

Planning and Environment Act 1987

City of Yarra Planning Scheme

Amendment C101

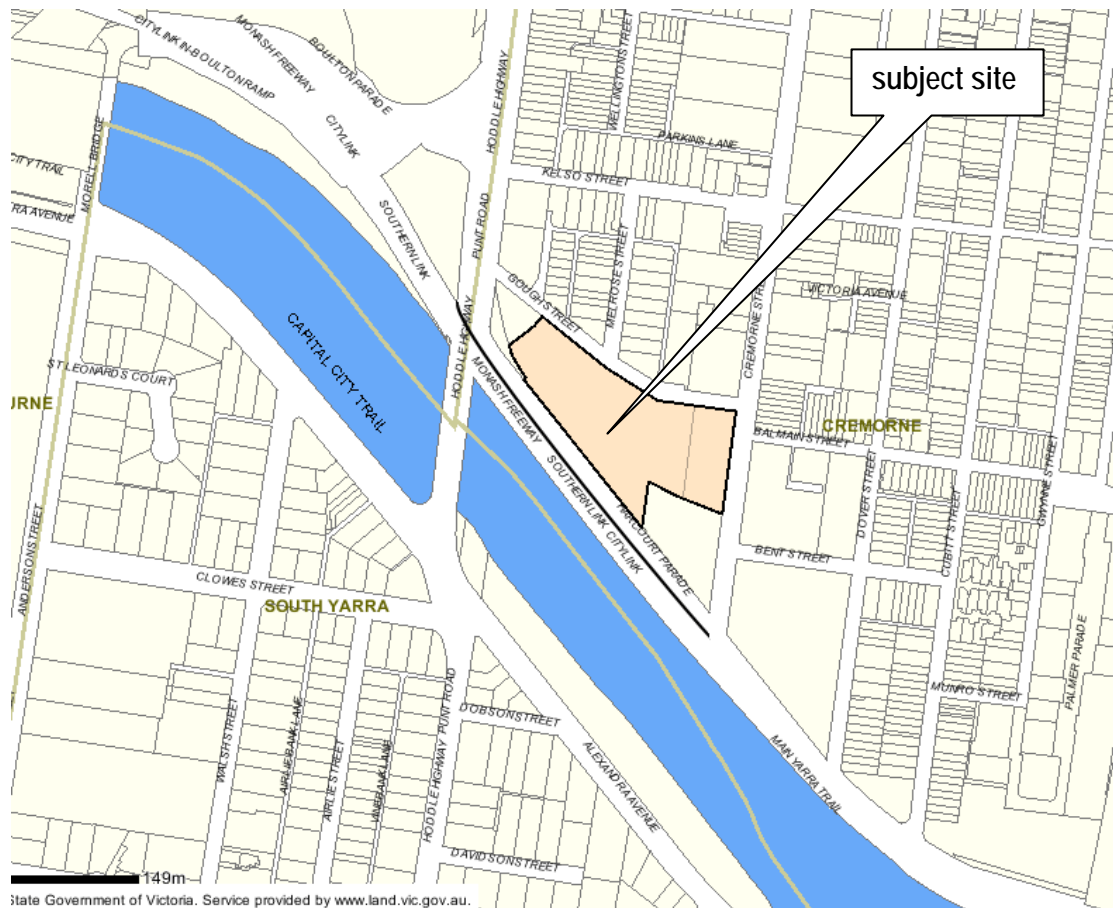
Explanatory Report

Who is the Planning Authority?

This amendment has been prepared by Hansen Partnership Pty. Ltd. on behalf of The Richmond Malt Pty. Ltd. Yarra City Council is the Planning Authority for this amendment.

Land affected by the Amendment.

The land is comprised of 2 Certificates of Title, described as: C/T Vol 9817 Fol 844 & C/T Vol 9817 Fol 845. The amendment applies to land broadly bounded by Gough Street, Cremorne Street & Harcourt Parade, Cremorne. The site covers the majority of the block, with the exception of a small triangular allotment with frontage to Punt Road and the Beaver Plastics Building fronting Cremorne Street. The land is shown on the plan below:



What the Amendment does.

This amendment proposes to make the following changes to the Yarra Planning Scheme.

