

5-15 MAYFIELD STREET, ABBOTSFORD

AMENDMENT C188 TO THE YARRA PLANNING
SCHEME



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MA10450
REPORT V4
PREPARED FOR THE CITY OF YARRA

URBIS

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director Lloyd Elliott
Associate Director Anthony Calthorpe
Assistant Planner Leo Bosley
Project Code MA10450
Report Number Version 4_Final

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1 INTRODUCTION

Urbis has prepared this strategic assessment on behalf of the City of Yarra (**CoY**). It considers a range of strategic planning issues relating to proposed Amendment C188 (**C188**) to the Yarra Planning Scheme (the **Planning Scheme**). Its purpose is to help *inform consideration of the amendment's broader social, economic and environmental effects*.

C188 is proposing to change the Planning Scheme at Clause 52.03 (*Specific Sites and Exclusions*) to allow the use of land for 'dwelling' at 5-15 Mayfield Street (the **subject site**). Under the current Industrial 3 Zone (**IN3Z**) that applies to the subject site - dwellings are prohibited.

The subject site, containing multiple units/ tenancies, has been used for the purposes of dwellings for a period of approximately 14 years, albeit without the requisite formal planning approval.

On 3 March 2015, the City of Yarra Council passed the following resolution:

That Council direct officers to prepare a planning scheme amendment to enable the premises at 5 to 15 Mayfield Street, Abbotsford, to be used for residential purposes using Clause 52.03 Specific Sites and Exclusions and including an Environmental Audit Overlay under the Yarra Planning Scheme.

Council Officers subsequently prepared C188 and requested Authorisation from the Minister for Planning (the **Minister**) to proceed with it. This was granted on 17 December 2015, subject to two conditions:

1. *That Council finalised the further strategic planning review of the area as recommended by its Business and Industrial Land Strategy 2012 prior to exhibiting the amendment.*
2. *That Council give notice of the amendment to the Environment Protection Authority Victoria (EPA) to assist Council in considering the effects of land contamination and any impact the amendment may have on existing or future industrial development in the area.*

Following further correspondence between the City of Yarra and the Minister about the scale of the strategic review required to support C188, the Minister wrote to the Council on 16 June 2016 requesting the following justification to support C188:

I would encourage Council to carry out a more timely and short, localised assessment of the effect of the proposed planning provisions on the area and surrounding industrial land uses. This will help inform consideration of the amendments broader social, economic and environmental effects.

In November 2016, Urbis was requested to prepare a report with the following scope:

- Document existing land uses within the study area and comment on the implications of using commercial floor space in the Industrial 3 Zone for residences, as proposed in Amendment C188.
- Review the relevant Yarra Planning Scheme policy and the objectives and controls of the Commercial 2 and Industrial 1 and 3 zones
- Assess any buffer distance implications from land uses in surrounding industrial zones, including the Carlton and United Breweries complex.
- Identify the need for any other desktop technical advice considered necessary in assessing this proposal.
- Assess the potential for any adverse impact on the operations of the existing land uses in the surrounding industrial zones, particularly with regard to transport of materials, goods or commodities; appearance of stored goods or materials, emissions of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
- Appropriateness of the controls in Amendment C188 to allow for an acceptable level of amenity for residents at 5-15 Mayfield Street

This report responds to the above project scope and provides analysis and conclusions in response to the key strategic planning matters that emerge from the assessment.

2 RELEVANT CONSIDERATIONS

2.1 ASSESSMENT

In this assessment, the following items have been considered:

- A review of the current zoning and overlay provisions of site and surrounds, along with the relevant Local Planning Policies and other provisions of the Yarra Planning Scheme, including:
 - Local Policy 22.05 – Interface Uses Policy
 - Local Policy 22.08-1 – Abbotsford
- Review of the relevant strategic planning policy framework pertinent to the consideration of the current and potential future use of the subject site, including Plan Melbourne – the Government’s Metropolitan land use strategy.
- A review of the following key strategic policy documents:
 - The *Yarra Business and Industrial Land Strategy* – adopted by Council on June 2012 (the **BILS**)
 - Victoria Street Structure Plan – adopted by Council on 20 April 2010
 - The *Yarra Economic Development Strategy 2015-2020*, by CoY (the **EDS**)
- A review of the Copy of Title
- An investigation into the history of zoning and urban development patterns in the surrounding area
- A review of proposed Amendment C188 documentation to the Yarra Planning Scheme – see **Appendix A**
- Visited the subject site and surrounding area
- Acoustic Assessment (by Rob Burton Acoustic) – See **Appendix B**

2.2 LIMITATIONS OF THE REPORT

Our assessment is limited in its scope, including:

- We have not undertaken any technical evaluation of employment land needs or the viability or otherwise of employment land uses.
- We have also not been provided with or considered any technical assessments of the condition of the subject site (e.g. building condition) or surrounding area, such as traffic or air emissions, environmental appraisal (e.g. contamination).
- We have not been provided with detailed layout plans of each tenancy of the subject site.
- We have limited our review to the town planning considerations that are relevant to our area of expertise. While we have regard to matters such as land supply and employment trends, our informed views and findings on these matters should not be read as expert technical opinion. Further specific advice should be sought, if necessary, in relation to non-town planning related matters.

3 THE SUBJECT SITE AND URBAN CONTEXT

3.1 THE SUBJECT SITE

The subject site is known as 5-15 Mayfield Street, Abbotsford. It is identified as Lots 1 through 14 on Certificate of Title PS439401. It is shown on **Figure 1**.

It is located on the western side of Mayfield Street. It has a frontage of 35.25 metres and a depth of 24.27 metres and measures 855 square metres in area.

Of the 14 separate properties, residential activity has occurred within a number of these properties for an extended period, usually in combination with a business in a home-office arrangement¹.

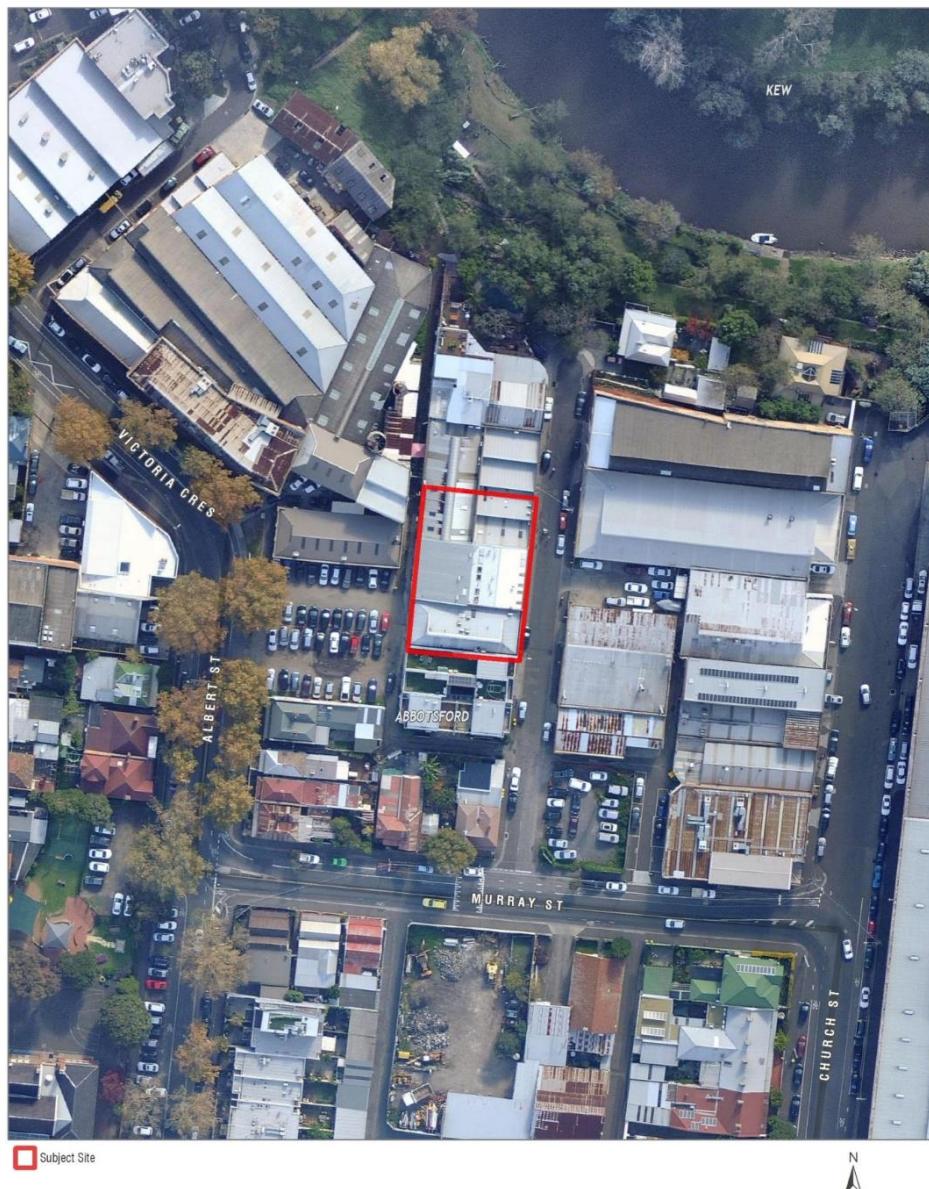


Figure 1 – The Subject Site

Appendix C contains a photo survey of the study area, including the existing building at 5-15 Mayfield Street and the general context of the streetscape within which it is located.

¹ See original request for rezoning made on behalf of the Mayfield Action Group, including statements from owners.

3.2 SURROUNDING CONTEXT

The subject site is located 3.5 kilometres east of the Melbourne CBD in the City of Yarra, 250 metres north of Victoria Street and 80 metres south of the Yarra River.

The surrounding area is generally characterised by a mix of land uses with a number of industrial, residential and commercial uses combining to create a diverse, vibrant and evolving inner city environment. To the north of Mayfield Street, the Yarra River also presents a strong framing element to the uses alongside it.

The industrial and commercial uses in the surrounding area feature a mix of professional services, textile manufactures, automotive works and light industry. Of note is the Carlton United Brewery (**CUB**) complex, located 90 metres east of the subject site. Various Council documents highlight the anticipation that the CUB site may be vacated, such as the *Victoria Street Structure Plan* 2010 or the 2012 BILS.

For the purposes of this assessment, a Study Area was defined by the CoY. This is defined and considered in more detail in **Section 4**.

Immediately surrounding the subject site the land can be described as follows:

North

Industrial 1 Zone (**IN1Z**) land is located immediately north of the subject site. The land contains a one and two-storey building utilised as a factory/warehouse. It appears that the building is occupied by a textiles manufacturer. The Capital City Trail is located further to the north on the opposite side of the Yarra River. Connections to it are easily accessible via the Gipps Street Bridge, which is approximately 400m to the north-west of Mayfield Street. Yarra Bend Park provides extensive public parkland on the north bank. There are two dwellings located at the north end of Mayfield Street adjoining the Yarra River. These are Victorian era structures which pre-date the introduction of the Yarra Planning Scheme. Both dwellings have river frontages.

East

Land to the north-east of the site is zoned IN1Z and contains low intensity factory and warehouse use with a built form of brick buildings ranging between one and three storeys. To the south-east the land is zoned Industrial 3; it comprises several small-scale workshops and a ground-level open car park.

Further to the east is the Carlton United Brewery, identified as a major industrial site within the City of Yarra. It is a key employment site.

South

To the south, land is within the General Residential Zone (**GRZ**). The zone extends as far as a rear laneway access laneway, due north of Victoria Street. Within the area, there is a mix of residential buildings including contemporary two-three storey apartment buildings, Victorian workers' cottages and walk-up flats.

West

To the north-west the Commercial 2 Zone adjoins the subject site. Within this zone, there is a ground-level open carpark, warehouse and clothing retailer; all fronting Victoria Crescent.

Immediately to the south-west of the site is the General Residential Zone. Several worker cottage style dwellings are contained within this area, fronting both Albert Street and Murray Street.

Transport Accessibility

The site has a high degree of connectivity to the principal public transport network including:

- Tram Route 109 (Port Melbourne – Box Hill) along Victoria Street within 330 metres.
- Tram Route 12 (St Kilda – Victoria Gardens) along Victoria Street within 330 metres.
- Tram Route 78 (North Richmond – Balaclava) along Church Street within 340 metres.
- North Richmond Train Station (Hurstbridge and South Morang Line), 900 metres to the south-west.

Regarding active transport modes (cycling and walking), the subject site is also readily accessible to the Capital City Trail along the Yarra River.

There is a significant range of social and community infrastructure within the general locality, including but not limited to:

- Victoria Street Activity Centre
- Abbotsford Primary School
- The Melbourne Clinic
- Yarra Bend Park
- Abbotsford Convent Arts Precinct
- Victoria Gardens Shopping Centre

4 BACKGROUND TO AMENDMENT C188

A chronological overview of the background to Amendment C188 is provided in *Table 1 - Chronological Overview of Amendment C188*. Following this overview – we provide a summary of the key elements that comprise the Amendment.

4.1 CHRONOLOGICAL OVERVIEW OF AMENDMENT C188

The following table provides an overview of the key events behind Amendment C188 to date.

Table 1 - Chronological Overview of Amendment C188

Date	Event
21 July 2014	Mayfield Action Group submitted a request to rezone the land at 5-15 Mayfield Street from the Industrial 3 Zone to the Mixed-Use Zone and apply an Environmental Audit Overlay.
28 July 2014	Yarra Council requested further information.
19 August 2014	Further information was provided by the proponents.
3 March 2015	The Officer report for the application was considered at a Council Meeting. Council elected that officers were to prepare a planning scheme amendment to permit for residential use at 5-15 Mayfield Street, Abbotsford using Clause 52.03 <i>Specific Sites and Exclusions</i> and applying an environmental audit overlay to the site.
22 May 2015	A formal Authorisation request is lodged with the Department of Environment Land Water and Planning including a revised Incorporated Document consistent with the Council resolution 3 March 2015. This specifically exempts the land use Dwelling but limits buildings and works to within the existing building.
17 December 2015	Amendment C188 is authorized by the Minister for Planning subject to conditions, including: <ul style="list-style-type: none">• <i>That council finalises further strategic planning review of the area as recommended by its Business and Industrial Land Strategy 2012 prior to exhibiting the amendment.</i>• <i>That council give notice of the amendment to the Environmental Protection Authority Victoria (EPA) to assist Council in considering the effects of land contamination and of any impact the amendment may have on existing or future industrial development in the area.</i>
29 February 2016	Council formally responded to the Minister requesting for the removal of the first condition to enable the amendment to be exhibited promptly. The actual recommendation in the Business and Industrial Land Strategy involves undertaking master planning to address urban design, river access, interface issues and space for landscaping, and was driven by guiding the future of this precinct in the event of the Carlton United Brewery vacating their site which is a substantial part of the precinct. Council was not in a position to undertake this significant piece of work given other strategic planning priorities that are currently being undertaken.

Date	Event
16 June 2016	<p>The Minister declined Council's request because it is important that the amendment is supported by a strategic study or report.</p> <p>This Minister encouraged Council to carry out a more timely and short, localised assessment of the effect of the proposed planning provisions on the area and surrounding industrial land uses. This will help inform consideration of the amendment's broader social, economic and environmental effects.</p>

4.2 OVERVIEW OF DRAFT AMENDMENT C188

The purpose of C188 is to enable the land at 5-15 Mayfield Street to be used for the purpose of 'dwelling'.

To facilitate this, the CoY is proposing to amend the Planning Scheme to create controls specific to the subject site.

