South Richmond known as Cremorne, south of the east-west suburban railway lines and west of the area flanking Church Street between the Yarra River and East Richmond Station. The area includes both sides of Church Street and properties within a Business 3 Zone on its eastern side, between the Yarra River and the railway line.

The land is shown on the map below.



Land subject to proposed Amendment C97

What the Amendment does?

This amendment proposes the following changes to the Yarra Planning Scheme:

- rezoning of the properties fronting the east side of Punt Road in the precinct currently zoned Residential 1 to a Mixed Use Zone;
- rezoning land in the area affected by the amendment from a Business 3 Zone to a Business 2 Zone, which includes rezoning the rear of 549-555 Church Street, Richmond from Residential 1 to Business 2 (to reflect the current use of the entire site as a warehouse, which corrects a mapping error) and introduction of an Environmental Audit Overlay (EAO) to the rezoned land;
- changes to the Municipal Strategic Statement (MSS);
- introduction of a Local Policy for the Cremorne and Church Street Precinct under clause 22 of the Yarra Planning Scheme; and
- introduction of a new Design and Development Overlay Schedule 8 (DDO8) over all the land affected by the amendment which will replace the existing Design and Development Overlay Schedule 1 (DDO1).

Strategic Assessment of the Amendment

Why is the amendment required?

The amendment is required to implement the planning provisions of the Cremorne and Church Street Precinct Urban Design Framework (UDF), adopted by Council on 18 September 2007.

Proposed Rezonings

Proposed Mixed Use Zone

In order to encourage appropriate mixed use redevelopment along Punt Road, the UDF recommends that all properties fronting Punt Road be rezoned from the Residential 1 Zone to the Mixed Use Zone. This will enable the introduction of some commercial activities at street level, with preferably residential uses at the upper levels. This rezoning proposal is supported by the following recommendation for the Punt Road properties, as stated in the adopted UDF:

- 14. Rezone all properties fronting Punt Road to a Mixed Use Zone to enable the introduction of some commercial activities at street level.*

Proposed Business 2 Zone

A further recommendation of the UDF in relation to Low-Rise Mixed Use Areas is to:

- 2. Investigate the rezoning of the Business 3 Zone into a zone that allows a mix of uses, including a proportion of residential development while not compromising the integrity and operation of the existing range of industries and commercial activities within the precinct.*

It is proposed to rezone land in the Business 3 Zone to the Business 2 Zone. The purpose of the Business 2 Zone is:

to encourage the development of offices and associated commercial uses.

The Business 2 Zone provides discretion for a wider range of land uses in relation to permitted or permit required uses than the Business 3 Zone, including dwelling which is prohibited under the existing Business 3 Zone. Existing dwellings are currently covered by existing use provisions in the Planning Scheme. The inclusion of the land in the Business 2 Zone will provide existing dwellings with appropriate planning rights and provide the opportunity for new residential uses to establish in the precinct, to form part of its unique mixed use environment.

In the Business 2 Zone, office is a 'permit not required' use, and industry, place of assembly, retail premises, shop and warehouse are all 'permit required' uses. The schedule to the Business 2 Zone can prescribe maximum floor areas for office and shop.

In general, the Business 2 Zone is considered more appropriate and consistent with the existing mix of uses in the precinct and those uses being encouraged in the UDF. Through three community information meetings held over 2005 and 2007, both the business and residential community have

indicated that a key and valued characteristic of the precinct which they want preserved and enhanced is the mixed use environment of the precinct and its sense of place.

The Business 2 Zone has a greater focus on business and commercial activities and will encourage activities that fit well with the existing and desired future character of the precinct. Also, the proposed Business 2 Zone has less focus on industrial uses, such as manufacturing.

Proposed Environmental Audit Overlay

A further matter to consider in relation to any rezoning of the Business 3 Zone to the Business 2 Zone is that a dwelling is a permitted use in the Business 2 Zone, subject to a planning permit. Accordingly, it is also proposed to apply an Environmental Audit Overlay (EAO) to the land, proposed to be rezoned to a Business 2 Zone. As the precinct has been used for many years for primarily industrial and related activities, a certificate of environmental audit should be required in relation to any future use of former industrial land for a sensitive use, such as a dwelling.

Proposed Changes to the Revised Municipal Strategic Statement

The amendment includes changes to clause 21.08 of the revised Municipal Strategic Statement (MSS) under the Yarra Planning Scheme to include additional text and to change the Built Form Character map for the Cremorne neighbourhood. The changes will provide clear direction on the preferred neighbourhood and built form outcomes that the UDF is promoting for this area. The changes include the addition of a 'vision' for the precinct, based on the adopted UDF, and clear statements outlining what components of the built environment are to be encouraged in future redevelopments in the area.

