

## **YARRA PLANNING SCHEME**

### **AMENDMENT C223**

#### **EXPLANATORY REPORT**

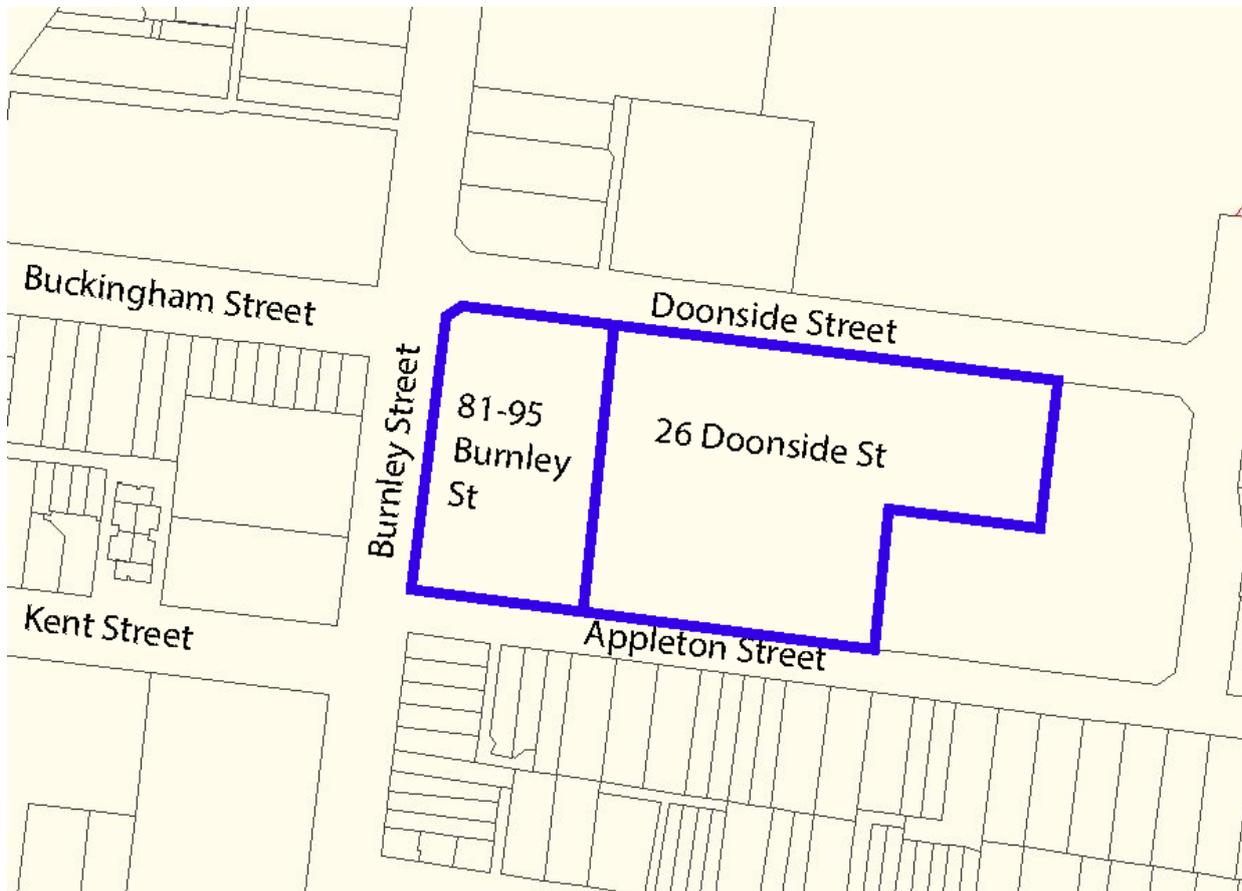
##### **Who is the planning authority?**

This amendment has been prepared by the Yarra City Council, which is the planning authority for this amendment.

The Amendment has been made at the request of Astrodome Hire Pty Ltd.

##### **Land affected by the Amendment**

The Amendment applies to the land know as 81-95 Burnley Street and 26 Doonside Street Richmond.



##### **What the amendment does**

The Amendment proposes to make the following changes to the Yarra Planning Scheme:

- Rezones the land from Industrial 3 Zone (IN3Z) to Mixed Use Zone (MUZ).
- Applies the Development Plan Overlay Schedule 15 (DPO15) to the land.
- Applies an Environmental Audit Overlay (EAO) to the land.