The amendment comprises the following proposed changes to the Planning Scheme:

- **Schedule to Clause 52.03 – Specific Sites and Exclusions:** Preparation of 5-15 Mayfield Street, Abbotsford – Incorporated Document (May 2015) to be incorporated in the Schedule to Clause 52.03
- **Schedule to Clause 81.01 – Incorporated Documents:** Inclusion of the above Incorporated Document into Table of Incorporated Documents
- **Clause 45.03 – Environmental Audit Overlay (EAO):** Apply the EAO to the subject site to ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.

A copy of the above documents is included at **Appendix A** for ease of reference.

The purpose of the *Specific Sites and Exclusions* Incorporated Document is to enable the use to occur where it would otherwise be prohibited in the zone. The Incorporated Document contains planning controls that are specific to the subject site that would:

- Require the use to be conducted (generally) within the building dimensions of the existing building
- Any buildings and works must be carried out within the building dimensions of the existing building

Generally, these specific controls presume against additions and/or redevelopment.

The specific controls of the Incorporated Document would expire if the use of the land for a dwelling ceased for a period of 2 years or stops for two or more period which, together, total 2 years in any period of three years.

The merits of the proposed amendments are considered throughout the report, but specific comment is made in Section 7.10 about the Incorporated Document.

5 STUDY AREA LAND USE ASSESSMENT

To provide a basis for the assessment of Amendment C188 and pursuant to the requirements made by the Minister, a focused land use study has been undertaken in the area surrounding the subject site.

The study area was defined by the CoY and can be identified as the area generally bounded by Murray Street, Church Street, Albert Street, Victoria Crescent, Zetland Street and the Yarra River, as illustrated in **Figure 2**.

Consideration of the land uses that interface with the study area was also noted during the site visit and within the broader consideration of key issues throughout the later assessment section of this report; most notably, the presence of the CUB site approximately 90m to the east of the subject site.

The study has identified, where available, the following attributes of properties within the study area:

- Zoning
- Use – office, workshop, panel beater, dwelling, etc
- Hours of operation

Figure 2 – Study Area, as defined by CoY.



Source: Nearmap

The findings of the land use study are contained within *Table 2 – Surrounding Land Uses within the defined CoY Study Area*. Each property and use is also illustrated on the annotated aerial image at **Figure 3** showing the key land use categories, as surveyed.

Section 7.9 of this report will consider the contextual issues that emerge from this review; however, it is firstly necessary to establish the broader planning policy considerations and other key issues that will provide the context for that assessment.

Table 2 – Surrounding Land Uses within the defined CoY Study Area.

Property	Zone	Use	Category of use (as shown on Figure 3)	Hours of Operation
1. 63-67 Church Street	IN1Z	Dwelling Heritage listed	Residential	N/A
2. 61 Church Street	IN1Z	Textiles 'Factory X'	Commercial	9.00am – 5.30pm
3. 59 Church Street	IN1Z	Depot 'Garden State Towing'	Industrial	7.00am – 5.00pm
4. 53 Church Street	IN3Z	Depot 'Man With A Van'	Industrial	N/A
5. 51 Church Street	IN3Z	Office 'LIFEwithBIRD'	Commercial	N/A
6. 49 Church Street	IN3Z	Panel Beaters 'Pro Car'	Industrial	8.00am – 5.30pm
7. 47 Church Street	IN3Z	Workshop/metal work 'Abbotsford Iron'	Industrial	N/A
8. 45 Church Street	IN3Z	Commercial Office 'Star 21' – 2 level	Commercial	8.00am – 6.00pm
9. 10-14 Murray Street	IN3Z	Car Park	N/A	N/A
10. 2 Mayfield Street	IN3Z	Workshop	Industrial	N/A
11. 4 Mayfield Street	IN3Z	Workshop/retail 'Copper Workshop' and 'Name A Chair'	Industrial	7.30am – 4.00pm (Mon – Thurs) 7.30am – 1.00pm (Fri)
12. 22 Mayfield Street	IN1Z	Textiles 'Factory X'	Commercial	9.00am – 5.30pm
13. 24 Mayfield Street	IN1Z	Dwelling	Residential	N/A

Property	Zone	Use	Category of use (as shown on Figure 3)	Hours of Operation
		Heritage listed		
14. 17 Mayfield Street	IN1Z	Textiles ‘Factory X’	Commercial	9.00am – 5.30pm
15. 3 & 3A Mayfield Street	GRZ2	Dwellings	Residential	N/A
16. 1 Mayfield Street	GRZ2	Dwellings Apartments	Residential	N/A
17. 6-8 Murray Street	GRZ2	Food/drink Premise ‘Mayfield Café’	Commercial	7.00am – 4.00pm
18. 4 Murray Street	GRZ2	Dwelling	Residential	N/A
19. 34 Albert Street	GRZ2	Dwelling	Residential	N/A
20. 36 Albert Street	GRZ2	Dwelling	Residential	N/A
21. 38 Albert Street	GRZ2	Dwelling	Residential	N/A
22. 40 Albert Street	GRZ2	Dwelling	Residential	N/A
23. 42-48 Albert Street	GRZ2	Car Park ‘Factory X’	N/A	N/A
24. 51 Victoria Crescent	GRZ2	Office	Commercial	N/A
25. 53-63 Victoria Crescent	C2Z	Office ‘Bardot Australia’	Commercial	8.00am – 5.30pm

Figure 3 – Survey of land use categories of each property within the defined CoY study area.



5-15 MAYFIELD ST, ABBOTSFORD SURROUNDING LAND USES

6 PLANNING POLICY CONSIDERATIONS

The previous sections of this report have considered the site's location and surrounding context, and the existing planning scheme provisions (zone and overlay) that currently apply to the subject site.

The next key consideration in our assessment is the land use policies that are relevant to proposed Amendment C188.

It is noted that the Minister, as one of the specific conditions relating to the authorisation of the C188, requested consideration of particular recommendations of the CoY's BILS (considered in more detail later in this section).

The following provides a summary overview of the key policy considerations that have informed the assessment of the subject site in the context of C188.

6.1 POLICY & PLANNING CONTROLS FRAMEWORK

The relevant planning policy is established by:

- a. *Plan Melbourne*, the State Government's metropolitan planning strategy
- b. The State Planning Policy Framework (SPPF)
- c. The *Local Planning Policy Framework* (LPPF) – which includes the Municipal Strategic Statement and the Local Planning Policies
- d. The Planning Scheme Provisions – *Particular Provisions* and *General Provisions* (planning controls)
- e. Other Considerations

6.2 PLAN MELBOURNE

Plan Melbourne was released in May 2014 under the previous State Government and established a metropolitan strategy. Although it is being 'refreshed' by the current Government, it generally has bipartisan support for much of its intent and purpose.

Plan Melbourne identifies Melbourne's central subregion as a key location that will need to accommodate significant housing and employment growth in the future. It projects that the population of this region will grow between 300,000 to 450,000 additional people by 2050, while it has the potential to accommodate a further 250,000+ jobs over the same period.

A number of Outcomes, Objectives and Directions are set out in Plan Melbourne. Most relevant to the consideration of the subject site are:

- Delivering jobs and investment
- Housing choice and affordability
- Liveable communities and neighbourhoods

Under the heading '*Protecting the suburbs by delivering density in defined locations*' Plan Melbourne contains the following supporting text.

'Accommodating Melbourne's projected population growth and providing suitable housing choice and affordability is a significant task. It will require making efficient use of underutilised land, enabling significant density in defined locations and well-planned growth in greenfield locations.'

Achieving housing and population growth and facilitating housing choice in defined locations will enable local governments to protect the majority of Melbourne's existing suburbs from significant housing densification.

Plan Melbourne also establishes the vision for a city of 20-minute neighbourhoods, as set out in Direction 4.1:

Plan Melbourne aims to create a city of 20-minute neighbourhoods where people have safe and convenient access to the goods and services they need for daily life within 20 minutes of where they live, travelling by foot, bicycle or public transport. This includes a variety of housing choices, shops and commercial services, schools, parks and recreation opportunities and good walking and bicycle infrastructure.

It continues by saying that:

Plan Melbourne has directions and initiatives to encourage targeted infill development of areas with insufficient population to support a 20-minute neighbourhood experience. They include the establishment of new housing and mixed use zones and planning changes to encourage small-lot construction, infill and mixed-use development.

Plan Melbourne acknowledges the growth pressures facing Melbourne (through to 2051) and identifies a range of initiatives and directives aimed at balancing growth over this period. Initiatives such as '20 minute neighbourhoods', 'Transitioning to a more sustainable city' and 'Protecting the Suburbs by Delivering Density in Defined Locations' are very much about making the best and most efficient use of land and existing social and physical infrastructure, putting people close to jobs and encouraging active forms of transport.

Plan Melbourne policy objectives aim (generally) to direct a density of jobs, economic activity, people and housing into key strategic locations, such as Metropolitan Activity Centres and Activity Centres². Here, it is noted that the subject site is within the Victoria Street Activity Centre and Structure Plan area, as identified by the CoY. The purpose of Plan Melbourne policy in this regard is to help take advantage of the accessibility and existing land use diversity of existing activity centres. The 20-minute neighbourhood of Plan Melbourne is a key policy push in terms of more jobs and more housing for local people. This will inevitably result in key locations transitioning from single purpose uses (e.g. employment or retail) to mixed-use areas.

Traditional industry in inner and middle ring suburbs is giving way to logistics, transport and warehousing uses. These new forms of industry, because of the need for efficiency of movement, accessibility to road networks and land requirements are now locating in outer industrial areas. Consequently, transformation of older industrial areas and employment locations to alternative land uses is occurring, which gives rise to areas that will need to undergo transition and structural change.

Such change inevitably leads to the potential conflict between established uses and new development, particularly when sensitive uses might be introduced alongside those that might have some potential adverse amenity impacts. Typically, these conflicts are likely to be short-term (relative) and in many instances, there are likely to be adequate methods of managing change.

The subject site and surrounding land, which will be discussed later in this assessment within the context of Council's BILS (eg see section 7.7 or 7.9), displays evidence of transition and the subject site is an example of needing to manage differing uses alongside one another.

6.3 STATE PLANNING POLICY FRAMEWORK (SPPF)

The following policies of the SPPF considered to be relevant to the subject site are:

- Clause 11 – Settlement – including Clause 11.02 (Supply of urban land); Clause 11.04-1 Delivering jobs and investment, Clause 11.04-2 Housing Choice and Affordability and Clause 11.04-4 Liveable communities and neighbourhoods
- Clause 16 Housing – including Clause 16.01 Integrated Housing; Clause 16.01-2 Location of residential development

² See for example Initiative 1.5.2 (Support development of Metropolitan Activity Centres) or Initiative 1.5.3 (Support planning of other Activity Centres)

- Clause 17 – Economic Development including Clause 17.01 Business
- Clause 17.02-1 Industrial land development
- Clause 18.01 – Transport including Clause 18.01 Land Use and Transport Planning

Amendment VC121 introduced stronger policy protection for the Yarra River, notably via Clause 12.05-2. Amendment C195 introduced DDO1 (*Yarra River Corridor Protection*) to the Planning Scheme. It is considered that the proposed Amendment C188, because it will not lead to any changes to the built form, does not raise any policy issues in relation to the Yarra River and its protection.

6.4 LOCAL PLANNING POLICY FRAMEWORK (LPPF)

The following policies of the LPPF considered to be relevant are:

- Clause 21.04-3 – Industry, office and commercial
- Clause 21.08-1 – Abbotsford
- Clause 22.05 – *Interface Uses Policy* (and relevant sub-clauses)

These are discussed in more detail at relevant sections within the Assessment section of this report.

6.5 PARTICULAR PROVISIONS

The following *Particular Provision* is relevant to the consideration of buffer requirements for industrial uses:

- Clause 52.10 Uses with Adverse Amenity Potential.

6.6 OTHER CONSIDERATIONS

The Yarra Business and Industrial Land Strategy, June 2012 (BILS)

Overall, the CoY's BILS provides clear background and context in relation to the development of a 10-15-year strategy for land use planning in business and industrial areas within the municipality. It replaced the *Industrial and Business Land Strategy Review 2004*.

This is considered in more detail in the Assessment section of this report.

Victoria Street Structure Plan, 2010

Adopted by Council in 2010³, the Victoria Street Structure Plan aims to guide planning for change in and around the activity centre for 10-15 years. It is considered in more detail in the assessment section.

Yarra Economic Development Strategy 2015-2020 (EDS)

The CoY's *Economic Development Strategy 2015-2020* (the **EDS**) has a primary focus to outline how the Council '*can best support economic development by fostering greater investment and jobs growth in the municipality*'.

Of note, under the heading of 'Yarra's Economic Profile' (page 7 of the EDS) it notes that there are 13,621 businesses registered in Yarra. It confirms that of these, non-employing businesses and small businesses (employing 1-4 people) make up 82% of all registered business. It further states:

Small and medium businesses (SMEs) are making an increasingly significant contribution to the Australian Economy, facilitated by the emergence of the digital economy creating new business platforms. The rise of SMEs in Yarra can be seen in the increasing number of residents working from home and the emergence of co-sharing workspaces.

(Note: Urbis emphasis)

It is noted that many of the units on the subject site provide live work opportunities to their owners.

³ The Victoria Street Structure Plan is adopted by the City of Yarra but it is not a formal reference document or incorporated into the Planning Scheme at the time of writing.

The EDS (page 7) further reflects that 86% of the working population in Yarra live outside the municipality. While the EDS highlights that this reflects the considerable accessibility credentials of the location, it also highlights that there continues to be an opportunity to create greater live-work opportunities to support the growth of SMEs that form a significant part of the business community in Yarra. This includes potential to provide people with the ability to live and work within the municipality eg the 20 Minute Neighbourhood concept put forward by Plan Melbourne.

7 STRATEGIC PLANNING ASSESSMENT

As identified in Section 4 of this report, the purpose of proposed Amendment C188 is to formalise the use of dwelling on the subject site where it would otherwise be prohibited under the current applied IN3Z.

Following consideration of the relevant policy context and strategic issues, a number of key issues have been identified and assessed that are relevant to proposed Amendment C188. These are considered through this Section.

7.1 EXEMPTING A PROHIBITED LAND USE

Proposed Amendment C188 seeks to allow the use of parts of the subject site for ‘dwelling’ that has historically operated without planning or building approval. Parts of the building at 5-15 Mayfield Street have been used as dwellings while other parts are used for a range of commercial purposes. This use has occurred for a period of 14 years – as per statements provided by the existing tenants and owners that were made in support of the original request for a rezoning of the land.

The purpose of this report is not to assess the planning history of the subject site. Instead, it focuses on whether the use as a dwelling is acceptable within its surrounding land use context based on consideration of the relevant town planning merits.

Residential use of the subject site has occurred (without approval) over a long period. This fact suggests that some material considerations have already been established to indicate that the use has operated without significant adverse impacts, either to residents of the subject site or to the continued operation of adjoining or nearby uses. This is suggestive that the use is relatively low impact in nature.

This assessment requires retrospective consideration of a use that has been established for a number of years, albeit without approval. The most significant benefit of being able to do this is that rather than making a subjective assessment of what may or may not be the outcomes of amending the planning scheme – the general impacts and outcomes are largely already known. It is considered that this provides greater certainty about the outcome of the planning scheme amendment process in this instance.

7.2 WHAT ARE THE IMPLICATIONS OF USING COMMERCIAL/INDUSTRIAL FLOOR SPACE IN THE IN3Z FOR RESIDENTIAL USE?

The broader policy objectives set out in the Yarra Planning Scheme are considered below.

