

**DCF18/20 AMENDMENT C180 - PROPOSED REZONING OF 430-436
VICTORIA STREET AND 7 GARDINER STREET, BRUNSWICK
- DECISION GATEWAY 1: AUTHORISATION AND EXHIBITION
(D20/94580)**

Director City Futures

City Strategy and Design

Executive Summary

The Moreland Industrial Land Strategy 2015-2030 (MILS) guides planning decisions about the future supply of Moreland's Industrial land to ensure positive long-term growth and investment certainty.

Council received a request for a Planning Scheme Amendment to rezone land at 430 – 436 Victoria Street and 7 Gardiner Street, Brunswick ('the Site'). The Site is located within the Brunswick Core Industry and Employment Precinct (Category 1 Core Industrial and Employment Area in the MILS) and is included in the Industrial 1 Zone (IN1Z). Consistent with the MILS, the amendment seeks to facilitate a broader range of employment generating uses whilst prohibiting residential uses by:

- Rezoning 430-436 Victoria Street and 7 Gardiner Street Brunswick, from Industrial 1 Zone to a Commercial 2 Zone;
- Applying a Design and Development Overlay 28 to restrict the height of any future buildings on the site and protect the amenity of Clifton Park;
- Applying an Environmental Audit Overlay to require a contamination assessment of the land (environmental audit) to ensure that the environmental conditions of land are appropriate where a sensitive use is proposed to operate on the site.

The amendment sought will provide an attractive avenue for investment at this location to facilitate a broader range of employment generating uses, including new and emerging industries identified for the Brunswick Design District whilst supporting the continued operation of existing industry. Residential uses will be prohibited.

Officer Recommendation

That Council:

1. Using its powers as a Planning Authority under sections 8A and 8B of the *Planning and Environment Act 1987*, seeks authorisation from the Minister for Planning to prepare Moreland Planning Scheme Amendment C180 as shown in Attachment 1 and Attachment 2 to this report.
2. Following receipt of the Minister's authorisation, exhibits Amendment C180 in accordance with Section 19 of the *Planning and Environment Act 1987* and as outlined in the Consultation section of this report.
3. Authorises the Director City Futures to make changes to the Amendment C180 based on conditions imposed in any authorisation granted by the Minister for Planning and to make any grammatical changes and correct any errors in the relevant documents.

1. Policy Context

The Council Plan 2017-2021, contains strategic initiatives to:

- Enhance liveability, affordability and sustainability by guiding growth, and excellence in urban design and development.
- Support the local economy and trading environments to enhance economic activity and promote local jobs.

Council Action Plan item 24 seeks to facilitate these initiatives by implementing the Moreland Industrial Land Strategy 2015-2030 (MILS) through land owner initiated amendments.

Planning Policy Framework

The State Planning Policy Framework at Clause 17 - Economic Development of the Moreland Planning Scheme seeks *“to provide for a strong and innovative economy, where all sectors are critical to economic prosperity”* through fostering *‘economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.’*

Municipal Strategic Statement

The Moreland Municipal Strategic Statement (MSS) in the Moreland Planning Scheme identifies three large concentrations of industrial zoned land in Brunswick, North Coburg and Newlands, as Core Industry and Employment Areas (Category 1) as outlined in the MILS. These industrial precincts have been identified for long term retention in zones that facilitate industry and employment uses and prohibit new residential uses. They are relatively unconstrained by residential or other sensitive uses and are intended to remain as priority areas for long term investment in industrial and other compatible businesses.

A key objective in the MSS for these Core Industry and Employment Areas is *‘to reinforce and enhance Core Industry and Employment Areas as places for industry and complementary employment use’*.