Note: The revised MSS is the subject of Amendment C84 to the Yarra Planning Scheme which has been adopted by Council and submitted to the Minister for Planning for approval. The Minister's decision on Amendment C84 may require some consequential changes to the MSS section of this amendment (Amendment C97)

New Local Policy

The Amendment includes the introduction of a new planning policy under clause 22 of the Planning Scheme as an appropriate planning tool under the Victoria Planning Provisions (VPPs) to manage and direct future land uses that contribute to the mixed use and built form environment of the precinct. The proposed policy is called the *Cremorne and Church Street Precinct Local Policy*. The Policy promotes a range of uses in the precinct to build on its existing mixed use character and encourages mixed use development, including residential uses, the latter preferably directed to the upper levels of mixed use developments. The Policy also supports the generally low rise nature of the area, with opportunities for higher development at the edges of the precinct and on key redevelopment sites e.g. the Richmond Maltings site.

The Policy also encourages improvements to the public domain and improved public access to and throughout the precinct e.g. better pedestrian access to public transport facilities and nearby regional public open space, such as the Yarra River corridor.

New Design and Development Overlay

The Amendment includes the application of a new Design and Development Overlay (DDO) to guide future development and the built form in the precinct. The DDO includes general design objectives for the whole precinct to reflect the precinct-wide design principles included in the UDF and also provides specific design objectives and provisions relating to buildings and works for five key sub-precincts, being Punt Road, Church Street, 69-85 Cremorne Street (Kangan Batman TAFE), 70 Gwynne Street (TAFE site between Cubitt, Gwynne, Kelso and Balmain Streets), the Richmond Maltings sub-precinct, the East Richmond Station environs, and the area of land north of Balmain Street between Gwynne and Stephenson Streets.

How does the amendment implement the objectives of planning in Victoria? (S.4 of the Planning and Environment Act 1987)

- (1) *The relevant objectives of planning in Victoria are-*
 - (a) *to provide for the fair, orderly, economic and sustainable use, and development of land;*
 - (c) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria; and*
 - (g) *to balance the present and future interests of all Victorians.*

The proposed amendment aims to implement the above objectives of planning in Victoria

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

The proposed local policy forming part of the amendment includes provisions that aim to improve the public environment throughout the precinct, with improved pedestrian and cycle links to key open space and public transport facilities and encourages improvements to the road environment in the precinct for pedestrians and cyclists.

The proposed rezoning of land from the Business 3 Zones to the Business 2 Zone, will result in a dwelling becoming a permitted use in the precinct, subject to a planning permit. As the precinct has been used for many years for industrial and related activities, it is proposed to apply an EAO to the land to be rezoned from Business 3 to a Business 2 Zone. As such, a certificate of environmental audit will be required for any future use of former industrial land for a sensitive use, such as a dwelling.

The amendment creates the opportunity for a range of land uses, including offices, industries, warehouses, dwellings and retail activities which will complement and contribute to the mixed use character of the precinct, which is valued by both the local residential and business communities. This mix of uses will also serve future local community needs as well as needs of the wider area.

The amendment will economically contribute to the future development and viability of the precinct. A key objective of the proposed local policy for the Cremorne and Church Street precinct is to facilitate the development of the precinct as a successful local business hub, providing higher order business activities that provide local employment.

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

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act. The following Directions under section 12 of the Planning and Environment Act are also relevant:

- Direction No.1 – Potentially Contaminated Land
- Direction No.9 - Metropolitan Strategy
- Direction No.11 – Strategic Assessment of Amendments

Direction No.1 – Potentially Contaminated Land

The amendment includes the proposed rezoning of land from Business 3 to the Business 2 Zone which has the potential to enable land formerly used for industrial purposes to be used for a sensitive use, such as a dwelling. This direction requires the planning authority to satisfy itself that the environmental conditions of the land are suitable for such uses.

As part of the amendment process an EAO is proposed to apply to all the land currently in the Business 3 Zone to be rezoned to Business 2. This is to ensure that any contamination of land used for industrial purposes in the past is appropriately treated and contained in situ prior to any sensitive use, such as dwelling, commencing on the site.

Direction No.9 – Metropolitan Strategy

What aspects, if any, of Clause 12: Metropolitan Strategy are relevant?