There are a range of policies and provisions that apply to the subject site, including the following:

- Local Policy 22.08-1 – Abbotsford
- IN3Z (and other surrounding zones)
- The *Yarra Business and Industrial Land Strategy* – adopted by Council on June 2012 (the **BILS**)
- Victoria Street Structure Plan – adopted by Council on 20 April 2010

The combination of the above provide the City of Yarra with important policy levers to protect existing employment areas. At the same time, these same policies provide the platform to consider emerging trends and needs and to prepare for change accordingly – but at an appropriate time.

For example, the BILS acknowledges that over the period 2010-2026, there will likely to be a decline in industrial land needs of up to 35ha⁴ in the municipality. Similarly, the same strategy recognises that mixed-use developments (shops/ offices at ground floor – with residential on upper levels) will be ‘*a primary development type in the future*’. This recognises that there will be changes in the structural and spatial supply of employment land within the City of Yarra over the forthcoming years.

⁴ See page 11 of the Yarra Business and Industrial Land Strategy (June 2012)

Most recently, the Council's 2015 EDS supports the notion of structural change in business activity in the City of Yarra by identifying the increasing number and role of SMEs and home-work based businesses within its business community. Again, it is highlighted that 82% of all businesses are SMEs within the municipality and it is important that employment land supply can respond to the needs of local business.

With the benefit of hindsight, the subject site is an effective demonstration of this changing demand having already occurred. A former industrial/warehouse building has been converted into smaller commercial tenancies and incrementally but informally into a mixed-use building that has introduced residential use but also allowing for live-work accommodation.

For these reasons, it is considered that the informal transition of the site for residential live-work accommodation could be considered reasonably consistent with the emerging employment land use needs of the municipality. In the context of a projected declining demand for industrial land, C188 will have both a negligible impact on the current supply of industrial land and no adverse impact to the future required supply.

7.3 RETAIN THE INDUSTRIAL 3 ZONE?

Amendment C188 proposes to retain the zone of the land and apply a site-specific exemption under a Schedule to Clause 52.03, via an Incorporated Plan to enable residential use. It also proposes an expiry of the use of the land for dwelling if the use ceases – which will revert the land to employment purposes.

As already detailed, the subject site is included within the Industrial 3 Zone (IN3Z). It is the only pocket of IN3Z land on the western side of Mayfield Street and covers just the subject site. The purpose of this zone is as follows:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.*
- *To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.*
- *To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.*
- *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.*

Pursuant to the table of uses contained in Clause 33.3-1 of the IN3Z, accommodation (which includes 'dwelling') is a prohibited use except for a caretaker's house, a Section 2, permit required, use.

A review of the Yarra Planning Scheme maps and the Planning Scheme history reveals that the IN3Z has been applied consistently for a long period. Its purpose has been to provide a buffer between Industrial 1 land and more sensitive residential areas.

The key consideration in this instance is that Amendment C188 will continue to maintain the priority use of the land for employment purpose by retaining the applied zone over the land but allowing the residential use (dwelling) to continue.

This would be broadly consistent with the recognised emerging demand for 'mixed-use' development within Council's BILS. By providing an ability for home-work units, it would also support the significant number of SMEs and increasing trend for home work business within the municipality - as detailed in the CoY's EDS. Further Conditions could be added to the Incorporated Plan to require owners to demonstrate and maintain a sufficiently flexible floor plan that would encourage live-work style accommodation. This is considered further in Section 7.10.

Retention of the subject site within an employment zone will continue to be consistent with the broader intent of the industrial and commercial zoning of land. This should remain the case until there is a more appropriate trigger to consider the strategic intent for land at a broader scale.

It is considered that the most appropriate timing for such a holistic review would be if CUB is relocated. Amendment C188 and its proposed outcome will result in a relatively negligible outcome within its local context. It will, effectively, maintain the status quo of the last 14 years (in terms of the use of the subject site for residential purposes).

For these reasons, it would be unlikely that any broader master planning work would be prejudiced in the short to medium term by C188.

Retention of the subject site within the IN3Z will enable existing property owners to continue the use of their properties for a low intensity residential use (with the benefit of certainty) but without creating any ability to significantly intensify those uses.

7.4 SHOULD A REZONING OF THE LAND OCCUR AS AN ALTERNATIVE?

When the original request to Amend the Planning Scheme was made on behalf of the Mayfield Action Group (MAG) (representing some of the owners and occupiers of the land). It sought a rezoning of the land to Mixed Use Zone (**MUZ**).

Council's BILS highlights some concerns about the ability of the MUZ to deliver employment outcomes. It refers to the lack of control within it (the MUZ) to prevent the transition from employment uses to entirely residential uses. It is recognised that this is a valid broader concern about the MUZ in so far as encouraging non-residential uses to predominate over residential use.

The relocation of CUB is generally anticipated to be the trigger for more detailed strategic planning for the area generally surrounding it, referred to as the CUB precinct within the Victoria Street Structure Plan.

In advance of this, it is considered that the approach of retaining the current zone and applying an Incorporated Plan under Clause 52.03 to the subject site is considered a good 'interim' solution (to formalise residential use). Reasons in support of this approach are that it will:

- Maintain the policy intent to support employment outcomes across the broader employment area and prevent fragmentation of land uses
- Would not unduly prejudice any future planning work for the broader area when an appropriate time for this occurs (e.g. CUB relocation)
- Avoid an incremental rezoning that would be better considered in a more holistic master planning context
- Ensure that the change is very specific to the relatively unique circumstances at hand but provides no other benefits e.g. ability to redevelop for a more intensive and permanent use
- Help to avoid creating a precedent that might encourage other requests to rezone land outside of a master planning process

In this regard, the proposed outcome for the subject site under C188 would be less permissive than applying the MUZ, as originally requested by the MAG. The proposed Incorporated Document limits the scope for residential use to Dwellings, as defined in the Planning Scheme and restricts the associated buildings and works to be '*within the building dimensions of the existing building on the land*'. This effectively limits any intensification of development and use as a dwelling.

7.5 CONSIDERATION AGAINST THE DECISION GUIDELINES OF THE IN3Z

Although accommodation (or dwelling) is a prohibited use in the IN3Z, this assessment has given regard to the *Decision Guidelines* contained at Clause 33.03-2 as a further test of the appropriateness of residential use in the current Zone.

Clause 33.03-2 provides guidance for applications regarding use of land including amenity of the neighbourhood, application requirements and decision guidelines in addition to those provided in Clause 65.

The relevant Decision Guidelines are set out below including a summary assessment against them:

- *The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.*

It is highlighted that residential uses already border the site to its south and to its west. In this regard, the use of the land for residential purposes would have a positive impact to these properties by confirming a less sensitive interface.

- *The effect that nearby industries may have on the proposed use.*

The use of the subject site for residential purposes has occurred informally for several years without complaint from existing business operators – suggesting that residential uses have not unduly interfered with business operations, e.g. parking or accessibility (ingress/egress). Assuming that the building is brought up to an appropriate standard for residential occupation, including fire safety, ventilation and acoustic attenuation, it would be likely that the continued use of the land for residential purposes could operate without being adversely affected by opposite or surrounding uses. In turn, this would ensure that existing businesses can continue to operate without unfair expectancy that legally established dwellings (on the subject site) would result in complaints of reverse sensitivity (e.g. the new use complains about the established use). Additional conditions within the Incorporated Document are considered later in this report that could further ensure any issues of reverse amenity are minimised or avoided.

- *The availability of and connection to services.*

It is understood that all services and facilities are already available to the tenancies on the subject site.

- *The effect of traffic to be generated on roads.*

The use of the land for residential or mixed use purpose has already operated for a number of years without any demonstrated adverse impacts. In practice, residential use has a lower car parking demand than industrial uses and traffic and car parking demands on and around the site would be lower during daytime periods. Resident and visitors will also be able to utilise public transport, walking and cycling given the accessibility of this location.

- *The interim use of those parts of the land not required for the proposed use.*

Not applicable in this instance.

- *The effect on nearby industries.*

Assuming that the current planning process will establish appropriate controls and conditions for residential use of the land, it would be reasonable to assume that this continued use would not adversely affect nearby industrial land. Further, as demonstrated in the BILS, it is most likely that surrounding industrial land use demands will continue to decline over time and other land use pressures, such as mixed use will emerge. Further, the vacant land within the study area, currently used as surface car parking, is unlikely to be developed for industrial purposes in the future.

In this regard, Clause 22.05 Interface Uses Policy of the Yarra Planning Scheme could reasonably be considered relevant in this instance as a useful assessment tool, given the intent of C188 to enable residential uses.

7.6 INTERFACE WITH INDUSTRIAL 1 AND COMMERCIAL 2 ZONES & ‘REVERSE SENSITIVITY’

Another key consideration in this instance is the continued ability for uses within the Industrial 1 Zone (**IN1Z**) and Commercial 2 Zone (C2Z) to operate.

Rather than contemplating the intent and purpose of these zones, it is considered that the onus is upon Amendment C188 to satisfactorily ensure that residential uses do not create ‘reverse sensitivity’.

7.6.1 Reverse sensitivity

Reverse sensitivity is the impact of a new use upon the ability of established uses to continue – e.g. new residents complain to the Council about noise or odour from a long established industrial use.

In this regard, Council has an *Interface Uses Policy* at Clause 22.05 of the Planning Scheme that is considered to provide an appropriate basis to help inform this matter. Strictly speaking, Clause 22.05 does not apply to the consideration of a residential use within an Industrial Zone. This is because it could not foresee or account for the unique circumstances that apply to the subject site (residential use in an Industrial Zone). Despite this, its intent is to consider the impact of residential development in proximity to industrial land – an issue at the centre of this assessment.

Clause 22.05 requires any new use to be tested against the particular provisions of the Clause in order to establish that the new use would not be adversely impacted by existing uses. Further, in its LPPF policy 22.08-1 (*Abbotsford*) the policy generally requires any rezoning of land to specifically address noise in proximity to the CUB site. It is noted that this Assessment of the subject site has included an Acoustic Assessment to mirror the requirements of Clause 22.08-1.

Firstly, the issue of Council's Interface Uses Policy is considered:

Clause 22.05 – *Interface Uses Policy*

This policy was introduced in 2009 to address the potential interface conflicts between commercial/industrial and residential uses. The policy requires residential or non-residential development to be designed in a manner that addresses potentially conflicting land use issues in transitional areas.

It establishes a number of Dwelling Design (Clause 22.05-4.1) and Application Requirements (Clause 22.05-5) that could reasonably be considered to apply to the site-specific assessment of C188 also as if, for example, the subject site were within the Mixed Use Zone. These provisions and requirements are replicated below:

Clause 22.05-4.1 - Dwelling Design

New residential development located in Mixed Use, Business Zones, or in a Residential 1 Zone within 30 metres of a Business or Industrial Zone or 30 metres of an existing industrial or business use, is to be designed to:

- *Incorporate appropriate measures to protect the residents from unreasonable noise, fumes, vibration, light spillage and other likely disturbances.*
- *Locate noise-sensitive rooms (in particular, bedrooms) and private open space away from existing and potential noise sources, and where appropriate incorporate other measures such as acoustic fencing, landscaping and setbacks.*
- *Incorporate appropriate measures to minimise the effects of fumes or air emissions from nearby business or industrial operations upon those living in the dwellings, including through the orientation of windows and ventilation systems.*
- *Minimise the potential for views from existing business or industrial premises to habitable room windows and private open space areas, through the use of appropriate siting, setbacks, articulation and screens.*

Clause 22.05-5 – Application Requirements

- *Permit applications for residential development to include details of proposed acoustic attenuation design features or measures, and other design features to mitigate the potential noise, fumes and air emissions, light spillage, waste management and other operational matters from the nearby business or industrial uses.*
- *An Acoustic Assessment Report is to be provided in circumstances where the Council determines the potential for noise disturbance to residents is present. The report should demonstrate that the residents will enjoy a reasonable level of acoustic amenity within the dwelling.*

Clause 52.10 (*Uses with adverse amenity potential*) is relevant to the above in so far that any assessment under Clause 22.05 could consider the requisite buffer distances of this Clause when it contemplates any measures to minimise the effects of fumes or air emissions.

It is considered that it would be open to Council to contemplate conditions under C188's proposed Incorporated Document that might adopt and modify any of Clause 22.05's conditions should, for example, it be felt that modifications to the building to satisfy Building Code of Australia (BCA) requirements (e.g. ventilation). This matter is considered further at 7.10 of this report.

An acoustic report has been prepared for the site and is considered further below in this assessment at 7.6.2. A copy of the report is included at **Appendix B**.

Clause 21.08 – Neighbourhoods

Clause 21.08 of the Planning Scheme sets out the Objectives and Strategies for Yarra's key neighbourhoods. Of relevance to the subject site is Clause 21.08-1 – Abbotsford as it sits within this neighbourhood. It states:

Abbotsford is a highly varied neighbourhood with a substantial number of industrial and commercial buildings of various types and eras. The residential precincts are surrounded by industrial development located in the vicinity of Hoddle Street and the Yarra River.

There is a large industrial precinct centred around Carlton United Beverages. Due to requirements under SEPP N-1 the viability of this industrial precinct has the potential of being undermined by new residential development located too close. The introduction of offices does not present a similar threat and would aid the development of underutilised land to the west of Victoria Crescent south of Gipps Street.

Similarly, east of Grosvenor Street there is an opportunity to develop underutilised sites along the Yarra River for commercial as well as residential development. So that residential development in this location does not bring CUB into non compliance with SEPP N-1, any rezoning must be accompanied by a DDO which addresses noise.

An acoustic assessment has been prepared to mirror the above requirement to address noise. The Assessment is included at **Appendix 2**. This is considered below.

7.6.2 Acoustic Assessment

An acoustic assessment (see **Appendix B**) has been carried out by the Burton Acoustic Group to mirror the above requirements of the Planning Scheme for testing sensitive interfaces.

The night-time period is typically regarded as the most sensitive to inhabitants of residential properties.

The acoustic report, at Section 4 concludes that:

The measured noise levels comply with the requirements of SEPP N-1 at 5/15 Mayfield Street and there is no requirement to enhance the attenuation of the apartments. The operation of the premises at 61 Church Street during the Night Period cause noise levels that are close to the Noise Limits, control by hours of operation would appear to be an obvious means of noise control. Having said that the noise levels to which the development at 5/15 Mayfield Street are such as to not be an impediment to the introduction of a Specific Sites and Exclusions overlay to allow continued residential use of the site.

In our review of the acoustic report, we note that there was one instance of late night noise from an industrial unit. We note that:

- Measurements were taken over 3 nights.
- Tuesday, 13 December 2016, represented an anomalous result compared to the other two nights monitored.
- The results on 13 December 2016, explained as an exhaust fan – appeared to be a one-off during the monitoring period.
- The other two nights presented more comparable results about background noise levels.
- The report concludes that no additional acoustic attenuation is required based on these findings.

We consider possible requirements of the Incorporated Document later in this report at Section 7.10.

The BILS identifies new residential uses surrounding the CUB site as a potential threat to its continued operation, much like Clause 22.08-1. It is once again highlighted that the use of the subject site for residential purposes has occurred without any demonstrable adverse impacts to CUB for a number of years. The findings of the acoustic assessment, along with the requirement of the subject site to meet BCA requirements should provide additional comfort that there would be no reverse sensitivity issues following any approval of C188 if the dwellings are appropriately established. Further changes could be made to the Incorporated Document to align with the application requirements of Clause 22.05 (or similar) if that is considered necessary; however, the findings of the acoustic report and separate requirements under the BCA are likely to bring the building up to an appropriate residential standard. This is considered in Section 7.10.

It is highlighted that there is already an existing General Residential Zone (GRZ) located immediately to the south of the subject that extends to Church Street, directly opposite from the CUB factory.