Moreland Industrial Land Strategy 2015-2030

The MILS guides planning decisions about the future of Moreland’s Industrial land and informs Council’s Moreland Economic Development Strategy 2016-2020 to provide long term investment certainty for the business community. The MILS categorises all industrial land into one of three strategic categories as follows:

- Category 1: Core Industrial and Employment Areas - maintain land for industry and other employment uses;
- Category 2: support a transition to a broader range of employment uses and seek to prioritise employment uses over residential uses; or
- Category 3: support change in some areas to facilitate quality residential development that contributes to housing supply

The MILS provides a clear framework for land rezoning and identifies when rezoning should occur. *Section 6 - Planning Scheme Recommendations* of the MILS states that:

Such amendment requests will be assessed against the relevant MILS category, any other relevant strategic directions for the site or precinct expressed in the MSS, and the site or precinct context.

This proposed amendment is consistent with the strategic intent of MILS and the framework plan that identifies the site within Category 1: Core Industry and Employment Area. The framework plan outlines that the Commercial 2 Zone is an applicable zone within Category 1 MILS areas and is appropriate to achieve the following key strategy for these areas:

Support the transition to a broader range of employment generating uses in Core Industry and Employment Areas, including a mix of industry and office based uses and other compatible employment uses, as permitted within the relevant zone.

Creative State Strategy 2016-2020

The State Government's Creative State Strategy 2016-2020 aims to address major challenges to the sustainability and growth of creative industries in Victoria through growing Victoria's creative and cultural economy, boosting local creative enterprises, create new jobs and employment opportunities, and bring social and cultural benefits to Victorians. This strategy and its actions are supported by Plan Melbourne policy 4.2.2:

- Support the growth and development of Melbourne's cultural precincts and creative industries.

The Brunswick Design District, a collaborative project between Moreland Council, RMIT University and government body Creative Victoria, aims to realise a number of key objectives and strategies within Creative State Strategy 2016-2020, including:

- strengthening the creative industries ecosystem;
- supporting design businesses;
- broadening the impact of design;
- supporting the establishment of spaces for creative enterprises and collaboration

A Memorandum of Understanding (MOU) between Moreland Council, RMIT University and Creative Victoria sets out the intent and purpose between these parties to develop a shared vision and collaboration over the long term to achieve an integrated approach to the development of the Brunswick Design District.

2. Background

The Site and Surrounds

The site at 430-436 Victoria Street and 7 Gardiner Street, Brunswick (the Site) comprises several titles within single ownership. The site is approximately 6,000 square metres in size and located within MILS precinct 64 as shown in the maps at **Attachment 1**. The Site is currently occupied by Oceania Universal Paving Pty Ltd, a medium to large concrete contractor who provide form-working for developments across the metropolitan area. The Site is the businesses base and is predominantly used for the office administration and storage of materials. The Site is located within a large concentration of Category 1 Industrial Zoned land in Brunswick and is not affected by any overlays other than the Development Contributions Plan Overlay (which affects the entire municipality).

