

MORELAND PLANNING SCHEME

AMENDMENT C134

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Moreland City Council who is the planning authority for the amendment.

The amendment has been made at the request of Moreland City Council.

Land affected by the amendment

The amendment relates to the Brunswick Activity Centre (BAC) and applies to the Sydney Road/Upfield Corridor, Lygon Street Local Area and Nicholson Street Local Area as identified in *Brunswick Structure Plan (BSP)*, *Brunswick Structure Plan Addendum* and *Sydney Road/Upfield Corridor Strategic Framework Plan*.

What the amendment does

The amendment seeks to implement the objectives and guidelines of BSP and Addendum, which details Council's long-term vision for the development of a prosperous and sustainable activity centre.

The amendment also seeks to implement the recommendations of the *Sydney Road/Upfield Corridor Strategic Framework Plan*, which further refines and updates the recommendations of the BSP and Addendum, specifically within the Sydney Road/Upfield Corridor. The framework seeks to ensure an appropriate built form, public realm and improved amenity outcome is achieved within the corridor, which has recently become a designated urban renewal area within *Plan Melbourne*.

The amendment seeks to:

- Amend the Local Planning Policy Framework (LPPF) to implement the above Council policies.
- Rezone land to facilitate urban renewal in accordance with relevant Council policies.
- Apply more logical zone provisions to land where the existing zone is not consistent with the existing land use.
- Apply built form controls via the application of the:
 - Design and Development Overlay 18 - Sydney Road/Upfield Corridor (DDO18).
 - Design and Development Overlay 19 - Lygon Street Local Area (DDO19).
 - Design and Development Overlay 20 - Nicholson Street Local Area (DDO20).
- Apply the Environmental Audit Overlay (EAO) to sites within the activity centre identified as potentially contaminated land.
- Delete redundant Design and Development Overlays and Development Plan Overlays no longer required as a result of the proposed new DDOs 18, 19 and 20.

Rezoning

The amendment proposes to rezone the following properties.

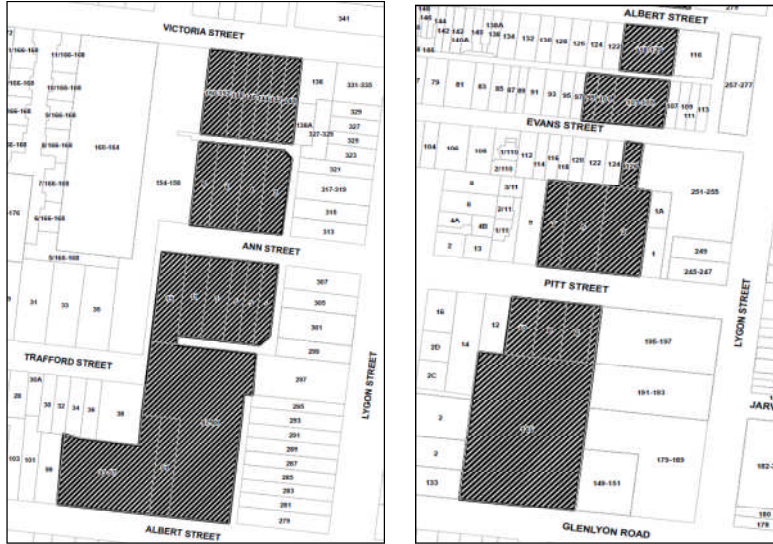
Industrial 1 Zone to the Commercial 1 Zone