- *Rezone the land from Business 3 Zone (B3Z) to a Comprehensive Development Zone (CDZ) with an Environmental Audit Overlay (EAO);*
- *Introduce a new schedule to the Comprehensive Development Zone (CDZ3);*
- *Delete Design and Development Overlay Schedule 1 (DDO1) from the subject land;*
and
- *Update Clause 81.01 to include the incorporated document "Planning and Design Principles for the Richmond Maltings Site, Cremorne – November 2007".*

Strategic Assessment of the Amendment

1. Why is an amendment required?

The subject site is presently subject to a Business 3 Zone (B3Z) pursuant to the City of Yarra Planning Scheme. The existing industrial use of the land for malting processes for the brewing industry is currently winding down, with the core elements of the business already having relocated off site. As the site contains significant heritage buildings registered on the Victoria Heritage Register, there would be significant difficulties in reusing the site for industrial purposes. Therefore the current status of the site is considered to present a clear opportunity to enhance the appreciation of its heritage value by providing a mixture of complementary business, retail and residential uses, whilst opening up the site to public access. The opportunity for the general public to experience and appreciate the heritage value of the site to be achieved through the appropriate reuse of buildings is a key driving element of the zoning amendment.

Given the importance of retaining the existing heritage fabric and the benefits that can be provided by allowing community access into the site, a genuine mixed use development incorporating commercial, retail, office, open space and residential development is sought as high quality outcome. However the current zoning of the land prohibits 'accommodation' (ie: 'dwelling') and a 'shop', of which both are uses that form components of the intended mixed use scheme.

In order to provide a genuinely mixed use development on the subject site as the amendment seeks (including a range of office, restricted retail, café type uses, residential apartments and studios and public plaza areas for use as open space), the land is proposed to be rezoned to a Comprehensive Development Zone (CDZ). The CDZ includes reference to a concept plan that indicates the location of proposed uses, their general building height and form.

The proposed amendment does not repeat any provisions already in the Planning Scheme.

2. Does the amendment comply with the requirements of the Planning and Environment Act?

Does the amendment implement the objectives of planning in Victoria?

As outlined within the VPPs, the objectives of planning in Victoria include:

- *To provide for the fair, orderly, economic and sustainable use and development of land.*
- *To provide for the protection of natural and man made resources and the maintenance of ecological processes and genetic diversity.*
- *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*
- *To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*
- *To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.*
- *To facilitate development in accordance with the objectives set out in the points above.*
- *To balance the present and future interests of all Victorians.*

The amendment is consistent with the objectives of planning in Victoria, the Planning and Environment Act 1987 and the City of Yarra Planning Scheme.

Does the amendment adequately address any environmental effects?

Land affected by the amendment will not be environmentally impacted upon as the rezoning to a Comprehensive Development Zone does not reduce environmental controls for the land. Furthermore the amendment should have a positive effect on the environment. The amendment and associated planning application will remove an industrial use from the site and the proposed application of an Environmental Audit Overlay to the land will ensure that, after the initial clean up of the site during Stage 1 of the development, the site is comprehensively cleared of contamination before any sensitive uses commence operation on site.

Does the amendment adequately address the relevant social and economic effects?

The amendment creates opportunities for a range of residential, commercial, industrial and other uses which would complement the mixed use function of the locality. This mix of uses will serve local community needs, as well as needs of the wider area. The amendment allows for the strengthening and development of a mix of uses within the Cremorne precinct, whilst improving the interface and relationship of the site with adjoining residential properties to the north of Gough Street.

The proposed Comprehensive Development Zone will create a mixed use outcome specifically for the site that will broaden the range of businesses, increase employment opportunities and increase economic gain, all of which will benefit the surrounding area.

Does the amendment comply with the requirements of the Ministerial Directions on the Form and Content of Planning Schemes?

All the necessary documentation has been prepared in the correct format for the purpose of exhibition and consideration of the amendment.

Do any other Minister's Directions apply to the amendment? If so have they been complied with?

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 relevant:

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

Direction No.1 – Potentially Contaminated Land

Given the amendment has the potential to enable land to be used for a sensitive use (ie: for residential dwellings), this direction requires the planning authority to satisfy itself that the environmental conditions of the land will be suitable for the use.

As part of the amendment process an Environmental Audit Overlay (EAO) is proposed. This is to ensure that after the initial demolition and clean up of the site at Stage 1 of the development of the land, that any contamination is appropriately treated and/ or contained in situ prior to any sensitive uses commencing operation on site.

Direction No.09-Metropolitan Strategy

What aspects, if any of Clause 12: Melbourne 2030 are relevant?

Direction 1: A more compact city

Direction 5: A great place to be

How does Clause 12: Melbourne 2030 affect the amendment?

Melbourne 2030 supports the amendment as it contains key directions relating to metropolitan growth and sustainable development through appropriate land use zoning.

Is the amendment consistent with any directions and policies in Clause 12: Melbourne 2030?