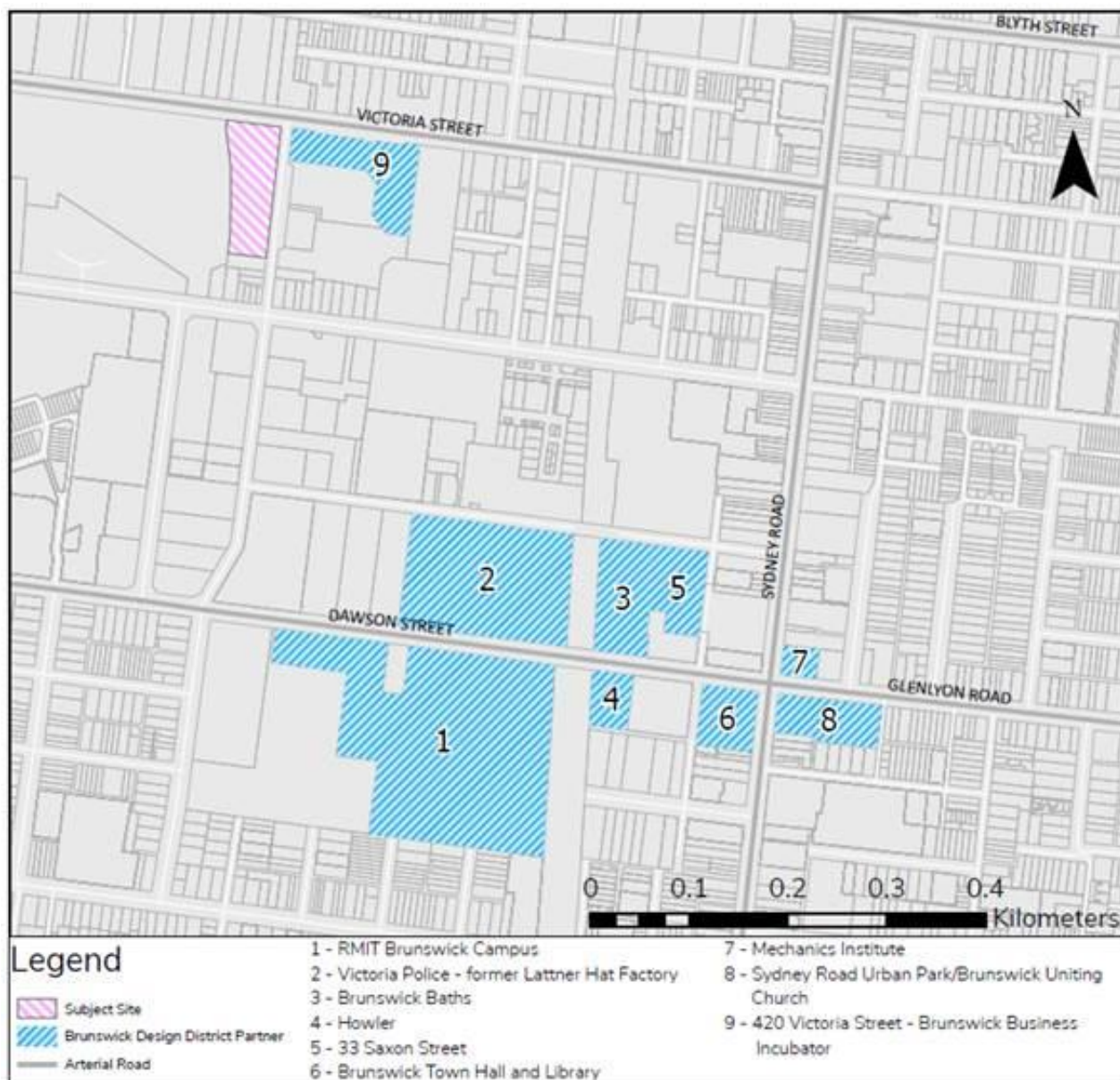
The site is bordered by industrial land to the north operating with a variety of uses, including retailers and manufactures servicing the construction industry.

Directly to the south is a motor repair business operating out of a large single storey brick warehouse built to its north, south and western boundary and which utilises the front setback for storage of car parts and other materials. Clifton Park, is located to the west. The Brunswick Business Incubator is located to the east, including a number of community organisations offering health and community services.

The Brunswick Design District

The Brunswick Design District (BDD) has no defined boundary but is centralised around a number of core sites in the heart of Brunswick. The Site is located adjacent to the Brunswick Business Incubator at 420 Victoria Street, a key focus and resource of the BDD.

Map of key sites of the Brunswick Design District in context of the Site



This BDD is intended to create long term value for the local community, Melbourne's north and Melbourne's economy by linking together land and buildings, shared infrastructure and local institutional strengths to encourage the growth of enterprise networks.

3. Issues

The Brunswick Core Industrial Area

The site to be rezoned is located within the Brunswick Core Industrial Area, and abuts industrial land to the north and south, Clifton Park (Public Park and Recreational Zone) directly to the west and Brunswick Business Incubator and Foundation House (Public Use Zone) to the east.

The MILS outlines that Moreland's core industrial areas are an important employment resource which support a broad range of different economic sectors, not limited to traditional industrial uses. The MILS framework plan specifies that a Commercial 2 Zone is an applicable zone to facilitate a broad range of employment generating uses for the long-term sustainability of Moreland's core industrial areas.