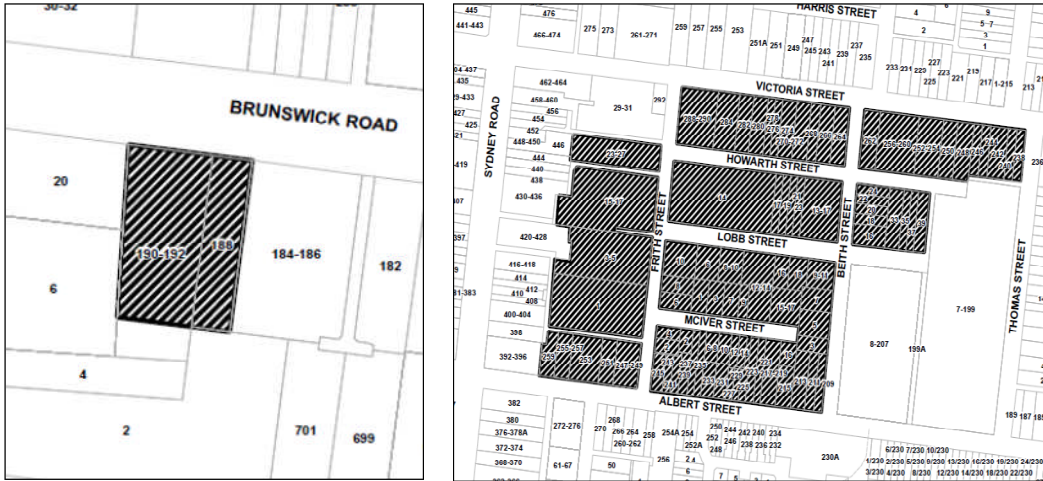
Industrial 3 Zone to the Commercial 1 Zone



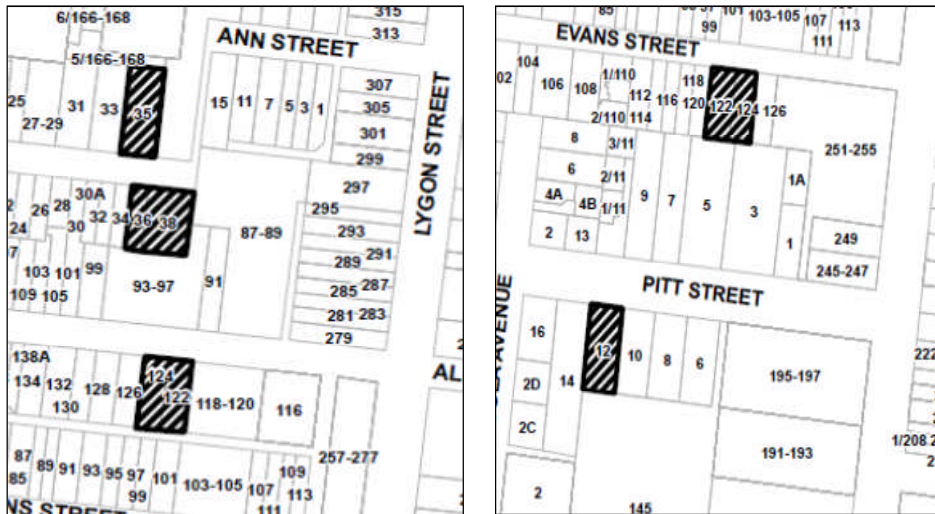
Industrial 3 Zone to the Commercial 2 Zone



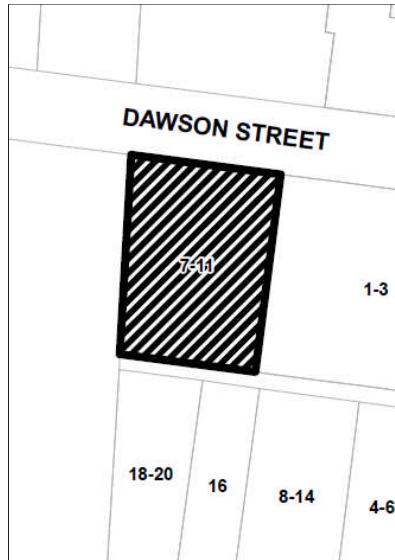
Industrial 3 Zone to the Mixed Use Zone



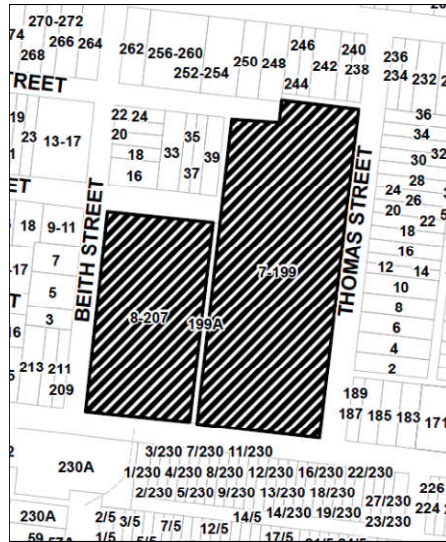
Industrial 3 Zone to the General Residential Zone