##### **Strategic assessment of the Amendment**

## **Why is the Amendment required?**

The proposed Planning Scheme Amendment is required to rezone the land from Industrial 3 Zone (IN3Z) to Mixed Use Zone (MUZ) and apply DPO15 and the EAO.

The proposed rezoning to MUZ is required to allow for the land to be used and developed for a mix of uses - residential and employment (retail and commercial).

The proposed rezoning supports the Victoria Street Structure Plan 2010 which identified the land for 'larger scale office and residential' as well as 'potential housing mixed with retail and businesses'.

### Environmental Audit Overlay

The application of the EAO is required to manage any site contamination issues prior to a sensitive use (such as residential) commencing on the land and to meet the requirements of Ministerial Direction No. 1.

The introduction of an EAO would require an environmental audit to be undertaken on the land and for certificate or statement to be obtained from an environmental auditor in accordance with the *Environment Protection Act 1970*. The audit is carried out prior to the construction of the buildings and works in association with a dwelling or other sensitive use.

### Development Plan Overlay

The application of the DPO is required to:

- Manage the built form of new development, with special consideration to sensitive residential areas to the south of the land along Appleton Street;
- Ensure that new development respects the heritage significance of the land;
- Provide direction on the location of land uses on the land and facilitates at least 9000sqm of employment generating uses;
- Provide a mechanism to deliver 10% affordable housing;
- Facilitate a new public park along Doonside Street, and a 9m wide pedestrian link between Doonside and Appleton Streets;
- Provide a mechanism for the delivery of traffic infrastructure to Doonside, Burnley and possibly Buckingham Streets; and
- Provide a mechanism for the delivery of public realm improvements and the requirement of a Public Realm Plan.

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

This Planning Scheme Amendment seeks to implement a number of objectives of planning in Victoria under Section 4 of the Planning and Environment Act, in particular:

- To provide for the fair, orderly, economic and sustainable use, and Development of land;
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- To facilitate development in accordance with the other objectives;
- To facilitate the provision of affordable housing in Victoria; and
- To balance the present and future interests of all Victorians.

The amendment seeks to replace a contextually outdated zoning (Industrial) with a more appropriate land use zone that encourages the creation of a dynamic mixed use environment that includes commercial, residential and retail activities. It will facilitate housing growth as well as economic growth, whilst providing for affordable housing and public open space for the local area.

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

### *Environmental Effects*

The Amendment addresses any environmental effects or risks through the application of the Environmental Audit Overlay. Further, the amendment requires future development to support

sustainable transport alternatives and demonstrate how it will achieve Environmentally Sustainable Design.

#### *Social and Economic Effects*

The amendment will have a range of positive economic and social effects including:

Encouraging a mix of uses within an identified Major Activity Centre with good access to public transport, services and shops.

- Built form requirements to protect the amenity of residential properties on the south side of Appleton Street
- Requiring 10% of the total number of dwellings be provided as affordable housing.
- Mandating at least 9,000m<sup>2</sup> of Gross Floor Area provided for employment generating activities
- The provision of new public open space
- The creation of a pedestrian link through the site and public realm improvements.
- The provision of a sensitive adaptive re-use of heritage buildings on the land.

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

The land affected by the Amendment is not located within an area of identified bushfire risk.

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

The amendment is consistent with Ministerial Direction No 1 – Potentially contaminated Land. The application of the Environmental Audit Overlay ensures that potentially contaminated land issues are addressed before development occurs.

The amendment is consistent with the Minister's Direction No. 9 Metropolitan Strategy. Plan Melbourne 2017-2050 gives strong policy support to facilitating housing growth in locations within underutilised areas of the community and those close to public transport and jobs. The Plan acknowledges the need to encourage greater amounts of affordable housing and for this to be achieved through the rezoning process. It emphasises the importance of providing for job and housing growth near activity centres and the creation of 20 minute neighbourhoods.

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act and with Direction 11 - Strategic Assessment under Section 12(2) of the Act. During the Amendment process, Direction No. 15 – The Planning Scheme Amendment Process, which sets times for completing steps in the Amendment process, will also be followed.

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

The main provisions of the PPF that are relevant to this amendment are:

##### *Clause 11 - Settlement*

Clause 11 requires planning to anticipate and respond to the needs of existing and future communities.