Proposed Amendment C188 does not propose to increase the intensity of residential land use beyond that which has occurred informally over a considerable period. For these reasons, it is not anticipated that C188 would create any demonstrable adverse impacts or conditions to the continued use of land within its neighbourhood, including the ongoing use of the CUB site. Planning tools, such as a S173 on title could be implemented to reinforce the requirement for owners of the subject site to ensure that all reasonable steps are taken to avoid conflict with existing employment uses, such as appropriate noise attenuation, if Council felt this necessary.

7.7 CONSIDERATION OF THE YARRA BUSINESS AND INDUSTRIAL LAND STRATEGY JUNE 2012

This section considers the CoY's BILS, 2012.

Overall, the BILS provides clear background and context in relation to the development of a 10-15 strategy for land use planning in business and industrial areas within the municipality. It replaced the *CoY Industrial and Business Land Strategy Review 2004*.

The BILS recognises the challenges within the employment precincts across the municipality, including increasing residential intensification at their interfaces.

Core Industrial or Business Node 5 – Abbotsford West Node (CIB 5)

The subject site is included within the above defined node – referred to as CIB 5. See **Figure 4**.

It states for CIB5 the following:

Rationale:

This precinct is strategically located adjacent to the Yarra River. The current Industrial 1 and Industrial 3 Zones do not reflect the changing nature of the Yarra economy and it is deemed that the economic base of this precinct should be broadened to ensure ongoing viability. Better use should also be made of the Yarra River through better designed development, improved public access and building set-backs to allow landscaping. Further master planning work is required to determine future zoning arrangements for this precinct.

- Recommended Zones: Retain existing zoning arrangements pending further investigation.
- Undertake master planning to address urban design, river access, interface issues and space for landscaping.

In addition to the above, the CUB site sits within the CIB6 precinct that directly adjoins CIB5 to its east. It includes all land up to and including the western side of Mayfield Street.

Land Audit Summary

Zoning Map (Existing)

A summary of land area by zone for this precinct is as follows:

Land Area (Ha) by Zone	
B2Z	-
B3Z	3.2
B4Z	-
B5Z	-
IN1Z	6.8
IN3Z	5.1
TOTAL	15.1



Figure 4 - Core Industrial or Business Node 5 – Abbotsford West Node (CIB 5)- as replicated from CoY's BILS. It includes the subject site at the very south-eastern corner.

CIB6 – Abbotsford Central (CUB) Node

This identifies that Carlton United Breweries (CUB) is an ‘anchor use’ in the precinct and is to be retained within the IN1Z. The recommendations of the BILS are the same as for CIB5, as detailed above. **Figure 5** below shows this precinct, with CUB occupying the area north of Nelson Street, West of Church Street and South of the Yarra River.

A summary of land area by zone for this precinct is as follows:

Land Area (Ha) by Zone	
B2Z	-
B3Z	-
B4Z	-
B5Z	-
IN1Z	8.9
IN3Z	1.4
TOTAL	10.4

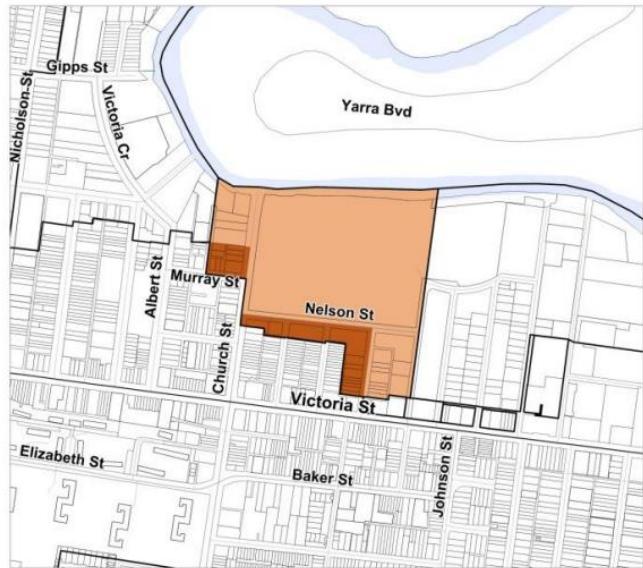


Figure 5 – Core Industrial or Business Node 6 – Abbotsford Central Node (CIB 6)- as replicated from CoY's BILS. Carlton United Breweries is located to the north of Nelson Street, east of Church Street.

Key comments in response to CIB5 and CIB6:

- Given the historical use of the subject site, the land use figures in the Strategy reflect the zone of the land but not necessarily the use that has been occurring, as hindsight now reflects. The BILS could not have been expected to account for such anomalies. Despite this, it is considered reasonable to conclude that even if the subject site were to be subtracted from the overall supply of ‘pure’ employment

land, there would continue to be a projected oversupply of industrial land across the municipality over the Strategy's lifetime⁵.

- 2) The BILS states that the current applied zones are no longer necessarily relevant to the changing nature of the Yarra economy. The importance of SMEs and home work space, for example, is highlighted within the City of Yarra's EDS. The current IN3Z does not support the creation of home-work based employment.
- 3) The emergence of the planning complications associated with the subject site are not considered to be of a scale by themselves to trigger the broader area planning work recommended, by the BILS, for precincts CIB5 and 6. Instead, any future decision by CUB to vacate its premises would likely represent the best and most comprehensive opportunity to undertake a review of future land use and built form outcomes across both Precincts. Any relocation of CUB from Abbotsford remains speculative eg media stories.
- 4) The continued use of the subject site for residential purposes – as proposed by C188, would not in the short term have any impacts on the continued role of CIB 5 and/or 6. This is supported by the lack of any demonstrable adverse impacts that these uses have created (eg there is no history of complaints from surrounding occupiers about interference from residential activities).
- 5) Amendment C188 will not enable the redevelopment of the site for more intensive residential purposes, but would continue to enable redevelopment for employment uses (as per current objective of the IN3Z). This would be generally consistent with current policy and strategy but provide greater flexibility to respond to emerging employment land needs also, eg live-work units.
- 6) Amendment C188 will not facilitate the redevelopment of the subject site for residential development. This will unlikely prejudice a more detailed strategic review of land use outcomes across CIB5 and CIB6 at the appropriate time, as envisaged by the BILS. Otherwise, the subject site would be capable of being further developed (additions and alterations) or redeveloped entirely for residential use at greater intensity/ density without such limitation. This could enable a residential building of greater permanency i.e. capital investment would preclude further redevelopment options. Until broader area strategic work is carried out, such an outcome might have the consequent impacts of preventing the future use of the land for greater employment density and requiring land use and built form outcomes on adjoining sites to respond to a more sensitive non-employment use. Amendment C188, by retaining the employment zone and restricting further residential development would ensure that the strategic integrity of the land within the CIB5 and its CIB6 interface remains largely consistent with the adopted BILS and Planning Scheme policy.

7.8 CONSIDERATION OF THE VICTORIA STREET STRUCTURE PLAN, 2010

The City of Yarra's Victoria Street Structure Plan included the subject site within its boundary. It was included within *Precinct 8 – CUB*.

In terms of 'Future Activity', page 8 of the Structure Plan established the following intent for the subject site:

CUB Precinct = maintain the industrial/ employment focus. If CUB relocate investigate intensive activities which take advantage of the riverside location and proximity to Victoria Street, industry, office activities and additional green space along the Yarra River.

The Structure Plan, much like the later 2012 BILS, recognises that the future of the CUB site will be a major factor on the future outcomes for this area. It foreshadows further Master Planning will be required.

In this context and without any clarification surrounding the future of the CUB site, Amendment C188 will generally maintain the status quo. It will not unduly prejudice any future Master Planning because it is largely focused on formalising a land use within the existing built form, rather than contemplating new buildings and works that might have a greater degree of permanency, change and impact to Precinct 8 (CUB).

⁵ The BILS, at page 11, forecasts a likely oversupply of industrial land in the City of Yarra over the period 2010-2026 of between 35 and 23 (approximate) hectares.

7.9 CONTEXTUAL CONSIDERATIONS EMERGING FROM THE STUDY AREA

Further to the review of existing land uses in the Study Area, outlined in Section 5 of this report, there are a number of contextual considerations to emerge that are relevant to the assessment of the subject site within the study area. These include the nature of the immediately opposite and adjoining built form.

7.9.1 Capital Investment in Built Form as an indicator of demand

Based on a visual assessment of the built stock in the area between Church Street and Mayfield Street, there is little evidence of recent significant capital investment in the built form. The building at the corner of Church and Murray Street (No 45 Church Street) is the exception and is more modern in appearance. It contains a low-rise, two-level, commercial building of modest architectural value. Most buildings are older, lower grade industrial post war buildings. The land use assessment revealed that most buildings are largely used for a range of light industrial purposes, operating during typical daytime business hours.

The range of existing employment uses within the immediate surrounding area are also likely to represent relatively low intensive employment generating uses per square metre, although no data was provided that would confirm this. Notwithstanding, the range of land uses and current built present in the locality represents a relatively inefficient use of land within such a highly accessible part of Melbourne's inner city.

There are also a number of vacant sites proximate to the subject site, including 10-14 Murray Street at the north-eastern corner to Mayfield Street. In addition to this, 51 Albert Street to the west of the subject site also remains vacant. Both are used for surface car parking.

The ongoing vacancy of sites suggest a lack of immediate demand or appetite for new or additional commercial or industrial development. The lack of significant capital investment in the existing built stock reinforces the findings of the BILS that the current zoning of the land in this precinct does not reflect the changing nature of the economy. Equally, the BILS acknowledges that there will be decreasing demand for 'traditional' industrial uses within the City of Yarra. The current zones are unlikely to be a catalyst; therefore, for the type of employment needs forecast by the BILS. Similarly, the EDS has evidenced the emerging trend of business growth in the CoY for small SMEs which continues to impact and change employment land needs. In this regard, there is potentially an argument that any encouragement for the redevelopment or further capital investment of adjoining IN1Z land for industrial purposes could be counter-productive to meeting these long-term employment needs of the municipality.

The subject site has been used for residential purposes for 14 years. In addition to this, the condition of existing buildings on adjoining or nearby land and the existence of vacant sites are indicators that C188 would not create undue pressure on employment land supply or impact capital investment in the built stock (which has generally been limited in the immediate locality).

The site at 53-63 Victoria Crescent (former Tweed Mills) is covered by Heritage Overlay 52 and is used by clothing brand Bardot as its office headquarters. It is a relatively low intensity use.

It is beyond the remit of this assessment to consider the commercial viability of further investment or redevelopment in many of the sites in the study area for employment only purposes. Despite this, the declining demand for industrial land evidenced in the BILS would suggest that the area is transitioning away from traditional industry. Further significant investment for industrial development is unlikely. Further, if the area is to transition toward more intensive and contemporary employment uses or mixed-use to meet projected demands, redevelopment for industrial uses would most likely be undesirable as a longer-term land use outcome.

7.9.2 Carlton and United Breweries Site

As already discussed in this assessment, the future of the CUB operations in the precinct east of Church Street remains a subject of conjecture, as highlighted in the BILS and the Victoria Street Structure Plan.

Should CUB decide to vacate the site, it is considered that this would represent a significant strategic land use planning opportunity to re-examine the intent and purpose of employment land across both the CIB5 and CIB6 areas and most likely include some of the interfacing areas also.

Strategically, it would be anticipated that surrounding landowners are aware of the future uncertainty surrounding the long-term presence of CUB. In turn, this is likely, contributing to a lack of commitment from landowners or businesses to invest significantly in built stock within CIB5 or CIB6. As such, opportunities for business growth and relocation are likely to remain limited. Prudently, it would be expected that landowners

around the CUB site would seek to leverage any redevelopment opportunities that may present themselves in a broader structure planning exercise that would be catalysed by the CUB site in future.

In this context, the formalisation of the use of the subject site for residential purposes would not have any additional short term impacts on the continued operation of the CUB site. Equally, Amendment C188 would not prejudice any future planning processes forecast by the Victoria Street Structure Plan and the BILS that the CUB site might trigger.

7.10 CONSIDERATION OF THE PROPOSED INCORPORATED DOCUMENT

The intent and purpose of the proposed Incorporated Document titled '*5-15 Mayfield Street, Abbotsford, Incorporated Document, May 2015*' has been detailed earlier in this assessment.

In summary of its purpose, it would allow residential use of the subject site to be formally established in the IN3Z, where it is otherwise prohibited. Anecdotally, the use has operated at the site for 14 years, but without approval.

The incorporated document also contains a number of conditions that have been discussed throughout the document, primarily with the intent of ensuring that residential use cannot be expanded either through additional buildings or works or redevelopment of the site e.g. as proposed Condition 4 indicates:

Any buildings or works associated with the use hereby approved must be carried out within the building dimensions of the existing building ion the Land as at the date of this document.

The proposed Incorporated Document also establishes an expiry period⁶ if residential use ceases on the land under two scenarios:

- 1) The use ceases for a period of two years; or
- 2) The use has stopped for two or more periods which, together, total 2 years in any period of 3 years.

Overall, this assessment has already found that this is a reasonable approach until such time as broader strategic planning for the area can be undertaken⁷. As an alternative to rezoning the land to mixed-use or residential, the proposed Incorporated Document under Clause 52.03 (of the Planning Scheme) maintains the general integrity of the employment area. It also makes it clear that the broader strategic intent continues to prioritise employment outcomes, at least until a broader strategic review of land use outcomes can occur.

In terms of 'reverse amenity', discussed in 7.6.1, it is important that established industrial and business uses are not unduly impacted if C188 is approved. This would include the potential for complaints from residents of the subject site if residential use is legitimised.

The Burton Acoustics report (see **Appendix B**) has found no reason not to progress Amendment C188 on acoustic grounds - on the basis that existing noise levels (day and night) are generally acceptable in a residential context. The report further finds that no further noise attenuation measures are required to the units on the subject site at the current time.

No other evidence of known conflicts, such as odour or vibration, between existing industrial/ commercial uses and residential uses have been presented during our assessment. Here, it is reinforced that the dwellings (without approval) have coexisted alongside industrial and commercial uses for a prolonged period.

For the above reasons, there appears to be no need for further mitigation measures to be incorporated into the residential dwellings. There are options to contemplate further conditions for the Incorporated Document or to consider alternative planning tools, such as a Legal Agreement under Section 173 of the Planning and Environment Act (1987); if it emerged that this was necessary. These options could place the emphasis on the subject site (and its owners) to respond to any change in surrounding circumstances, such as an increase in the intensity of industrial activity. Clause 22.05 of the Planning Scheme could provide a possible assessment tool. It is acknowledged that the BCA will also require the subject site to be brought up to an appropriate standard for residential occupation, including fire safety.

⁶ See proposed Condition 5 of May 2015 version of the proposed Incorporated Document.

⁷ As identified in the BILS for example.

8 CONCLUSION

Planning Scheme Amendment C188 proposes to create a site-specific planning provision under Clause 52.03 to enable the use of 5-15 Mayfield Street for dwellings.

The circumstances surrounding the subject site are relatively unusual and exceptional. As such, it is considered that the approach adopted by Amendment C188 is relatively sympathetic to owners of the properties but also respectful of the existing planning policy and underlying intent for the land, as identified in the CoY's BILS.

The amendment seeks to formalise the use of the subject site for dwelling and provide some certainty to its owners. Hindsight is available as an assessment tool in this instance and reveals that there have been no demonstrable impacts to surrounding business and industrial uses. This allows the conclusion to be made that residential and industrial uses can co-exist alongside one another, subject to any reasonable Conditions imposed on the use of dwelling through the Incorporated Document e.g. ensuring appropriate noise attenuation. Equally, the amendment does not provide any additional rights or 'benefits' to owners, such as an ability to extend or redevelop their property.