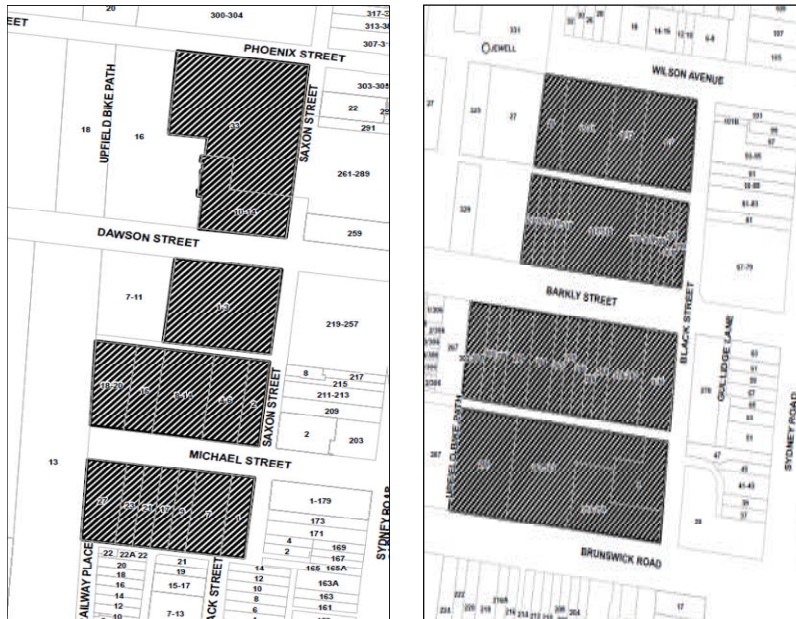
Industrial 3 Zone to Mixed Use Zone



Commercial 1 Zone to the Mixed Use Zone



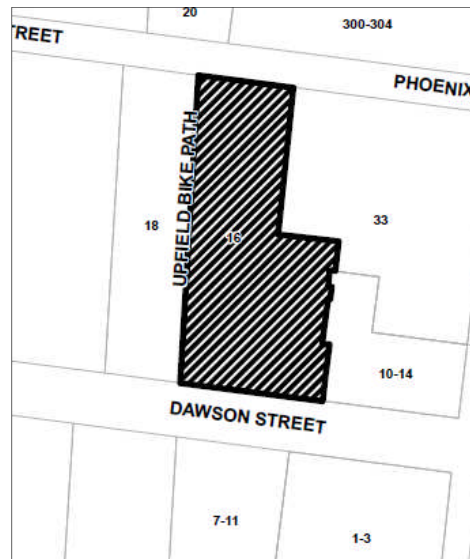
Commercial 2 Zone to the Commercial 1 Zone.



Commercial 2 Zone to the Mixed Use Zone



Commercial 2 Zone to the Public Use Zone



Strategic assessment of the amendment

Plan Melbourne and previous metropolitan planning strategies have established Brunswick as an important activity centre within the context of inner metropolitan Melbourne. *Plan Melbourne* seeks to enable 20-minute neighbourhoods by providing access to a wide range of goods and services in centres that are planned and coordinated by local governments.

Plan Melbourne also identifies focus areas for accommodating population and employment growth, with Jewell Station and the Brunswick to Batman corridor identified as the only urban renewal areas within the City of Moreland.

Moreland City Council has prepared and subsequently adopted the BSP in August 2010. An addendum to the BSP was adopted by Council in June 2012. Moreland City Council has also recently prepared the *Sydney Road/Upfield Corridor Strategic Framework Plan* in September 2014, which provides further recommendations in relation to achieve improved built form, public realm and amenity outcomes for the Sydney Road/Upfield corridor.

Amendment C134 is now required to implement the recommendations of the BSP, Addendum and *Sydney Road/Upfield Corridor Strategic Framework Plan* on a permanent basis.

Local Planning Policy Framework

Changes proposed to Council's LPPF are required to implement the vision articulated in the BSP for the BAC. Changes are also proposed to ensure that appropriate references to the relevant Council policies relating to the BAC are included in the Municipal Strategic Statement (MSS).

