

# **YARRA PLANNING SCHEME**

## **AMENDMENT C188**

### **EXPLANATORY REPORT**

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

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

The amendment has been made at the request of Urbis on behalf of the Mayfield Action Group.

#### **Land affected by the amendment**

The amendment applies to lots 1 and 14 on Plan of Subdivision 439401J, formally known as 5- 15 Mayfield Street, Abbotsford.

The land is located in an Industrial 3 Zone, and is covered by the Environmental Significance Overlay (Schedule 1).

The land is developed with 14 properties / titles.

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

The amendment seeks to allow the use of the land for 'dwelling' by:

- Inserting a new Schedule to Clause 52.03 to include reference to the subject land and the document titled "5-15 Mayfield Street, Abbotsford, Incorporated Document, January, 2017".
- Inserting a new Schedule to Clause 81.01 to introduce the attached document titled "5-15 Mayfield Street, Abbotsford, Incorporated Document, January, 2017" as an Incorporated Document under the Scheme.

The amendment will also apply an Environmental Audit Overlay to the site.

The Incorporated Document includes conditions which limit the use 'dwelling' to within the existing building. The Incorporated Document also includes an expiry date which limits the period for the exemption so that it will expire if the use of the land for 'dwellings' 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. This is to ensure the exemption is not open ended. The Incorporated Document includes a condition about environmental audit for dwellings on the land. This relates to the Environmental Audit Overlay.

#### **Strategic assessment of the amendment**

##### **Why is the amendment required?**

The amendment is required to allow the land to be used for 'dwelling'. Currently any accommodation, with the exception of a caretaker's unit, is prohibited under the provisions of the Industrial 3 Zone.

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

This amendment will implement the objectives of Planning in Victoria by providing for the fair, orderly, economic and sustainable use and development of land. The amendment will provide opportunities for the existing home office and residential activities to occur lawfully.

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

### ***Environmental Effects***

The proposed amendment does not pose any adverse environmental effects. Because the amendment will introduce sensitive uses (dwellings) on potentially contaminated land, an Environmental Audit Overlay will be introduced.

### ***Social Effects***

The amendment will allow existing residential land uses to become lawfully on the land. The provision for dwellings within Mayfield Street supports 24-hour presence within the small no through road and will provide additional surveillance and a sense of safety in the street.

### ***Economic Effects***

The amendment will support flexible employment activities, including small scale and start-up businesses. Given the existing General Residential Zone immediately to the south of the site, residential land use of the site will not significantly affect existing buffer distances pursuant to Clause 52.10, in particular as they relate to the nearby Carlton and United Breweries industrial complex.

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

The subject site is not in a bushfire prone area and does not present a bushfire risk.

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

### MINISTERIAL DIRECTION 1

Ministerial Direction No. 1 relates to potentially contaminated land. The site is zoned Industrial 3 and has a history of commercial and industrial use which may have caused contamination. While the land is currently entirely sealed, the soil condition largely unknown. It may or may not be significantly contaminated. It is proposed to apply an Environment Audit Overlay across the subject site, which will require a Certificate or Statement of Environmental Audit to be issued prior to a new sensitive use which includes a dwelling.

### MINISTERIAL DIRECTION 9

Minister's Direction No. 9 provides that in preparing an Amendment, a planning authority must have regard to the Metropolitan Planning Strategy (Plan Melbourne).

It is considered that the proposed amendment is consistent with Ministerial Direction 9 based on the following:

- Policy directions in Plan Melbourne relating to 'Delivering Jobs and Investment' and 'Housing Choice and Affordability' are relevant to the amendment. Plan Melbourne provides strong policy support for the amendment as it seeks to provide for the efficient use of employment land, housing accessibility and encourage an equitable distribution of employment opportunities across metropolitan Melbourne and promote improved urban design outcomes on the land.
- The amendment supports and implements several of the key objectives and does not compromise any aspects of Plan Melbourne.