This amendment assists in the implementation of this policy by encouraging housing and employment growth towards established activity centres and supporting the areas shift from heavy industrial uses to a mix of office, residential and retail. The amendment will support the development and growth of the Victoria Street Major Activity Centre by providing housing, employment and open space.

##### *Clause 15 - Built Environment and Heritage*

Clause 15 requires planning to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.

The amendment will enable a mix of uses, including residential, retail and office, and will provide for sensitive re-use of heritage buildings.

##### *Clause 16 - Housing*

Clause 16 requires planning to provide housing diversity that is integrated, accessible, sustainable and proximate to activity centres, public transport, schools and open space.

The land is located within an activity centre, offers good access to services and transport, and is identified.

#### *Clause 17 - Economic Development*

Clause 17 requires planning to provide for a strong and innovative economy and contribute to the economic wellbeing of the state.

The Development Plan Overlay encourages a net increase in employment uses on the land. The rezoning will assist in the efficient use of existing urban land in the Victoria Street Major Activity Centre.

### **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment gives effect to several objectives under Clause 21 and 22 of the Yarra Planning Scheme including:

- Clause 21.03 (Vision) specifically identifies the land as a strategic redevelopment site.
- Clause 21.08 (Neighbourhoods) specifically identifies the land as suitable for rezoning to a Mixed Use Zone (MUZ).
- Clause 22.11 (Victoria East Precinct Policy) specifically identifies the land as a future mixed-use land use.

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

The Yarra Planning Scheme includes a Municipal Strategic Statement at Clause 21, the provisions of Clauses 23.01 and 23.02 apply.

The proposed amendment will support the Municipal Strategic Statement by:

- Assisting Yarra in providing additional housing growth in areas that have easy access to services, jobs and transport;
- Providing affordable housing;
- Ensuring Yarra's Activity Centres remain vibrant by increasing employment generating uses on the land;
- Recognising that the land has transitioned from industry to allow for modern enterprises;
- Assist in the retention and restoration of heritage assets located on the land;
- Providing additional public open space; and
- Managing increased traffic movements through the development of the land.

### **Does the Amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the VPP by: utilising a zone (MUZ) that encourages uses deemed as appropriate for the land; managing development through the application of a DPO; and managing potentially contaminated land through the application of the EAO.

Rezoning the land to a Mixed Use Zone will enable both residential and retail / commercial uses. In this case, the Mixed Use Zone is considered to represent the most appropriate tool within the Victorian Planning Provisions on the basis that:

- The land has been identified as a suitable for a future mixed-use precinct within the Victoria Street Structure Plan 2010 and the Yarra Planning Scheme;
- The land benefits from access to public transport, services, shops; jobs and regional open space;
- The Mixed-Use Zone enables the existing commercial functions of the site to continue, whilst also creating opportunities for further intensification of commercial uses.
- Rezoning to a Mixed Use Zone will assist in delivering housing and economic growth in line with State and Local Planning policies in a key urban area

The use of a Development Plan Overlay is an identified method of informing outcomes on the land by requiring 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.

The use of an Environmental Audit Overlay is an identified method within Ministerial Direction 1 Contaminated Land of ensuring that land is suitable for any future sensitive uses.

### **How does the Amendment address the views of any relevant agency?**

Known directions of relevant agencies have been incorporated into the proposal.

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

The proposed Amendment takes into account the proximity of the site to the arterial road network and extensive public transport and local pedestrian and bicycle connections to local amenity and facilities. It includes requirements for future development so that it will not have an adverse impact on the existing transport system.

### **Resource and administrative costs**

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

It is considered that the amendment will not have an impact on resource and administrative costs of the responsible authority

### **Where you may inspect this Amendment**

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

#### **City of Yarra Customer Service Centres:**

City of Yarra  
Richmond Town Hall  
Town Planning Counter  
333 Bridge Road, Richmond 3121

#### **City of Yarra website:**

<https://www.yarracity.vic.gov.au/the-area/yarras-future/yarra-planning-scheme>

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).

### **Submissions**

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by **24 October 2019**.

A submission must be sent to:

By mail to: Yarra City Council, Strategic Planning Unit, PO Box 168, Richmond 3121

or by email to: [info@yarracity.vic.gov.au](mailto:info@yarracity.vic.gov.au). You must include *Amendment C223* in the subject line.

### **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: commencing the week of 20 April 2020
- panel hearing: commencing the week of 18 May 2020