- **Direction 1: A more compact city**

The proposed amendment would allow a mixture of business, commercial and residential uses to be consolidated and contained within a former industrial site, given Melbourne 2030 seeks to maximise the use of existing urban infrastructure and encourages more intense development in and around the Central Activities District of Melbourne. The subject site is close to the CAD and the Major Activity Centre of Swan Street, Richmond.

The land affected by the amendment can assist in creating a more compact city and providing a wider range of services in and around the locality. The goal of achieving a greater variety of services is consistent with the objectives of the proposed Comprehensive Development Zone that seeks to provide a range of land uses that complement the mixed use function of the locality.

- **Direction 5: A great place to be**

The proposed amendment reflects the existing land use pattern where there is a mix of commercial uses and residential uses. Rezoning the land to a Comprehensive Development Zone would strengthen the business role of the site (given it is currently in a Business 3 Zone) as it allows office and restricted retail sale uses to establish 'as of right' on the site, whilst accommodating opportunity for the consideration of a mix of other complimentary uses.

New development on the land affected by the amendment will still be required to address such issues as neighbourhood character, urban design, heritage and amenity as part of any planning permit application process.

Does the amendment support, give effect to or assist the implementation of Melbourne 2030 or can it be reasonably modified to do so?

The amendment supports Melbourne 2030 as it allows for a mix of uses in close proximity to the Central Activities District of Melbourne and the Major Activity Centre located along Swan Street, Richmond. The amendment also allows for services and facilities complementary to that of the surrounding locality.

Will the amendment compromise the implementation of Melbourne 2030?

The amendment will not compromise the implementation of Melbourne 2030 as the amendment addresses the need for appropriate zoning which complements and strengthens the role and function the Central Activities District of Melbourne and the Major Activities Centre located along Swan Street, Richmond.

3. Does the amendment support or implement the State Planning Policy Framework?

The proposed amendment is consistent with the SPPF. The affected area is similar to many other redundant industrial sites that are located throughout the inner suburbs of Melbourne. Appropriate conversion and reuse of such land is encouraged in the SPPF.

What aspects of the SPPF are relevant and how does the proposal support or give effect to the SPPF?

A number of State Planning Policies are relevant to the proposal and consideration of the amendment against the policies is provided below.

The land affected by the proposed amendment is consistent with Clause 15.10 – Open Space, the objective aims: *“To assist creation of a diverse and integrated network of public open space commensurate with the needs of urban communities and rural areas”*.

By revitalising the site through the removal of non-heritage listed buildings it will create opportunity to open up site with a plaza/ open space areas accessible to the general public.

The land affected by the proposed amendment is consistent with Clause 15.11 – Heritage, the objective of which is: *“To assist the conservation of places that have natural, environmental, aesthetic, historic, cultural, scientific or social significance or other special*

value important for scientific and research purposes, as a means of understanding our past, as well as maintaining and enhancing Victoria's image and making a contribution to the economic and cultural growth of the State".

The retention of the significant heritage elements forming the original fabric of the site will ensure its former use in the malting and brewing industry will remain as a key focal point of the site. This will be ideally achieved via the appropriate and sympathetic conversion and reuse of such buildings with complementary uses.

The land affected by the proposed amendment is consistent with Clause 17.02 – Business, the objective aims: *"To encourage developments which meet community's needs for retail, entertainment, office and other commercial services and provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities".*

As the affected land abuts land both zoned Business 2 (B2Z) and Residential 1 (R1Z), the rezoning of the land to a Comprehensive Development Zone (CDZ) will strengthen the general mixture of existing commercial and residential uses found in the surrounding locality. The amendment is consistent with Clause 17.02 - Business as the rezoning will encourage a mix of uses in an area well served by public transport and in need of commercial rejuvenation and support.

The amendment is also consistent with Clause 18.02 – Car parking and public transport access to development, the objective of which is: *"To ensure access is provided to developments in accordance with forecast demand taking advantage of all available modes of transport to minimise impact on existing transport networks and the amenity of surrounding areas".*

The land is in close proximity to various modes of public transport including tram, bus and fixed rail. The abuttal with and proximity to Category 1 Roads, namely the Monash Freeway and Punt Road provides good private vehicular access. The provision of on site car parking proposed during development takes into consideration the availability of carparking, thus assisting in alleviating car parking demands in neighbouring streets.

Does the amendment or proposal support or give effect to any relevant adopted State Policy?

The amendment supports Melbourne 2030, with an assessment against the relevant directions of this strategy provided under point 2 of this report.