Amendment C180 proposes to rezone the land from Industrial 1 to Commercial 2 Zone as shown in the maps at **Attachment 1**. The Commercial 2 Zone will provide greater flexibility in the type of commercial uses permissible on the site whilst ensuring that residential development remains prohibited in this core industrial area, consistent with the MILS directions to support employment.

Supporting the Brunswick Design District

The Commercial 2 Zone permits a broader range of commercial uses 'as of right' including office, restricted retail, trade supplies, and some limited retail activity otherwise difficult to achieve in an Industrial 1 Zone.

The Commercial 2 Zone is expected to provide investment opportunities to support the BDD through its proximity to the Brunswick Business Incubator and a zoning that facilitates a broader range of commercial uses.

In the Commercial 2 Zone, an Industry or Warehouse is a Section 1 'As of Right' Use, subject to conditions being met.

The Commercial 2 Zone also allows a permit to be sought for a primary school use, and other sensitive uses such as a child care centre and pre-school centre currently prohibited within an Industrial 1 Zone, as shown in **Attachment 2**.

Built form outcomes

A Design and Development Overlay Schedule 29 (DDO29) is proposed to apply to the site as shown in **Attachment 2**. A DDO was considered necessary as there are no restrictions on height under the Commercial 2 Zone DDO29 is also proposed to provide built form guidance for the scale and interface treatment to the adjoining parkland setting.

DDO29 strikes a balance between allowing flexibility that will encourage an appropriate commercial development whilst providing design principles to guide appropriate development on the site, by directing:

- A high quality interface to Clifton Park and improved park surveillance;
- New buildings (including height, setbacks, mass and bulk) to limit overshadowing and visual impacts to Clifton Park;
- A high quality landscape design that visually integrates the development into the parkland context;
- A building design that will not undermine the ongoing operation of uses in the Industrial 1 Zone.

The Site's surrounding context has informed the design principles included in DDO29 such as:

- The built form at 460 Victoria Street Brunswick, guided by DDO6 that applies to land that abuts the western side of Clifton Park. This former industrial site includes multiple residential buildings of four to five storeys that front Victoria Street and Clifton Park, and a three storey form adjacent to the low scale residential to the site's west. As per DDO6, buildings are setback partly from the Clifton Park interface and landscaping is used to integrate the development with Clifton Park;
- The built form at 420 Victoria Street Brunswick, located to the east of the subject site. This site includes a building that has an approximate four storey scale;

- The design framework in DDO26 that applies to 395-429 Albert Street Brunswick, land abutting the southern and western side of Clifton Park. DDO26 outlines that development fronting Clifton Park should not exceed four storeys and eight storey's overall and include a landscaped setback to Clifton Park to integrate the park into the parkland setting;
- Industrial and public land zoning surround the site, separating the site from any residentially zoned land.

DDO29 seeks to maintain a consistent scale presenting to the park by directing a four storey form at the park interface. It also allows an additional storey up to five where the design response demonstrates that upper levels do not generate any unreasonable shadow impacts to the park and are visually recessive when viewed from within the park. DDO29 provides for the use of landscaping within side setbacks and along the Victoria Street frontage to help integrate new buildings within the parkland setting.

There is however no consistency to the overall maximum height on the sites surrounding Clifton Park. This is due to each site being unique in shape and size, and which have differing interfaces that influence the scale of buildings achievable. DDO29 proposes a five storey overall height. This height is three storeys lower than that directed at 395-429 Albert Street Brunswick, as the subject site is smaller and narrower and therefore could not achieve a visually recessive building to protect the parkland setting at an eight storey height. A maximum height of five storeys is comparable to the height of land at 460 Victoria Street Brunswick.

Potentially contaminated land

Potentially contaminated land is defined in *Ministerial Direction No. 1 – Potentially Contaminated Land* as land used or known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel (if not ancillary to another use of land). This also includes land that may have been contaminated by other means such as by ancillary activities, including contamination from surrounding land, fill using contaminated soil or agricultural uses.