This report has considered a range of matters in relation to Amendment C188 and the context of the subject site to the defined Study Area and surrounding land uses. It has also considered the relevant strategic policy and the relevant strategic assessment guidelines.

Overall, the strategic assessment has found that C188 can be supported on the following basis:

- The site has been utilised for residential purpose for an extended period. With the benefit of hindsight in this instance, this has occurred without any demonstrable adverse impacts to existing business/industrial uses or to employment land provision.
- The proposed site-specific exclusion under Clause 52.03 to allow the use of dwelling within the IN3Z will allow residents to continue to occupy tenancies lawfully.
- The site-specific exclusion only proceeds to legalise an existing residential land-use, it does not provide additional development rights that could result in a more intensive residential development.
- The CoY's Bills indicates that there is likely to be an oversupply of industrial land in the municipality over the period 2010-2026, potentially up to 35ha. Indicatively, the impact of allowing the use of dwellings on the subject site would be the equivalent loss of approximately 0.2% of this projected oversupply.
- A physical examination of the study area and the built stock reveals limited recent capital investment. It displays characteristics of a former industrial area that is awaiting the right conditions (such as broader master planning) to transition to a new role. Further investment for industrial use would appear unlikely. For these reasons, it is unlikely that C188 will create any ongoing conflict between dwellings and the more intensive use of land in the study area for industrial uses.
- The changing needs of employment land needs in the municipality suggest that Amendment C188 would provide further support for small SMEs that already account for 82% of registered businesses within the municipality. The ability to use the subject site for live-work units would support the emerging need for smaller employment space alongside an ability to live and work within Yarra. A suggested change to the Incorporated Plan could require owners to demonstrate that floor plans are suitable to enable live-work outcomes in support of these emerging business needs.
- A General Residential Zone is situated immediately to the south and west of the subject area and demonstrates the ability of uses to successfully coexist within the immediate locality.
- It is an inevitable consequence that former inner city industrial areas transitioning to alternative uses will be required to address issues of old and new uses co-existing in the short-term. In most instances, it is likely that this can be managed adequately. In the case of the subject site, the proposed Incorporated Document can be adequately written to include any additional measures to ensure that a dwelling provides appropriate measures to address noise, emissions and ventilation – as suggested in Section 7.10 of this report. Existing planning scheme Clause 22.05 provides the basis for these suggested changes.
- An Acoustic Report has revealed that existing background noise levels are appropriate to enable the use of dwellings at the subject site, without further noise attenuation works (to dwellings).

- Amendment C188 does not indicate any demonstrated need to contemplate a broader strategic planning framework anticipated by the BILS. Instead, C188 seeks a fair and reasonable method of resolving a situation that is very localised and specific to the subject site. This supports Council's wish to limit the focus of this strategic review to the area outlined earlier in this report. The timing for more comprehensive consideration of the zones that apply to the subject site and surrounding land in BILS precincts CIB5 and CIB6 will be if CUB decide to relocate. This should not, however, be an indefinite view in order to ensure that other land in CIB5 and CIB6 is capable of meeting the employment or mixed-use needs of the municipality as they continue to evolve.

These considerations provide considerable material weight to indicate that C188 is sound and would not cause any adverse social, economic or environmental impacts within the study area or to the operation of the CUB site.

DISCLAIMER

This report is dated 8 December 2016 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of City of Yarra (**Instructing Party**) for the purpose of Town Planning Report (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A KEY C188 AMENDMENT DOCUMENTS

23/04/2015
C178**SCHEDULE TO CLAUSE 52.03**

Address of land	Title of incorporated document
Land in the Heritage Overlay (excluding sites on the Victorian Heritage Register)	Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014
Lot 2 on PS433628L (452 Johnston Street, Abbotsford).	Specific Site and Exclusion - Lot 2 on PS433628L (452 Johnston Street, Abbotsford)
Part of Crown Allotment 113E Parish of Jikka Jikka and part of Crown Allotment 59L Parish of Boroondara, Yarra Bend Park, Fairfield.	Flying Fox Campsite, Yarra Bend Park, December 2004
Land as shown on the 'Extent of Proposed Site' on the 'Civil Siteworks Site Locality Plan' reference 104140/C/45 issue P5 prepared by Grogan Richards Consulting Engineers dated 1 April 2005 in the incorporated document Swan Street Works, Burnley, June 2005, which is generally north of 572-576 Swan Street, Burnley (Botanicca Corporate Park) and extending approximately 250 metres west and 150 metres east of Central Drive and in part extending to the northern kerb of Yarra Boulevard.	Swan Street Works, Burnley, June 2005
Land as shown on the 'Plan of Extent of Works' on the 'Crown Allotment 2273 Parish of Jika Jika Plan' reference 9341 M11 Version 3 prepared by Millar Merrigan dated 7 September 2005 which is generally west of Kevin Bartlett Reserve, Burnley and generally extending 6m north, 19m east, 2m south and 10m west of Crown Allotment 2273.	Crown Land Car Park Works, Burnley, August 2005
Land between Yarraville and Doveton adjacent to and encompassing the West Gate Freeway, the City Link Southern Link and Western Link south of the Bolte Bridge, the Monash Freeway and the South Gippsland Freeway, insofar as the land is in the City of Yarra	M1 Redevelopment Project, October 2006
Land described in the '520 Victoria Street, 2A Burnley Street and 2-30 Burnley Street, Richmond, Burnley Street West Precinct 2011- locality Map' being 520 Victoria St, 2A Burnley Street and 2-30 Burnley Street, Richmond.	520 Victoria Street, 2A Burnley Street and 2-30 Burnley Street, Richmond, Burnley Street West Precinct, Incorporated Plan, 2012
Land described in the incorporated document titled "Social Housing redevelopment: Atherton Gardens Estate, Fitzroy and Richmond Public Housing Estate, Richmond, for which the Minister for Planning is the Responsible Authority".	Atherton Gardens – Fitzroy, September 2010
Land described in the incorporated document titled "Social Housing redevelopment: Atherton Gardens	Richmond Walk Up Estate Redevelopment, September 2010

Address of land	Title of incorporated document
Estate, Fitzroy and Richmond Public Housing Estate, Richmond, for which the Minister for Planning is the Responsible Authority".	
626 Heidelberg Road, Alphington, being the area bounded by Heidelberg Road, Parkview Road (including No 28 Parkview Road), Chandler Highway and the Yarra River.	Amcor Alphington Paper Mill Site Preparation – Incorporated Document, September 2012
10 Bromham Place, Richmond described in Certificate of Title Volume 09980 Folio 392 on Plan of Consolidation 350651R	10 Bromham Place, Richmond Incorporated Document, February 2013
The land required for the East West Link (Eastern Section) Project as identified in the incorporated document	East West Link (Eastern Section) Project Incorporated Document, June 2014
The Cranbourne Pakenham Rail Corridor Project land as shown on the project area maps and identified in the incorporated document.	Cranbourne Pakenham Rail Corridor Project Incorporated Document, September 2014
5-15 Mayfield Street, Abbotsford described in Certificate of Title Volume 10544 Folio 931 on Plan of Subdivision 439401J	5 – 15 Mayfield Street, Abbotsford, Incorporated Document, May, 2015

23/04/2015
C178**SCHEDULE TO CLAUSE 81.01**

Name of document	Introduced by:
5 – 15 Mayfield Street, Abbotsford, Incorporated Document, May, 2015	C188
10 Bromham Place, Richmond Incorporated Document, February 2013	C171
32-68 Mollison Street and 61-69 William Street, Abbotsford July 2013	C170
520 Victoria Street, 2A Burnley Street, and 2 – 30 Burnley Street, Richmond, Burnley Street West Precinct - Incorporated Plan, 2012	C150
Amcor Alphington Paper Mill Site Preparation – Incorporated Document, September 2012	C161
Atherton Gardens – Fitzroy, September 2010	C136
City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8, Revised September 2014	C178
Cranbourne Pakenham Rail Corridor Project Incorporated Document, September 2014	GC15
Cremorne Balmain Dover Street Project	NPS1
Crown Land Car Park Works, Burnley, August 2005	C92
East West Link (Eastern Section) Project Incorporated Document, June 2014	GC2
Flying Fox Campsite, Yarra Bend Park, December 2004	C90
Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014	C178
Local Policy “Protection of Biodiversity” Sites of Remnant Vegetation (Biosis 2001)	C49
M1 Redevelopment Project, October 2006	C86
Melbourne City Link Project – Advertising Sign Locations, November 2003	VC20
Planning and Design Principles for the Richmond Maltings Site, Cremorne – November 2007	C101
Richmond Walk Up Estate Redevelopment, September 2010	C136
Social housing redevelopment; Atherton Gardens Estate, Fitzroy, and Richmond Public Housing Estate, Richmond, for which the Minister for Planning is the Responsible Authority, May 2010	C135
Specific Site and Exclusion – Lot 2 on PS433628L (452 Johnston Street, Abbotsford	C56
Swan Street Works, Burnley, June 2005	C91
Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area	C7
Victoria Gardens Urban Design Guidelines	NPS1
Victorian Institute of Forensic Psychiatry Concept Plan (January 1997)	NPS1
Yarra Gardens Precinct Plan, December 2009	C128

5-15 Mayfield Street, Abbotsford

**Incorporated Document,
May 2015**

This document is an incorporated document in the Yarra Planning Scheme pursuant to Section 6(2)(j) of the *Planning and Environment Act 1987*.

INTRODUCTION

This document is an Incorporated Document in the Schedule to Clause 52.03 and the Schedule of Clause 81.01 of the Yarra Planning Scheme (the Scheme).

Despite any provision to the contrary in the Scheme, pursuant to Clause 52.03 of the Scheme the land identified in this incorporated document may be used and developed in accordance with the specific controls contained in this document.

In the event of any inconsistency between the specific controls contained in this document and any provision of the Scheme, the specific controls contained in this document will prevail.

ADDRESS OF THE LAND

This control applies to the land known as 5-15 Mayfield Street, Abbotsford, being the land more particularly described as Plan of Subdivision 439401J in Certificate of Title Volume 10544 Folio 931 (the Land).

PURPOSE

To allow the Land to be used for the purpose of a 'Dwelling'..

THIS DOCUMENT ALLOWS:

Use of the Land for the purpose of 'Dwelling'..

THE FOLLOWING CONDITIONS APPLY TO THIS DOCUMENT:

Use

1. The use hereby approved must be generally conducted within the building dimensions of the existing building on the land as at the date of this document.
2. The requirements of the Planning Scheme will continue to apply to any other uses of the Land.

Buildings and Works

3. A permit is required for any buildings or works on the Land in accordance with the requirements of the Planning Scheme.
4. Any buildings or works associated with the use hereby approved must be carried out within the building dimensions of the existing building on the Land as at the date of this document.

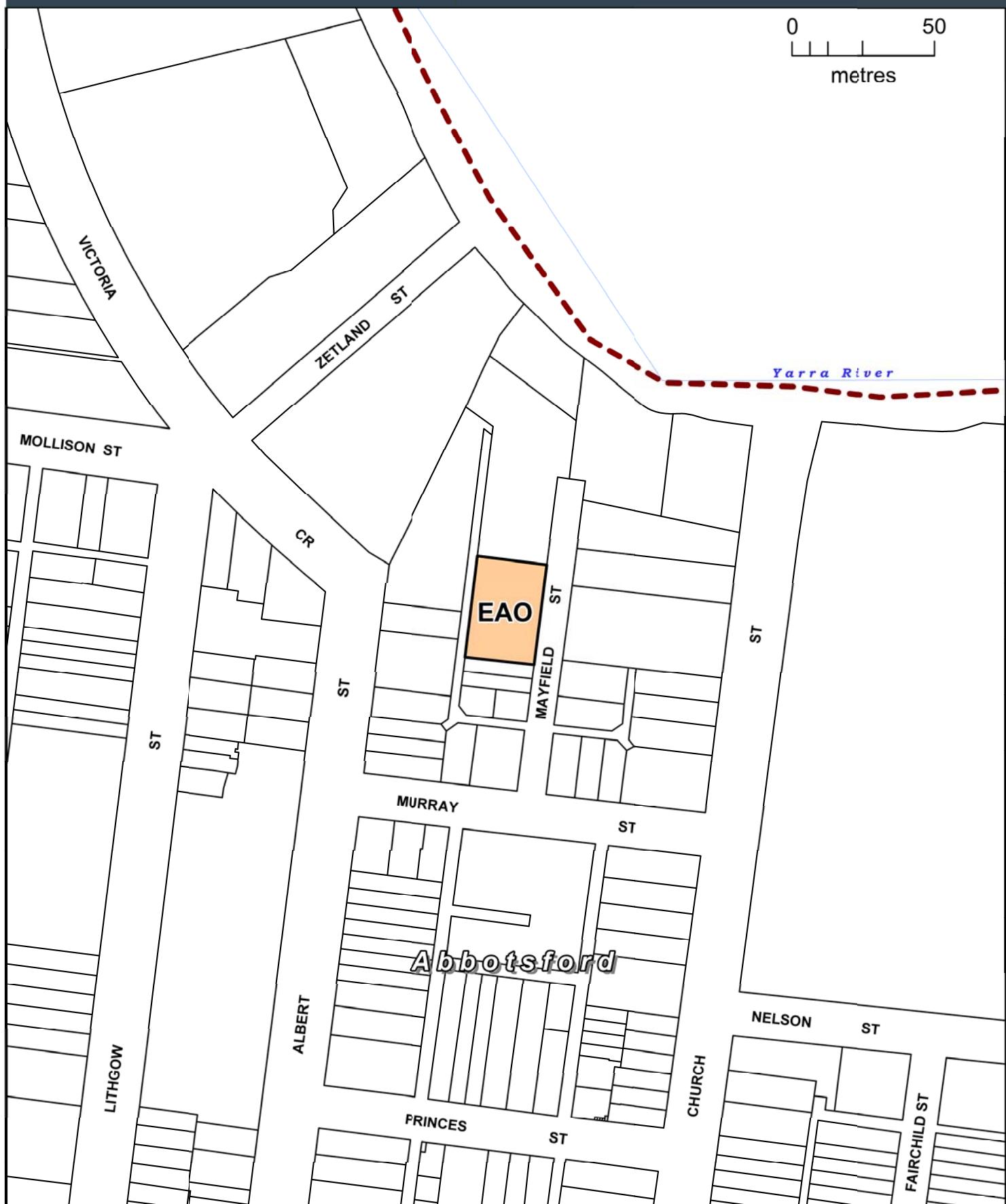
Expiry

5. Notwithstanding other provisions of the Scheme, the specific controls contained in this document will expire if the use of the land for 'Dwelling' has stopped for a continuous period of 2 years, or has stopped for two or more periods which together total 2 years in any period of 3 years.