4. Does the amendment support or implement the Local Planning Policy Framework, and specifically the MSS?

The proposed amendment is consistent with the LPPF.

Municipal Strategic Statement

The MSS sets out strategic planning objectives for the municipality and the strategies employed to achieve them. The following clauses of the MSS are relevant to the amendment.

- Clause 21.02 Yarra Municipal Profile
- Clause 21.03 – Key Influences and Issues
- Clause 21.03-2 Restructuring of the Economy
- Clause 21.03-3 Change and the Built Environment
- Clause 21.04 Vision Strategic Framework
- Clause 21.05-1 Element 1: Urban Design Framework
- Clause 21.05-3 Element 3: Industry and Commerce
- Clause 21.05-6 Element 6: Yarra Corridor
- Clause 21.05-7 Element 7: Heritage Conservation

Clause 21.02 Yarra's Municipal Profile notes: "*The City of Yarra is strategically located to the immediate east of Melbourne's Central Business District. As such Yarra plays an important role in supporting the CBD and its Capital City function, and the wider operation of Melbourne's economy*".

The rezoning of the land to the CDZ will encourage a wide range of land uses and development, thereby fostering the achievement of strategic objectives for housing and economic development in an environmentally responsible manner.

Clause 21.03 Key Influences and Issues notes: "*Yarra's diverse community, in terms of socio-economic characteristics, ethnicity and age, contributes to making the City a culturally interesting, innovative and dynamic place. The challenge is to sustain this diversity through continuing to meet varied community needs in terms of services, employment and housing*".

The amendment is consistent with the thrust of this clause as it will positively address issues of social and economic change by incorporating both residential and business components within the overall revitalisation of the site.

Clause 21.03-2 Restructuring the Economy suggests that although the reduction in the extent of industrial land is appropriate in the light of the changing economic function of the inner city region, land must be managed to ensure there are opportunities for

continued industrial activity, without the pressures from residential and commercial activities. Surplus industrial areas are identified as ideal locations to facilitate a shift in Yarra's economic base towards commercial uses. In light of the heritage listings of various buildings, with an appropriate redevelopment of the site, it can play a key role in the restructuring of Yarra's economy.

Clause 21.03-3 Change within the Built Environment identifies some appropriate areas for urban renewal. Former industrial sites fronting the Yarra River are identified as presenting opportunities for urban renewal, particularly the demand for new residential and commercial development with appropriate urban design outcomes. The amendment is consistent with this clause as it relates to opportunities identified at Clause 21.03-3 which states: *"The City's network of arterial roads, array of former industrial sites including a number of large sites with Yarra River frontage, present major opportunities to accommodate land use change and facilitate urban renewal, in particular, to cater for the demand for new commercial and residential development in high profile locations. There is an imperative to plan for appropriate urban design outcomes in these areas as they will play an important role in creating a positive image for the Municipality"*.

The amendment is also consistent with Clause 21.04 Vision - Strategic Framework that includes strategies which seek to address:

- The maintenance of the mixed use character of the Yarra.
- The facilitation of a shift in the economic base of Yarra towards 'service' businesses through among other things the facilitation of larger scale commercial development in high profile locations.
- The opportunity for innovative and contemporary development on major redevelopment sites.

Clause 21.05 Element 1: Urban Design Framework identifies that: *"Defining a twenty first century vision for the City of Yarra is mandatory as development proposals carry with them opportunities for urban renewal and improvements to parts of our City. New development can still proceed whilst paralleling the objective to retain the nineteenth century character of the City. Conservation areas seek to conserve our heritage places however outside these areas there is scope for change. As the pressures for redevelopment and changes in land use continue, our goal will be the highest standards of design and amenity to ensure our nineteenth century infrastructure continues to serve the community well into the twenty first century"*.

As a high quality design scheme is proposed together with the retention of the heritage fabric of the site, the amendment is consistent with this clause.

The amendment is also consistent with the aim and direction of Clause 21.05-3 Element 3: Industry and Commerce that nominates: *"Industrial activity has dominated the economic base and image of the municipality for the last century and plays an important role in both local and regional economic development. Given the impacts of structural economic change on Yarra's traditional manufacturing base, however, the City must identify and promote new economic opportunities for surplus industrial land in order to provide sustainable local employment opportunities and economic growth. Restructuring of the local economy also offers the potential to enhance the physical environment through promoting urban renewal and business activities which can co-exist in harmony with residential land use"*.

Clause 21.05-6 Element 6: Yarra River Corridor identifies that: "*In defining opportunities to accommodate the demand for new commercial and residential development, however, due consideration also needs to be given to the historical industrial context of the river and the needs of well established and intact industrial areas*".