In particular, the MSS will be amended to recognise the identification of Jewell Station and the Brunswick to Batman Corridor as opportunities for urban renewal within *Plan Melbourne* and will play an important role in accommodating future population and employment growth. Provisions have also been included to ensure the BAC contributes to the availability of affordable housing within the municipality.

Deletion of Local Planning Policies

The Amendment proposes to remove two local planning policies which have become redundant:

- *Clause 22.04 – Lygon Street Precincts and*
- *Clause 22.05 – Developments within the Upfield Corridor*

Both clauses have been superseded by the adoption of the *Brunswick Structure Plan and Addendum* and the *Sydney Road/Upfield Corridor Strategic Framework Plan*, and their implementation through changes to the MSS.

Rezoning

The amendment proposes to rezone industrial precincts shown above in accordance with the *Moreland Industrial Land Use Strategy (MILUS)*.

MILUS Category C (Multi Use Employment) properties are proposed to be rezoned to the Commercial 1 Zone (C1Z). This will allow for a gradual change in land use patterns to more retail, commercial and office based uses, with a focus on employment generation. Above ground level, office-based and residential uses will be encouraged. This will also assist in generating new employment and off-set the loss of traditional manufacturing jobs. The exception to this is the land located at 180 and 190-192 Brunswick Road, Brunswick, which will be rezoned to the MUZ consistent with its more predominate residential and conversely less commercial surrounding context.

MILUS Category D (Multi Use Residential) properties are proposed to be rezoned to the Mixed Use Zone (MUZ). This will allow for a gradual change in land use patterns to more residential and allow some commercial uses which complement the mixed-use function of the locality.

Commercial 2 Zone (C2Z) land located between the Upfield rail line and the rear boundary of buildings that front onto the western side of Sydney Road is also proposed to be rezoned to the C1Z. This is to allow for the significant level of population growth anticipated in *Plan Melbourne*, while still allowing commercial activities to develop at ground level. This would not be possible under the existing C2Z as accommodation is currently prohibited.

The Brunswick Baths are proposed to be rezoned from the C2Z to the Public Use Zone 6 (PUZ6), which is a more appropriate zone consistent with its current existing use as a public facility.

Council owned land at 7-11 Dawson Street, Brunswick is proposed to be rezoned from the PUZ6 to the C1Z. This is to allow for the eventual redevelopment of the air rights above the site at a later date. It is anticipated that, the existing car parking provided on site will be maintained and remain in Council ownership. It is also anticipated that a large component of the development will include affordable housing, consistent with the inclusion of the affordable housing requirements in the MSS as part of this amendment.

The proposed rezoning of land along Victoria Street, East Brunswick to the MUZ more accurately reflects the current residential use of these sites while still allowing for other uses (such as community services or home-based offices) to establish.

A small number of properties in Albert, Evans and Pitt Streets will also be rezoned to the GRZ consistent with their existing residential use and limited redevelopment potential for industrial or commercial uses.

The proposed rezoning of three properties at the eastern end of Trafford Street to the GRZ allows for a transition to residential uses. Trafford Street is a residential street with no direct access to Lygon Street and it is not considered appropriate to carry additional commercial traffic associated with any industrial uses under the current industrial zoning. Site visits indicate that these properties are currently vacant and a redevelopment for residential purposes would be more consistent with the character of Trafford Street.

Design and Development Overlays

Design and Development Overlay 18 – Sydney Road/Upfield Corridor (DDO18)

The amendment proposes the application of built form controls via DDO 18 (Sydney Road/Upfield Corridor). The DDO will provide guidance on the preferred built form, public realm and amenity outcomes for the corridor consistent with the *Sydney Road/Upfield Corridor Strategic Framework Plan*. The overlay will provide guidance on maximum building and street wall height, upper level setbacks and rear setbacks. The overlay will also ensure best practice environmental sustainable design is achieved by requiring new development to submit an Environmental Sustainable Design Management Plan.

Design and Development Overlay 19 – Lygon Street Local Area) DDO19

The amendment proposes the application of built form controls via DDO19 (Lygon Street Local Area). The DDO will provide guidance on the preferred built form, public realm and amenity outcomes for the corridor consistent with the BSP and Addendum. The overlay will also ensure best practice environmental sustainable design is achieved by requiring new development to submit an Environmental Sustainable Design Management Plan.