### MINISTERIAL DIRECTION 11

Ministerial Direction 11 relates to the Strategic Assessment for Amendments, and this explanatory report is prepared in accordance with the assessment requirements.

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

The amendment is consistent with, and implements the State Planning Policy Framework, in the following ways:

- Clause 11 (Settlement) – *‘Planning is to anticipate and respond to the needs of existing and future communities through the provision for zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.’*

The amendment supports this objective by allowing residential activity to occur lawfully on land, whilst maintaining opportunities for the land to be used for commercial and industrial purposes permissible under the existing zoning of the land.

Clause 11 (Settlement) – *‘Facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.’*

This site is highly accessible to an array of services, activity centres and transport options. The exemption provides greater flexibility in respect to permissible uses of the land.

- Clause 17 (Economic Development) – *‘Encourage development which meet the communities’ needs for retail, entertainment office and other commercial services and provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of community facilities.’*

The amendment will continue to support the commercial and light industry activities currently permissible under the zone. Additionally, the amendment will permit home office activity, which supports small and start-up businesses.

- Clause 18 (Transport) – *‘Planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic property, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe’*

The co-location of residential and commercial uses within a highly accessible location supports this policy.

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

The Yarra Planning Scheme, Municipal Strategic Statement (MSS) establishes key issues and opportunities within the municipality to be addressed by planning strategies. The proposed dwellings will allow for the efficient use of land, are complementary to existing and approved uses for the site and will encourage additional employment opportunities on the site. These opportunities align with key objectives of the Local Planning Policy Framework. Specific instances where the amendment implements the local planning policy objectives are detailed below:

- The profile for Yarra identifies that the municipality is currently experiencing shift away from industrial activity to more business and service economy. Allowing residential activity to co-locate with commercial and light industry supports this shift.
- The amendment will support the complex land use mix characteristics identified within the municipality.
- Given the existing General Residential Zone 2 immediately to the south of the land, permitting residential activity to occur on the land will not compromise the viability of the CUB site in respect to buffer distances of Clause 52.10 of the Yarra Planning Scheme.
- The amendment will support opportunities for residential activity within a highly accessible location.

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

The Amendment makes proper use of the planning provisions. The proposed controls are to be used in a manner that is consistent with the objectives of the Victorian Planning Provisions (VPP).

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

It is not anticipated that any other relevant agency will be affected by the proposed amendment.

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

The amendment will not impact the requirements of the Transport Integration Act.

## **Resource and administrative costs**

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

The amendment may result in a minimal increase in the number of planning permit applications considered by Council. However, it is not expected that the amendment would result in any substantive on-going administrative costs to the Responsible Authority.

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

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

Yarra City Council  
Richmond Town Hall  
333 Bridge Road  
Richmond 3121

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

## ***Submissions***

Any person who may be affected by the Amendment can make a submission to Yarra City Council. Submissions must:

- Be made in writing, giving the submitter's name, address and, if practical, a phone number for contact during office hours.
- Set out the views on the proposed Amendment that the submitter wishes to put before Council and indicate what changes (if any) the submitter wishes to be made to the Amendment.
- State whether the person/s making the submission wishes to be heard if an independent panel is appointed to consider submissions.

Submissions must be received by Council on or before **Friday 24 March 2017**.

A submission must be sent to the following (either by mail or email):

[StrategicPlanning@yarracity.vic.gov.au](mailto:StrategicPlanning@yarracity.vic.gov.au)

Yarra City Council,

Strategic Planning  
PO Box 168  
Richmond 3121, Victoria

***Further information***

For information about the amendment, including the process for making a submission, please contact Yarra City Council, Peter Mollison, Senior Strategic Planner on 9205 5023 or at [peter.mollison@yarracity.vic.gov.au](mailto:peter.mollison@yarracity.vic.gov.au).

**Panel hearing dates**

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

- directions hearing: in the week commencing 5 June, 2017
- panel hearing: in the week commencing 26 June, 2017