This clause identifies the subject site as being within a 'freeway edge' environment, with the relevant objectives including:

- *To protect the natural drainage function of waterways; and*
- *To encourage a range of land uses adjacent to waterways that minimise adverse environmental impacts, maximise enjoyment of the waterways and include public access to waterways.*

The strategies to achieve these objectives are particularly relevant to this site, and include:

- *A new high quality, visually permeable built form edge to the freeway and Yarra River corridor downstream of Church Street be created;*
- *Continuous public access be provided along the river bank;*
- *Tailor development to the distinctive landscape character of each section of the Yarra River Corridor*
- *Ensure that new development near the City's waterways:*
 - *Minimises the potential for environmental impacts (through management of stormwater run-off, soil erosion, noise and silt deposition) both during and following construction;*
 - *Maximises public access to waterways*

The proposed rezoning to a CDZ would address the broad objectives & strategies of this clause.

Clause 21.05-7 Element 7: Heritage Conservation aims to manage Yarra's unique cultural heritage to ensure future conservation and continued relevance into the 21st Century. The proposed amendment should achieve an outcome that would meet the objectives of this clause, namely the conservation of places of cultural and historical significance reflective of Yarra's historical development and the retention and enhancement of cultural heritage places.

Local Planning Policy

The Local Planning Policies seek to further particular objectives and strategies included in the Municipal Strategic Statement (MSS).

A number of Local Planning Policies are applicable to this amendment including:

- Clause 22.02 Development Guidelines for Heritage Places
- Clause 22.03 Landmarks and Tall Structures
- Clause 22.05 Location of Commercial / Industrial Activities
- Clause 22.10 Design Guidelines for Development Above Three Storeys

Clause 22.03 Landmarks and Tall Structures applies to all development within Yarra. It aims to ensure that the prominence of culturally valued landmarks and landmark signs are maintained. Specifically, it seeks to protect the long range views to the Nylex Sign. The amendment would support the implementation of this clause through its nomination of maximum building envelopes for the site to ensure the retention of the silos and associated signs as the prominent landmarks for the site.

Clause 22.05 Location of Commercial / Industrial Activities is applicable to the site given it is located within a Business 3 Zone. The Policy seeks to ensure that there are no adverse amenity impacts between land uses and developments in areas of mixed activities and at the interface between these areas and residential development. Although the zoning of the land is proposed to be changed, ensuring a complementary mixture of uses and an appropriate interface with the surrounding locality is a key consideration with the redevelopment of the site. This will also be relevant to the consideration of the mixture of uses on the site..

Clause 22.10 Design Guidelines for Development Above Three Storeys applies to all new development, both residential and non-residential, greater than three storeys and located outside of a Heritage Overlay. This policy is therefore currently applicable to the Richmond Malt Site, The Design Objectives outlined in Clause 22.10-2 that underpin the policy seek to:

- *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character;*
- *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design;*
- *Limit the impact of new development on the amenity of surrounding land, particularly residential land;*
- *Enhance pedestrian amenity and attract activities at street level, where appropriate;*
- *Create a positive interface between the private domain and public spaces; and*
- *Encourage environmentally sustainable development"*

The proposed rezoning to a CDZ would address the broad objectives and strategies of this clause.

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

The amendment makes proper use of the Victoria Planning Provisions by introducing a Comprehensive Development Zone which is consistent in form and content with the VPPs and reflects the existing and desired future land use pattern of the affected land.

The intention with the affected land is to provide a comprehensive mixture of uses on the site, however in order to ensure a detailed proposal specifically relevant to the subject site, the Comprehensive Development Zone has been proposed to allow zone controls to be prepared to address the individual issues and characteristics of the site.

6. Does the amendment address the views of any relevant agency?

The amendment should not affect any relevant agencies. VicRoads and other relevant authorities will receive notice of the amendment.

7. What impacts will the new provisions have on the resource and administrative costs of the responsible authority?

The amendment is unlikely to have a significant impact on the resources and administration costs of the responsible authority. Fees associated with the ongoing process of the consideration of the amendment will be paid as required.

8. Where you may inspect the amendment

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

**Department of Planning and Community Development
(DPCD, formerly DSE) website:**

www.dpcd.vic.gov.au/planning/publicinspection

City of Yarra

Richmond Town Hall
Town Planning Counter
333 Bridge Road
Richmond Vic 3121

Richmond Library: 415 Church Street Richmond;

In addition, the amendment documentation only may be viewed on **Yarra City Council's website:**
www.yarracity.vic.gov.au