Design and Development Overlay 20 – Nicholson Street Local Area DDO20

The amendment proposes the application of built form controls via DDO19 (Nicholson Street Local Area). The DDO will provide guidance on the preferred built form, public realm and amenity outcomes for the corridor consistent with the BSP and Addendum. The overlay will also ensure best practice environmental sustainable design is achieved by requiring new development to submit an Environmental Sustainable Design Management Plan.

Environmental Audit Overlay

The amendment proposes the application of the EAO to selected properties in accordance with *Brunswick Activity Centre Environmental Audit Overlay Assessment (2011)*. Due to the industrial nature of past uses that occurred within the activity centre, the potential exists for some sites to be contaminated and not suitable for sensitive uses. The EAO will make certain that potentially contaminated land is remediated if necessary and deemed suitable for future intended sensitive land uses.

The amendment also proposes the deletion of DDOs 2, 8, 13 and DPO 2 as they are superseded by the newly proposed DDOs 18, 19 and 20.

Why is the amendment required?

Amendment C134 is required to implement the recommendations of the *Brunswick Structure Plan (2010)*, *Addendum to the BSP (June 2012)* and *Sydney Road/Upfield Corridor Strategic Framework Plan (2014)* on a permanent basis.

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

The amendment seeks to implement the following objectives set out at Section 4 of the Planning and Environment Act 1987:

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

The amendment gives effect to the policies and objectives set out for activity centres in *Plan Melbourne*. The BAC is identified in *Plan Melbourne* as an activity centre and a place likely to experience significant change over time as the population of Melbourne increases. The adopted BSP and Addendum provides the framework to manage this change in a manner that achieves environmentally sustainable development through a more compact urban form. The preparation of an amendment to the Moreland Planning Scheme to apply planning controls to guide the scale of development in the BAC facilitates economic and residential growth, while encouraging the enhancement of the public realm.

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

Environmental Effects

The amendment is expected to have positive environmental effects through the application of the EAO on sites with a history of potentially contaminating uses. The requirements of the EAO will ensure that any site contamination issues are addressed prior to the sites being developed and used for a sensitive use.

The proposed DDOs also require that any future development incorporate environmentally sustainable design measures and that an Environmental Sustainable Design Management Plan is prepared and submitted as part of a planning permit application.

Social and Economic Effects

The local policy and DDOs provide clear directions for preferred locations for investment and provide certainty to Council, the community and the development sector about the built form of development within the activity centre.

The amendment will have positive economic effects by ensuring that built form and design controls are implemented and in operation.

The controls are consistent with the need for the BAC to fulfil its role and function as a centre with a genuine mixture of housing, office and retail while maintaining the amenity of surrounding residential areas and meeting community expectation.

The proposed rezoning of industrial land responds to the decline in traditional manufacturing industries in Moreland and the strong presence of residential uses in these precincts. Growing pressures faced by increasing demand for residential land, limited availability of residential land in close proximity to the CBD, increasing land prices and greater potential for conflict between uses and traffic problems in residential streets has also contributed to the decline.

The development opportunities provided for by the rezoning will facilitate a range of employment generating activities that help to retain or create new local employment. Furthermore, the proposed zones will encourage the establishment of residential uses that take advantage of the broad range of community infrastructure, services and facilities within the BAC.

The amendment also includes a requirement to ensure that at least 20% of dwellings within developments of 15 or more dwellings are allocated as affordable housing within the MSS. Moreland City Council aspires to create a fair and socially equitable municipality and it is expected that this requirement will have positive social effect.

Does the amendment address relevant bushfire risk?

The proposed amendment does not affect any areas of identified bushfire risks and as such has no implications.

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

The Amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under Section 7(5) of the Act.

Ministerial Direction No 1 – Potentially Contaminated Land

The previous industrial use of some properties within the BAC meet the definition of potentially contaminated land defined in *Ministerial Direction No 1 – Potentially Contaminated Land*. As the proposed C1Z, MUZ would allow for sensitive uses either as-of-right or subject to a planning permit, an EAO will be applied to selected sites that have a history of potentially contaminating uses in *accordance* with *Ministerial Direction No 1*.

Ministerial Direction No 9 – Metropolitan Strategy

Direction No 9 requires that planning scheme amendments must have regard to *Plan Melbourne*. This amendment is considered to be consistent with the directions and policies of the Strategy. The amendment is considered to facilities the following within *Plan Melbourne*:

- *Delivering Jobs and Investment* – Create a city structure that drives productivity, supports investment through certainty and creates more jobs.