End of Document

YARRA PLANNING SCHEME

0 50
metres



LEGEND

EAO ENVIRONMENTAL AUDIT OVERLAY

Part of Planning Scheme Map 6EAO

AMENDMENT C188



APPENDIX B ACOUSTIC REPORT BY BURTON ACOUSTICS

BURTON ACOUSTIC GROUP

(Part of Burton Consulting Group Pty Ltd)
A.B.N. 12 120 251 523

514 City Road
South Melbourne
Victoria, 3205
T: 03 9699 5491
F: 03 9696 3064
E: rbbag@bigpond.com

NOISE AS IMPACTING ON THE DEVELOPMENT AT 5 – 15 MAYFIELD STREET, ABBOTSFORD

**PREPARED FOR:
CITY OF YARRA**

BURTON ACOUSTIC GROUP

(Part of Burton Consulting Group Pty Ltd)
A.B.N. 12 120 251 523

514 City Road
South Melbourne
Victoria, 3205
T: 03 9699 5491
F: 03 9696 3064
E: rbbag@bigpond.com

18th January, 2017
Project 801/16

NOISE AS IMPACTING ON THE DEVELOPMENT AT 5 – 15 MAYFIELD STREET, ABBOTSFORD

1.0 BACKGROUND

At the request of Urbis Pty Ltd and on behalf of the City of Yarra, an examination of the potential impact of nearby industrial and commercial properties on the acoustic environment of the property at 5/15 Mayfield Street has been undertaken. This report has been prepared to assist the City of Yarra's evaluation of Amendment C188 to enable residential use of the site for residential use via a Clause 52.03 *Specific Sites and Exclusions* overlay.

The site contains a mixture of townhouses and apartments on land currently zoned as Industrial 3 (IN3Z). The land to the north and east is zoned Industrial 1 (IN1Z) while the land to the southeast is zoned as Industrial 3 (IN3Z). The land to the south and southwest is zoned as General Residential Zone 2 (GRZ2), while the land to the northwest is zoned as Commercial 2 (C2Z).

The major industry in the area which operates on a twenty four hour basis is the Carlton and United Breweries (CUB) which is located approximately 90 metres to the east of 5/15 Mayfield Street. CUB largely presents a blank brick façade to the west with roof mounted (above approximately the 3rd floor level) mechanical forming the major potential noise source along with the major stack further to the east.

The properties at 5/15 Mayfield Street have balconies on the Mayfield Street façade and fully exposed to any potential noise from the CUB site. The balconies are glazed with relatively heavy 6.38 mm safety glass.

2.0 NOISE LIMITS

The State Environment Protection Policy N-1 "Control of Noise from Commerce, Industry and Trade" (SEPP N-1) provides criteria for the emission of mechanical plant noise levels within the Melbourne Metropolitan Area.

The zoning based Noise Limits (in dB(A)L_{EQ}) under SEPP N-1 at the eastern edge of 5/15 Mayfield Street are as follows:-

PERIOD	ZONING NOISE LIMIT
Day	58 dB(A)
Evening	52 dB(A)
Night	47 dB(A)

The EPA defines the various periods as set out below:-

Day Period -	0700 to 1800 hours (Monday to Friday) & 0700 to 1300 hours (Saturday)
Evening Period -	1800 to 2200 hours (Monday to Sunday), 1300 to 1800 hours (Saturday) and 0700 to 1800 hours (Sunday & Public Holidays)
Night Period -	2200 to 0700 hours (Monday to Sunday)

The dB(A) L_{EQ} value is the equivalent continuous noise level. The N-1 Policy method of assessment includes adjustment for duration, tonal and impulsive characteristics. The measurement location is within 10 metres of an external wall of a residential property.

The above criteria will apply to all mechanical plant noise sources associated with the existing industrial and commercial developments but excludes the noise of vehicles on the local road network.

3.0 MEASURED NOISE LEVELS

Noise measurements were conducted during the Day and Night periods at the two locations indicated on the appended Plan No. 1.

Location No. 1 was on the footpath outside No. 11 Mayfield Street and with full exposure to the roof mounted plant and equipment at the CUB site. Equally the impact of the various industrial/commercial was fully exposed at this measurement location.

Location No. 2 was in the open air carpark at the western side of 5/15 Mayfield Street and fully exposed to the various commercial properties but also heavily influenced by passing traffic along Albert Street particularly during the Day Period.

The noise measurements were conducted under calm or near calm wind conditions (with direction varying from the NE to the SE) and the influence of traffic noise was minimized as far as possible.

The measurements and relevant comments were as follows:-

DAY PERIOD

	CENTRE OCTAVE BAND FREQUENCY (Hz)							dB(A)
	63	125	250	500	1k	2k	4k	
Monday 12th December 2016 (between Midday and 12.45 pm)								
Location No. 1	53	47	43	38	37	32	25	43
Location No. 2	57	55	48	41	38	35	27	48
Tuesday 10th January 2017 (between 11 am and 11.40 am)								
Location No. 1	53	53	44	39	37	32	27	43
Location No. 2	58	56	47	40	39	34	30	49
Wednesday 11th January 2017 (between 3 pm and 3.45 pm)								
Location No. 1	54	56	45	40	38	33	27	44
Location No. 2	57	56	46	41	40	35	30	48

The noise levels during the Day Period at Location No. 1 were limited to distant traffic and very occasional hammering from the rear of the property at No. 61 Church Street. The recorded noise levels were well under the SEPP N-1 Noise Limits for the Day Period.

The noise levels during the Day Period at Location No. 2 were dominated by both near constant local traffic along Albert Street as well as distant traffic. No noise from the nearby commercial properties was apparent during the measurement periods. The recorded noise levels were well under the SEPP N-1 Noise Limits for the Day Period.

NIGHT PERIOD

	CENTRE OCTAVE BAND FREQUENCY (Hz)							
	63	125	250	500	1k	2k	4k	dB(A)
Tuesday 13th December 2016 (between 12.50 am and 1.30 am)								
Location No. 1	55	55	48	42	41	37	31	46
Location No. 2	47	40	34	32	30	24	18	34
Thursday 15th December 2016 (between 3 am and 3.40 am)								
Location No. 1	47	41	37	34	31	25	18	37
Location No. 2	46	40	35	31	30	25	17	33
Friday 16th December 2016 (between 3.40 am and 4.20 am)								
Location No. 1	46	39	33	30	26	20	15	33
Location No. 2	45	39	34	31	26	20	16	34

The noise levels during the Night Period at Location No. 1 were generally limited to distant traffic noise. During the measurements on Tuesday 13th December 2016, significant noise was emanating from the property at No. 61 Church Street. The noise on this occasion was largely limited to an exhaust fan outlet located at the NE corner of the open yard at 61 Church Street. The one period during which the property at 61 Church Street generated noise was discussed with the occupants of No. 5 Mayfield Street, they indicated that they did not hear the noise and their sleep were not disturbed. The recorded noise levels were between 1 and 14 dB(A) below the SEPP N-1 Noise Limits for the Night Period.

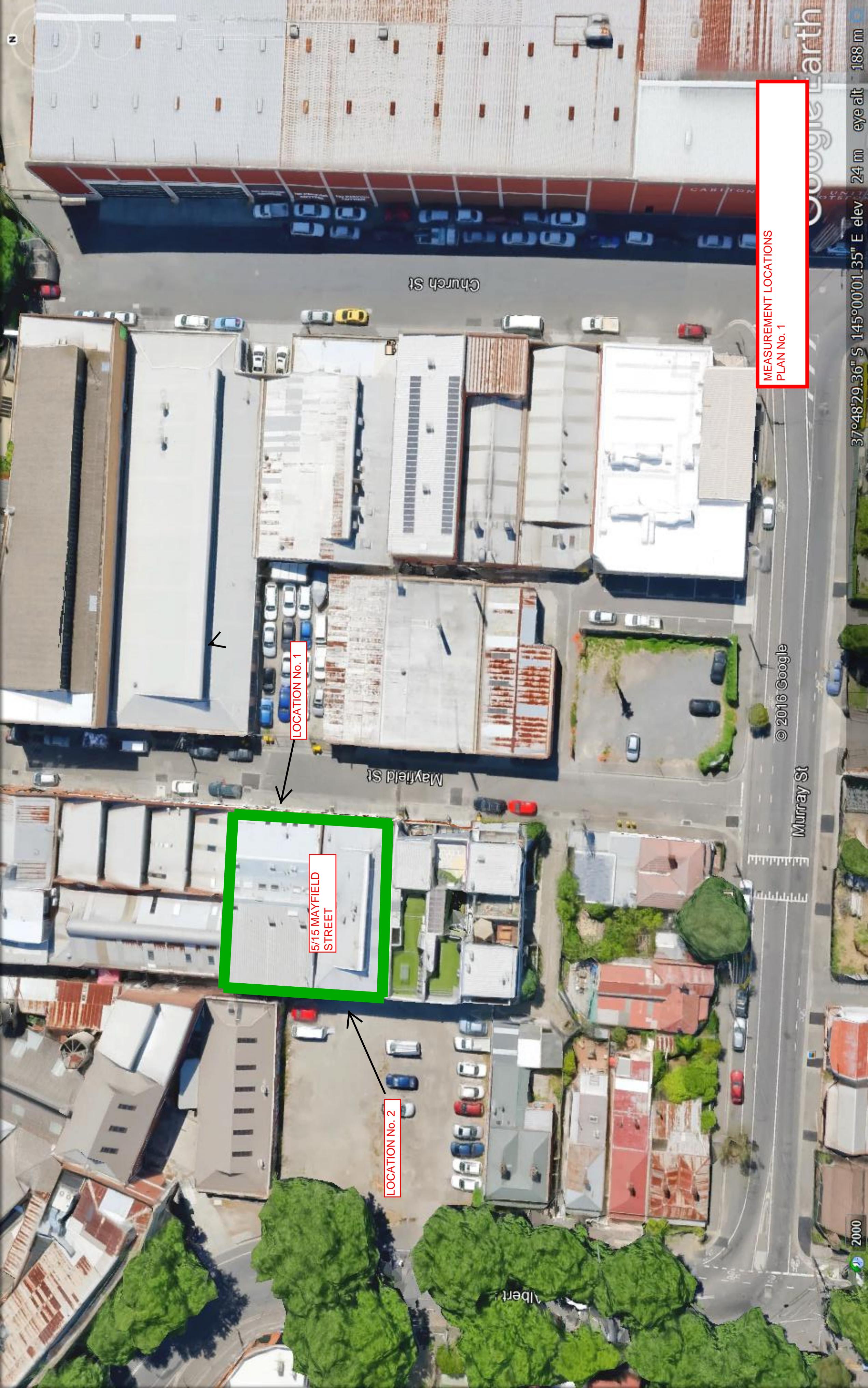
The noise levels during the Night Period at Location No. 2 were dominated by distant traffic. No noise from the nearby commercial properties was apparent during the measurement periods. The recorded noise levels were well under the SEPP N-1 Noise Limits for the Night Period.

4.0 CONCLUSIONS

The measured noise levels comply with the requirements of SEPP N-1 at 5/15 Mayfield Street and there is no requirement to enhance the attenuation of the apartments. The operation of the premises at 61 Church Street during the Night Period cause noise levels that are close to the Noise Limits, control by hours of operation would appear to be an obvious means of noise control. Having said that the noise levels to which the development at 5/15 Mayfield Street are such as to not be an impediment to the introduction of a *Specific Sites and Exclusions* overlay to allow continued residential use of the site.