Direction No.1: A more compact City
Direction No.4: A more prosperous City
Direction No.5: A great place to be
Direction No.8: Better transport links

Direction No.1: A more compact City

The proposed amendment encourages a mix of business, commercial and residential uses to be consolidated and contained within an established and well-serviced precinct. The range of land uses to be encouraged under the amendment will complement the mixed use function and character of the area. *Melbourne 2030* seeks to maximise the use of existing infrastructure and encourages development within close proximity to a Major Activity Centre, such as Swan Street, and close to public transport and community services.

Direction No.4: A prosperous city

The amendment will provide an adequate supply of commercial and industrial land that can be used to support new business and industrial growth in the City of Yarra, while consolidating the precinct as a mixed use area, providing a range of local employment and living options e.g. home office development.

Direction No.5: A great place to be

The amendment aims to create a vibrant, well designed and safe environment for both the local business and residential communities in the precinct. The amendment seeks to strengthen the sense of place and the existing mixed use character of the area, and aims to promote good urban design in the public realm that contributes to community life in the area.

The amendment supports initiatives that provide safer walking and cycling access through the precinct and improved safety for people using the public transport serving the area.

Direction No.8: Better transport links

A key objective of the amendment is to coordinate improvements to public transport, walking and cycling networks with the ongoing development and redevelopment of the precinct. The amendment seeks to improve connections to the Swan Street Major Activity Centre and to maximise the use of existing infrastructure and improving access to public transport options serving the area. The amendment will also seek to encourage the use of walking and cycling by creating environments that are safe and attractive, and improving links to major metropolitan bicycle routes and nearby public open spaces.

The amendment is consistent with the directions of *Melbourne 2030* and the directions of the Metropolitan Strategy are reflected in the amendment.

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

The amendment is consistent with and reinforces the State Planning Policy Framework (SPPF), including *Melbourne 2030*. The amendment will encourage the redevelopment of the precinct as a viable mixed use area, with improvements to the public domain and better links to transport facilities in the locality.

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

The amendment is consistent with the Local Planning Policy Framework (LPPF) and in particular supports the following objectives and strategies of Yarra's Municipal Strategic Statement (MSS):

Element 1: Urban Design Framework

The amendment seeks to reinforce the City's urban form and retain and extend the existing fine grain street pattern in the precinct. The proposed DDO aims to ensure that at street level, buildings have a human scale and new development achieves ecologically sustainable and inclusive design. Improvements to the public domain e.g. landscaping, are encouraged and new development is encouraged to be site responsive and achieve high quality urban design outcomes. Development that encourages non car based transport and provides improved access to public facilities serving the precinct is to be supported under the amendment.

Element 2: Residential Land Use and Development

The amendment seeks to maintain and strengthen the existing mixed use character of the neighbourhood and encourage a range of housing options to support a diverse local community.

Element 3: Industry and Commerce

The amendment aims to increase the number and diversity of local employment opportunities in the precinct and improve access to employment areas by public transport and bicycle and pedestrian networks. The amendment also provides opportunities to widen Yarra's business base, particularly in the expanding service sector and will provide appropriate locations for new modern "clean" industries. The proposed planning tools to implement the amendment seek to reduce the incidence of amenity conflicts between business and residential activities.

Element 8: Transport and Access

The amendment seeks to encourage the use of non car transport modes at the local level and promote a mix of land use activities in the precinct to reduce travel demand. The amendment supports pedestrian access improvements to and through the precinct and the provision of a safe and convenient bicycle network comprising linked off-road and safe on-road cycle routes.

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

The amendment makes proper use of the Victoria Planning Provisions (VPPs) by using appropriate planning tools to implement the objectives and planning strategies in the adopted UDF for the Cremorne and Church Street precinct. The wording, form and content of the proposed local policy have been drafted in accordance with the *Planning Practice Note "Writing a local policy"*.

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

The views of relevant agencies have been considered in the preparation of the amendment.

What impact will the new planning provisions have on the resource and administration costs of the responsible authority?

The amendment is not expected to have significant effect on the resources of Council.

Where you may inspect this amendment

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

The **City of Yarra** website: www.yarracity.vic.gov.au

Richmond Town Hall

Town Planning Counter,
333 Bridge Road,
Richmond Vic 3121

Richmond Library located at 415 Church Street Richmond.

The amendment can also be inspected free of charge at the Department of Planning and Community Development web site www.dpcd.vic.gov.au/planning/publicinspection

Submissions on the amendment should be sent to Strategic Planning, City of Yarra, PO Box 168 Richmond 3121 or by email to strategicplanning@yarracity.vic.gov.au by **9 April 2009**.