Key Directions – define a new city structure, plan for the expanded central city, plan for jobs closer to where people live, enable transit oriented development and urban renewal.

- *Housing Choice and Affordability* – Provide a diversity of housing in defined locations that cater for different households and are close to jobs and services.

Key Directions – plan for expected housing needs, reduce costs of living by increasing housing supply near services, and facilitate the supply of social and affordable housing.

- *Liveable Communities and Neighbourhoods* – Create healthy and active neighbourhoods and maintain Melbourne's identify as one of the world's most liveable cities.

Key Directions – Create a city of 20 minute neighbourhoods, protect suburbs from inappropriate development, and make our city greener.

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

The proposed amendment is consistent with the objectives of the State Planning Policy Framework (SPPF). In particular the proposed changes will assist in achieving objectives in relation to the following clauses:

Clause 11 – Settlement

This Clause aims at building ‘up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres’. This Clause also seeks to ‘encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community’.

The amendment contributes towards reinforcing the BAC as a focus for high-quality development, activity and services for the community, complementing the objectives and strategies of Clause 11.01 - Activity Centres, Clause 11.02 - Urban Growth, Clause 11.03 - Open Space and Clause 11.04 - Metropolitan Melbourne.

Clause 13 – Environmental Risks

This Clause seeks to ensure that planning provides best practice environmental management approaches. The application of the EAO to sites with a history of industrial use and potential for contamination is consistent with the objectives of Clause 13.03 - Soil Degradation.

Clause 15 – Built Environment and Heritage

This Clause seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. The proposed DDO18, DDO19 and DDO20 implement the built form guidelines of the adopted BSP and endorsed Sydney Road/Upfield Corridor Strategic Framework providing place-specific urban design objectives and guidelines to direct future development within the activity centre in accordance with the provisions of this Clause.

Clause 16 - Housing

This Clause encourages new housing to be located in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. The amendment achieves this by rezoning properties in close proximity to existing retail and public services while also being in close proximity to various forms of public transport.

Clause 18 – Transport

The amendment facilitates more efficient use of existing transport infrastructure by designating areas directly adjacent to existing train and tram corridors for increased development.

The amendment affects an established urban environment with all necessary services and infrastructure in place. Future planning permit applications may require consideration of development impacts on local infrastructure capacity and requirements relevant at the time, particularly as they relate to Clause 19.02 - Community Infrastructure and Clause 19.03-1 - Development Contribution Plans.

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

Clause 21.04 – Moreland’s Vision

The vision for the City of Moreland (Clause 21.04) identifies the role activity centres like the BAC play in creating a sustainable city. The objective of the clauses is to support increased development; housing intensity and commercial development within designated areas that have access to existing services and infrastructure. The amendment will facilitate the integration of multi functional uses supported by good public transport links and provide for a range of local services and jobs.

Clause 21.04-2 - Focus Areas for Change

This Clause articulates Council's commitment to facilitate the use of underutilised industrial land for other new employment activities. It identifies activity centres within the City of Moreland on the basis that they have good public transport links and a mixture of residential development, employment and open space.

An increase in commercial and mixed-use development as proposed through the BSP will support the function of the BAC, which in turn will provide a readily accessible range of facilities to service new and existing residents.

Clause 21.05-1 - Housing

This Clause includes objectives and strategies that seek to encourage higher density development in appropriate locations to achieve environmental sustainability, ensure new development provides a high quality internal amenity and makes a positive contribution to the preferred character of the neighbourhood.

The proposed amendment will assist in facilitating new development to occur within the BAC with excellent access to three major transport corridors along Sydney Road, Lygon Street and Nicholson Street. The amendment will provide opportunities for a combined residential and commercial development that will assist in meeting Council's vision for a liveable city.

Increasing population within activity centres and areas well served by multiple forms of transport and commercial activities is fundamental in fulfilling the purpose of urban consolidation and provision of housing.

Clause 21.05-2 - Industry and Commerce

This Clause links with the Moreland Industrial Land Use Strategy (MILUS) in establishing objectives and strategies that seek to support and encourage employment-generating uses in Moreland in suitable locations; facilitate the opportunity for people to be employed locally to reduce the environmental impacts of car journeys to work, and reduce and manage conflict at the interface between industrial and commercial uses and other more sensitive uses.