Robert Burton



APPENDIX C PHOTO SURVEY OF STUDY AREA

PHOTO LOCATION PLAN
5-15 MAYFIELD STREET, ABBOTSFORD

DATE: 21.12.2016
JOB NO: MA10540
DWG NO: PHOTOMAP
REV: A

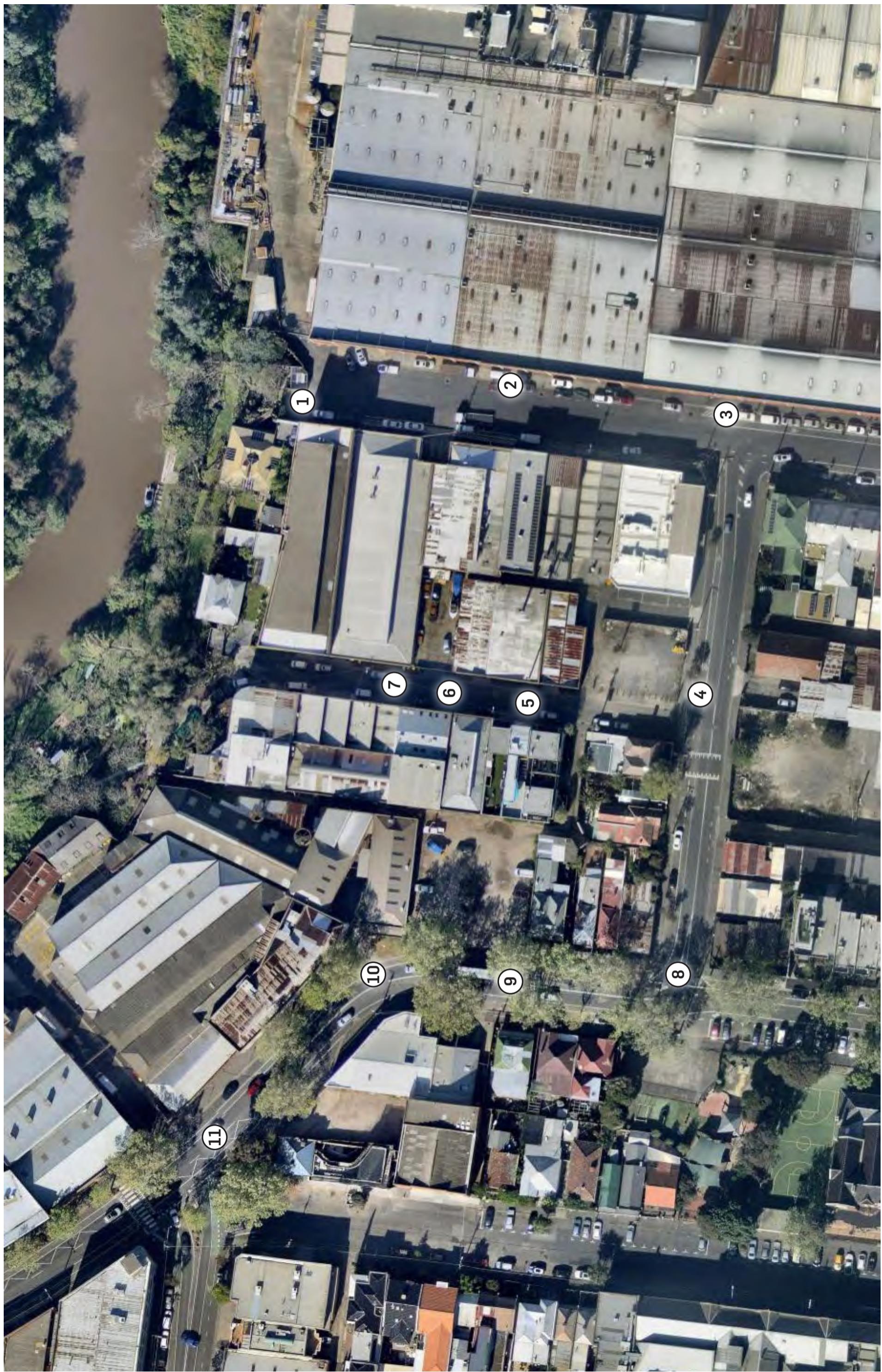


PHOTO LOCATION SHEET 1

5-15 MAYFIELD STREET, ABBOTSFORD

URBIS

DATE: 21.12.2016
JOB NO: MA10540
DWG NO: PHOTOMAP
REV: A

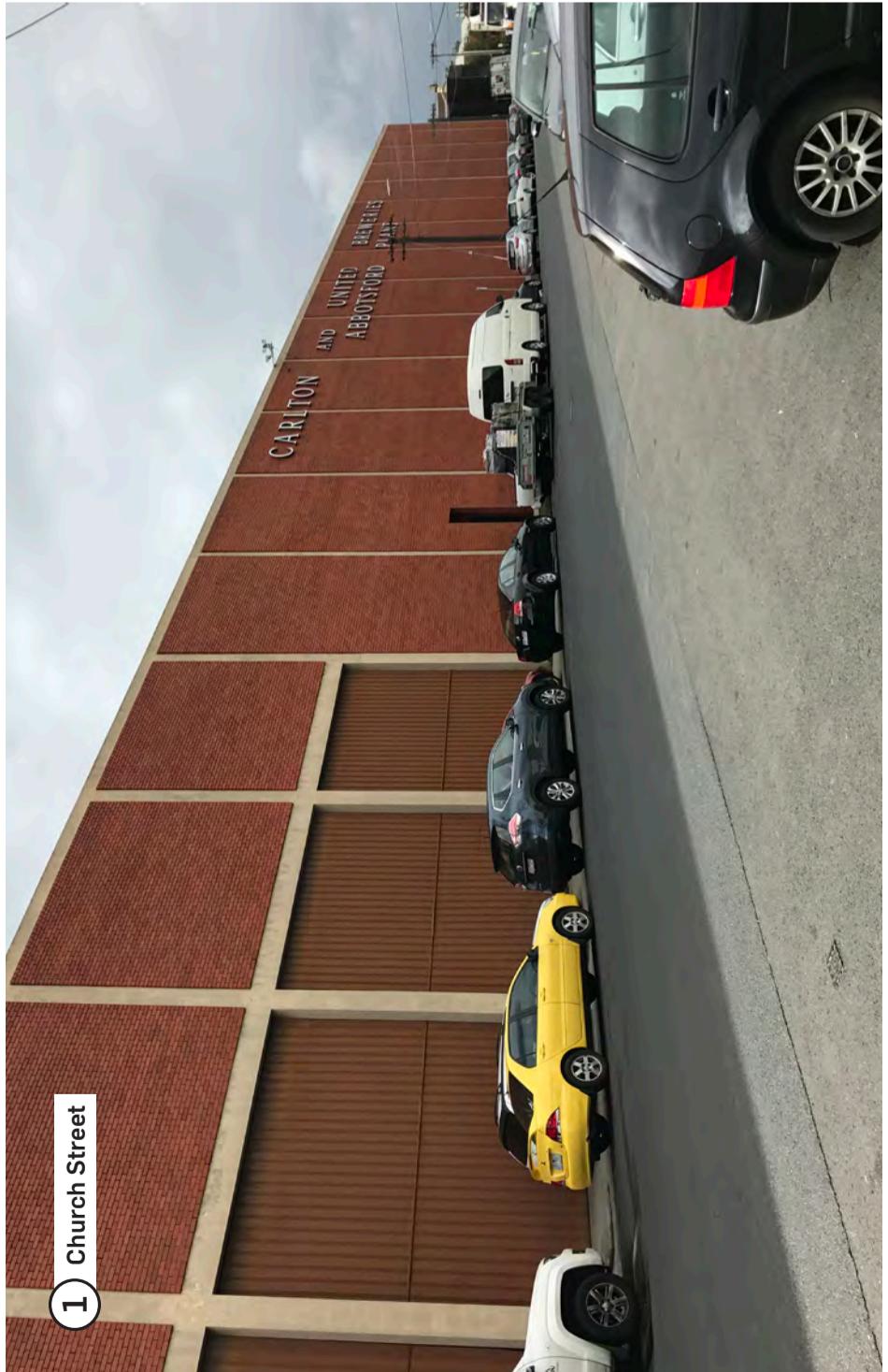
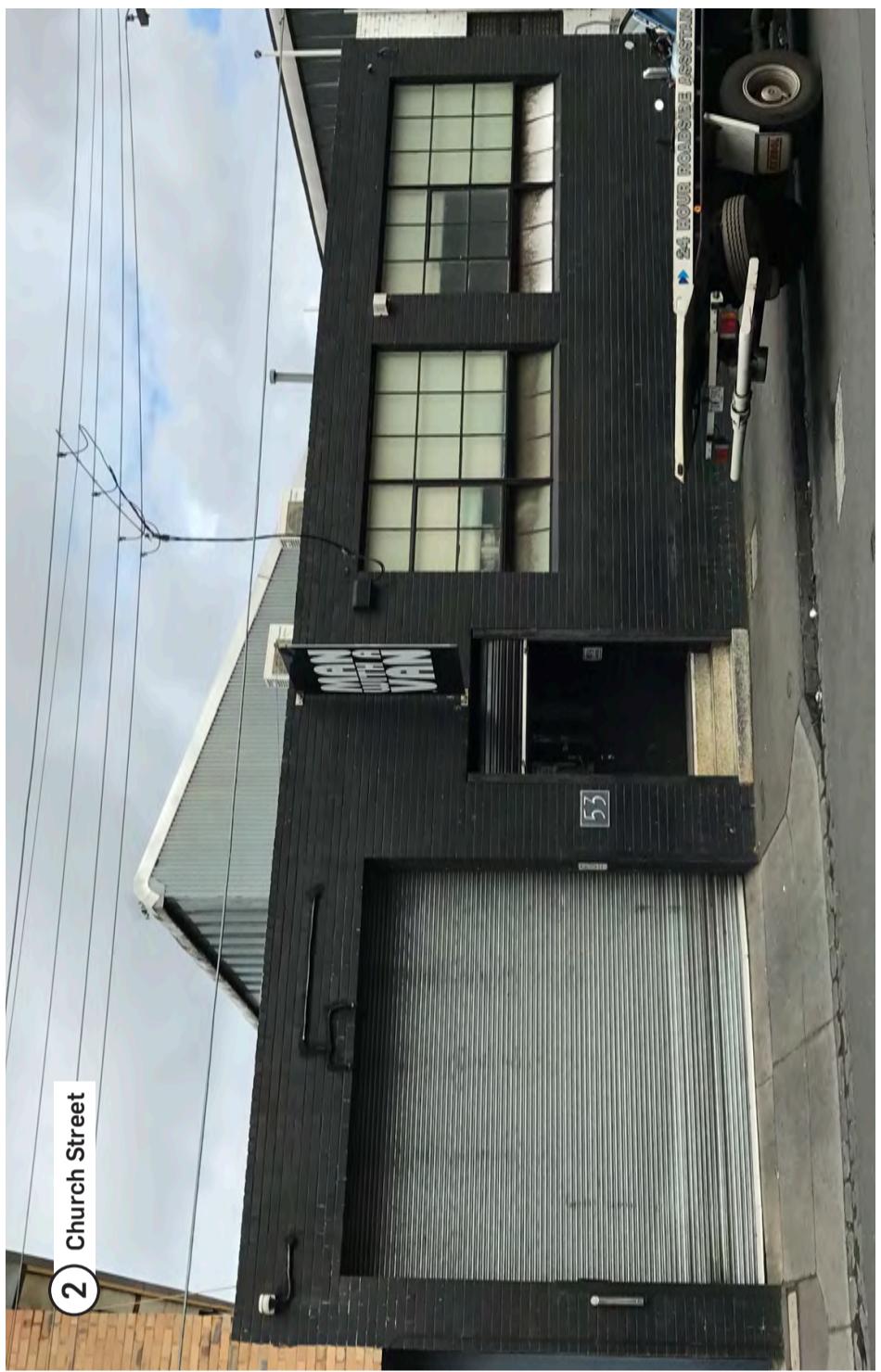
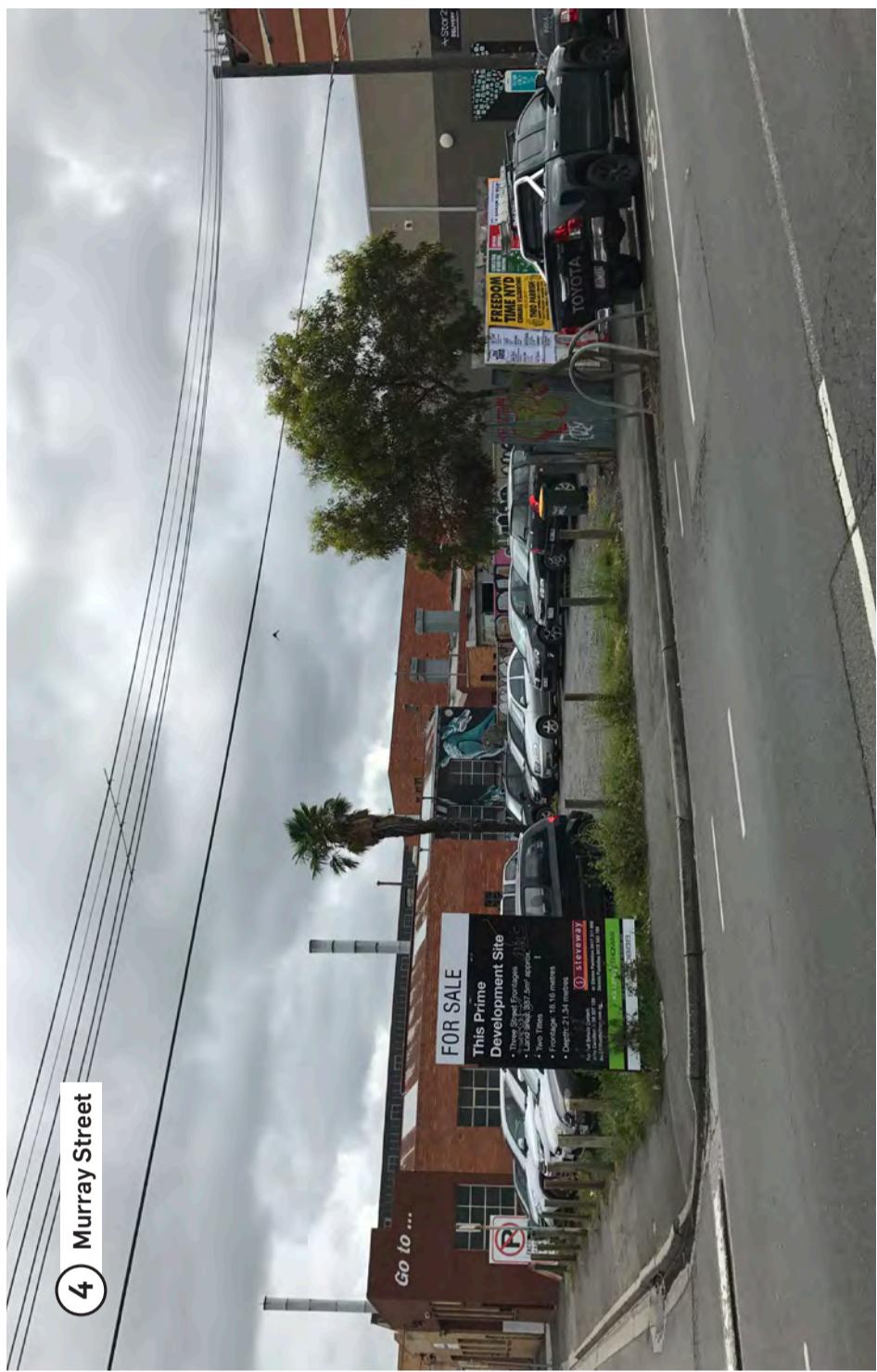
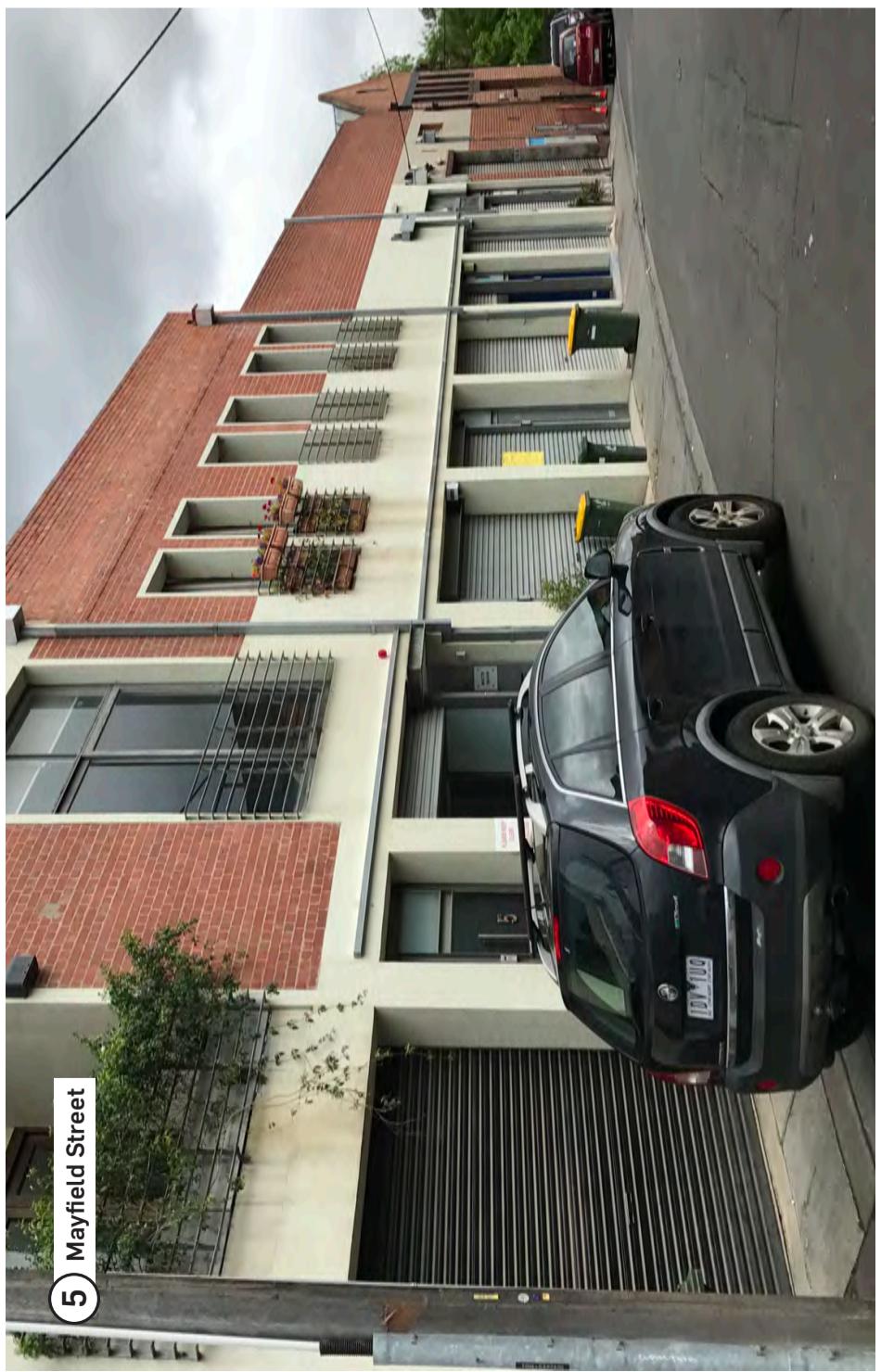