Specifically, the amendment seeks to rezone MILUS precincts within the Sydney Road /Upfield Corridor and Lygon Street Local Area.

It is proposed to rezone these precincts to a combination of the Commercial 1 Zone and Commercial 2 Zone to facilitate new uses that will generate employment through the provision of office space, community services and other commercial uses.

Clause 21.05-5 - Urban Design, Urban Character and Street Landscapes

The policy objectives contained in this Clause seek to ensure good quality urban design outcomes; ensure that development contributes to local identity, sense of place and a sense of safety; ensure building form responds to its context; as well as, improve the synergy between private and public spaces to enliven street life and promote social interaction.

The proposed DDO18, DDO19 and DDO20 will contribute to the effective implementation of these objectives by addressing a range of issues in relation to building design and public realm improvements.

Clause 22.03 - Industry and Employment

The proposed rezoning seeks to achieve the objectives and strategies of the MILUS based on further detailed land use analysis undertaken by SGS Planning and Economics. MILUS provides clear direction for the long term planning, zoning and development of industrial zoned land in Moreland.

The proposed rezoning is appropriate to achieve the objectives of the MILUS as it relates to the various categories of the precinct and the desire to encourage a mix of employment generating uses including home based businesses in conjunction with new residential development. Existing viable industrial uses within the precinct will be able to continue under

the existing use rights provisions of the Moreland Planning Scheme (Clause 63).

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

The amendment makes suitable use of the Victoria Planning Provisions (VPP) through the selection of appropriate tools to achieve guidance for future land use and development outcomes for the precinct.

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

The preparation of the BSP included extensive public consultation. In finalising and adopting the BSP, Council considered views of the community, relevant stakeholders, Council Officers and State Government departments including the Department of Transport Planning and Local Infrastructure (DTPLI).

Further public consultation will be undertaken as part of the introduction of permanent planning controls for the BAC (Amendment C134) and as part of the exhibition process the amendment will be referred to any relevant agencies for their consideration.

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

The intent of the amendment broadly aligns with the objectives and decision principles outlined in Section 3 of the Act. The amendment aims to encourage land uses and developments that minimise dependence on car use and facilitate sustainable transport options within the Activity Centre.

The proposed amendment has the potential to facilitate significant residential and commercial development within the Sydney Road, Lygon Street and Nicholson Street Local Areas with excellent access to the existing train, tram and road network. This will provide convenient access to the transport network, and contribute to social and economic inclusion, and economic prosperity.

Resource and administrative costs

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

The amendment is expected to have a positive impact. The interim controls have expired resulting in a policy vacuum. This gap in Council's policy framework will result in greater uncertainty within the community and development sector and is likely to increase the number of applications being contested at VCAT. The extension sought would therefore reduce lengthy timeframes in negotiating outcomes with developers and the community. The amendment will therefore have a positive impact on the resource and administrative cost of the responsible authority.

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:

- A Directions Hearing to consider preliminary matters relating to the amendment has been scheduled for 10am Monday 15 December 2014:

Planning Panels Victoria,

Hearing Room 2, Ground Floor,

1 Spring Street, Melbourne

- Panel Hearing to consider the amendment and all submissions is tentatively scheduled to commence on **23 February 2015**.

Further details regarding the full Panel Hearing will be provided by PPV post the Directions Hearing.

Where you may inspect this Amendment

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

- **Coburg Citizen Services Centre**, Moreland City Council, 90 Bell Street, Coburg.
- **Brunswick Citizen Services Centre**, Moreland City Council, 233 Sydney Road, Brunswick.

In addition, amendment documentation and information can be viewed online at:

- **Moreland City Council** website at www.moreland.vic.gov.au.
- **Department of Transport, Planning and Local Infrastructure** website at www.dtpli.vic.gov.au/publicinspection

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by **Monday 24 November 2014**.

A submission must be sent to:

Moreland City Council
Strategic Planning Unit
Submission to Amendment C134
Locked Bag 10
MORELAND VIC 3058

Please be aware that all submissions to amendments are public documents that must be made available for viewing by any person as part of the planning process.

For further information, please contact Moreland City Council's Strategic Planning Unit on (03) 9240 1175.