PHOTO LOCATION SHEET 2

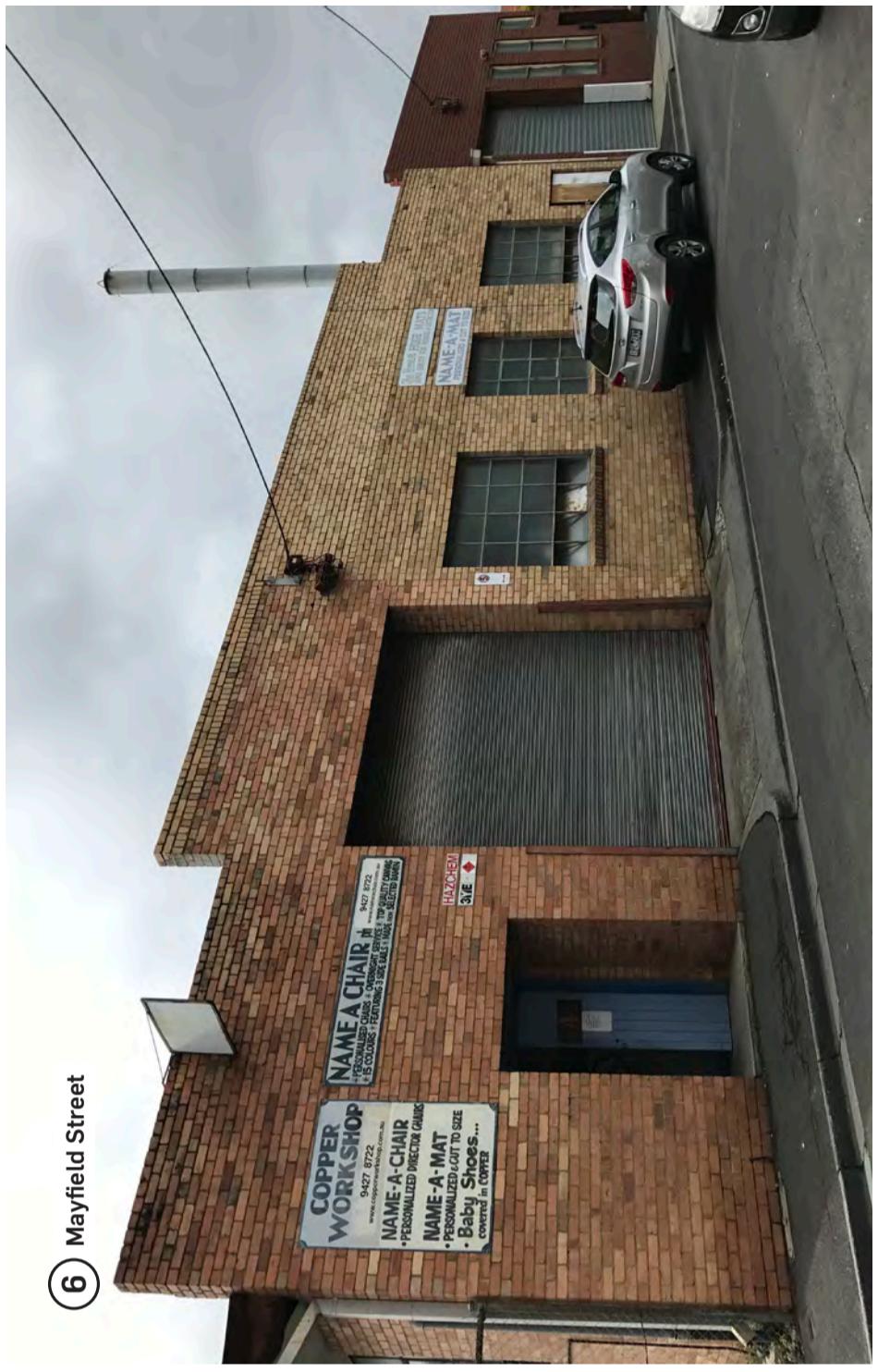
5-15 MAYFIELD STREET, ABBOTSFORD

URBIS

⑤ Mayfield Street



⑥ Mayfield Street



⑦ Mayfield Street

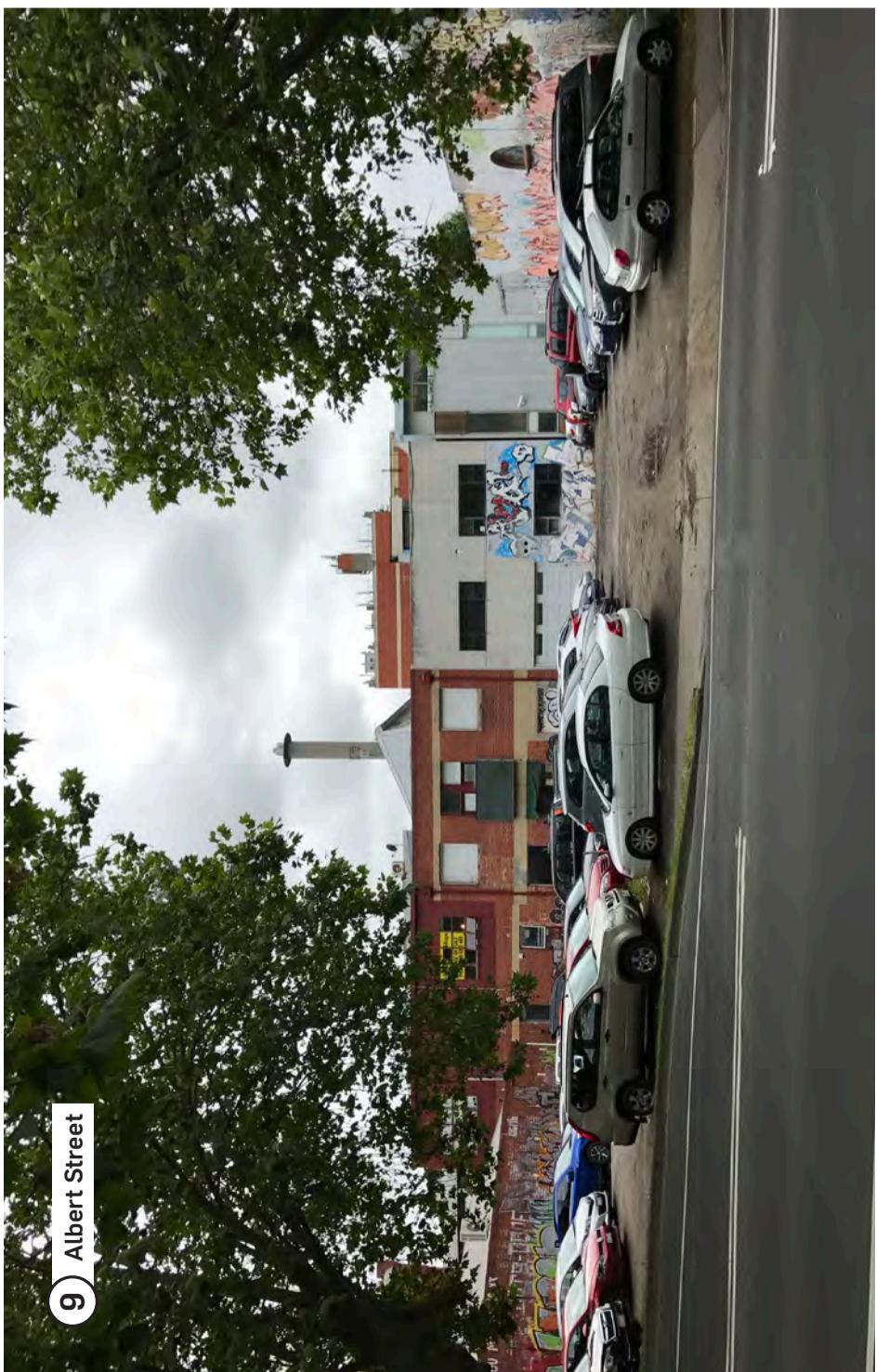
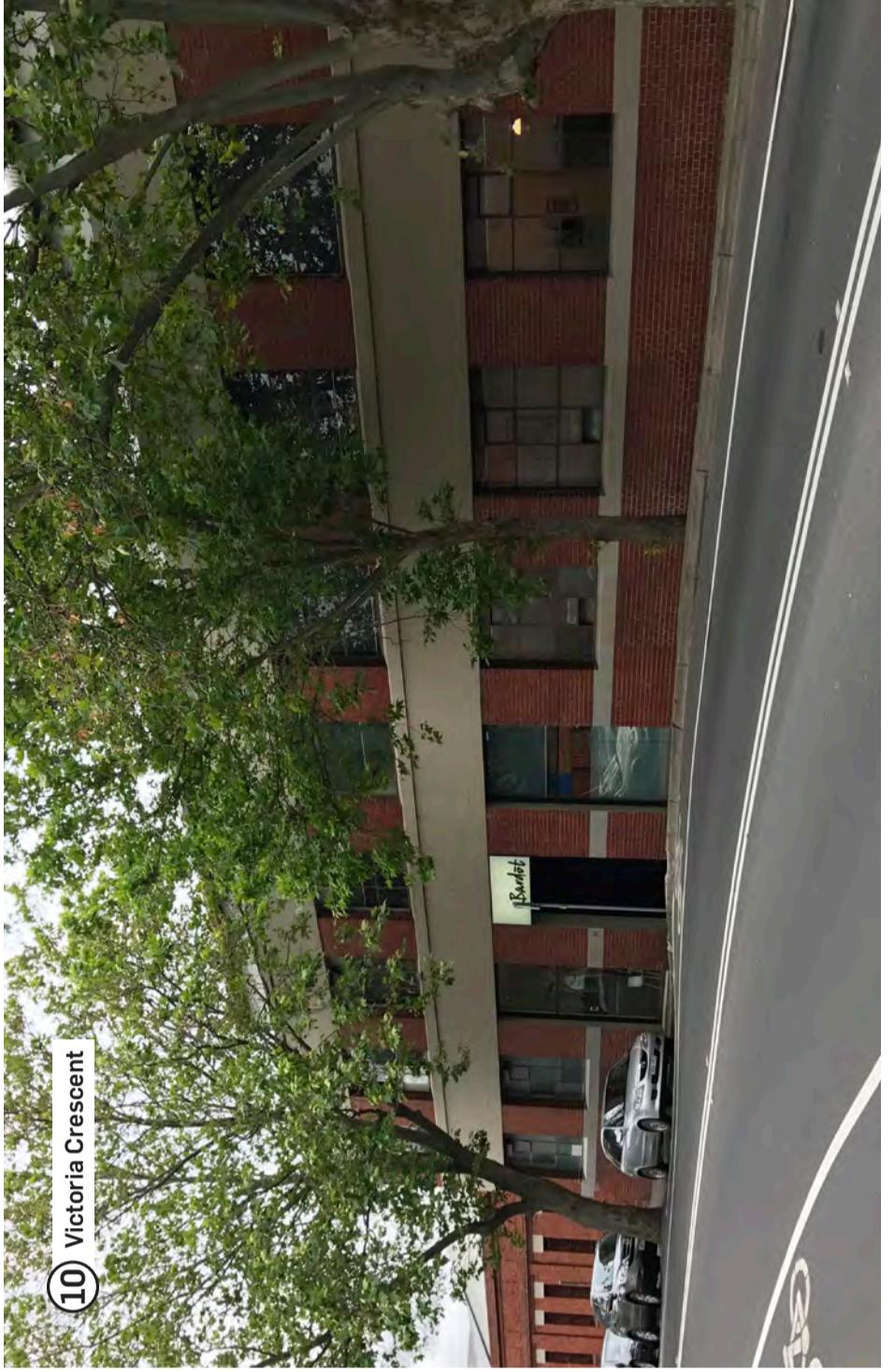
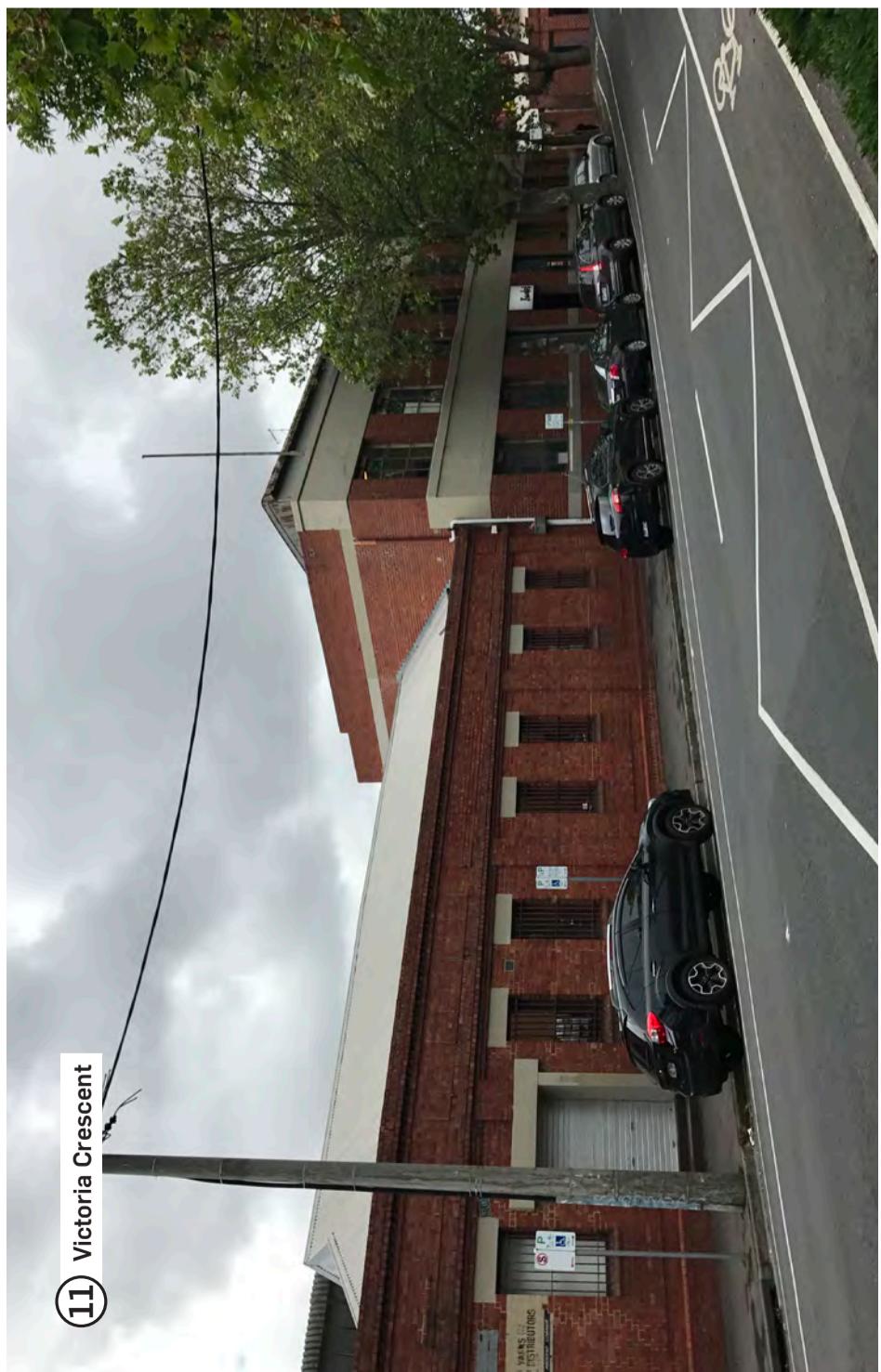


⑧ Albert Street





PHOTO LOCATION SHEET 3
5-15 MAYFIELD STREET, ABBOTSFORD





BRISBANE

Level 7, 123 Albert Street
Brisbane QLD 4000
Australia
T +61 7 3007 3800

GOLD COAST

45 Nerang Street,
Southport QLD 4215
Australia
T +61 7 5600 4900

MELBOURNE

Level 12, 120 Collins Street
Melbourne VIC 3000
Australia
T +61 3 8663 4888

PERTH

Level 14, The Quadrant
1 William Street
Perth WA 6000
Australia
T +61 8 9346 0500

SYDNEY

Tower 2, Level 23, Darling Park
201 Sussex Street
Sydney NSW 2000
Australia
T +61 2 8233 9900

CISTR – SINGAPORE

An Urbis Australia company
#12 Marina View
21 Asia Square, Tower 2
Singapore 018961
T +65 6653 3424
W cistri.com