A desktop assessment of existing and historical uses at 430-436 Victoria Street and 7 Gardiner Street, Brunswick indicates that the site has high potential for contamination as defined in the Ministerial Direction and *Planning Practice Note 30 – Potentially Contaminated Land*.

The proposed zone will allow a permit application for a new sensitive use, a primary school, and other sensitive uses such as a child care centre and pre-school centre. To ensure that the environmental conditions of the land are appropriate for any sensitive use to operate on the site, an Environmental Audit Overlay (EAO) is proposed to be applied to the site. The EAO will require an environmental audit to be conducted where a sensitive use or the construction of a building associated with a sensitive use is proposed on the land. Conversely, commercial and industrial development that is intended for the site would not trigger any contamination assessment with an EAO applied to the land as these are not defined as sensitive uses.

Net community benefit of the rezoning

Employment generation

A Commercial 2 Zone will encourage investment in the site for a broader range of commercial uses and the creation of jobs to strengthen the existing industrial precinct and the developing BDD.

Public Realm Improvements and pedestrian link

The site currently offers no meaningful connection with the public realm with an industrial building fronting Victoria Street that includes an expanse of blank wall and minimal activation, and high impervious fencing running along the Clifton Park interface and Gardiner Street frontage. Through the application of DDO29, future development will improve the connections with the public realm with activation along each public interface. New buildings will be directed to be innovative in design, including a prominent feature at the Victoria Street and Gardiner Street corner, environmentally sustainable design elements, and improved public connections would be offered with Clifton Park through activation and landscaping along the park interface and the opportunity for a pedestrian link from Gardiner Street.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities. The rezoning and DDO29 requirements related to this amendment do not limit or interfere with any Human Rights, in particular 'Section 20' – property rights. The amendment, if authorised, will go through a statutory process that includes public exhibition and consideration of submissions.

4. Consultation

DDO29 was developed in consultation with Council's Strategic Planners, Urban Designers, Urban Planners, Transport Engineers and the applicant to determine appropriate design principles, height and scale of new built form, connectivity for new development, and to ensure the legibility and useability of the overlay.

The proposed amendment was presented to Councillors at a briefing on the 23 April 2019. The Department of Environment, Land, Water and Planning has also been consulted on the proposed amendment.

Upon authorisation from the Minister for Planning, the amendment will be exhibited in accordance with the requirements of section 19 of the *Planning and Environment Act 1987*. There will be a one-month exhibition period, commencing with the publication of notice of the amendment in the *Victorian Government Gazette* and the local newspaper circulating the area. Letters of notice will be sent to prescribed Ministers, relevant public authorities, and owners and occupiers of land affected by the amendment, including properties directly adjoining the subject site.

Strategic Planning officers will be available during the public exhibition process to provide advice to individuals.

Council Officers will seek an extension of time to postpone exhibition of the amendment, if authorisation is received immediately prior to the Council caretaker period.

All submissions will be considered as part of the consideration of Amendment C180 by Council and any independent Panel appointed to consider submissions to Amendment C180.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

The proponent will meet statutory fees and costs associated with the amendment. This includes all costs to exhibit and administer the amendment and costs resulting in the matter being considered by a Planning Panel appointed by the Minister.

Administrative costs associated with facilitating the amendment and Officer resourcing will be met by the Strategic Planning Unit, Planning Scheme Amendments operating budget.

7. Implementation

A Planning Scheme Amendment process includes the following stages:

- Seek authorisation to prepare Amendment C180 from the Minister for Planning;
- Following authorisation, exhibit the amendment in accordance with section 19 of the *Planning and Environment Act 1987*.

A timeline of Council decisions for the Planning Scheme Amendment process are broken down into key 'decision gateways'. The timeline is approximate and subject to Ministerial timelines and Planning Panels Victoria reporting.

- Decision Gateway 1: Authorisation and exhibition (this report);
- Decision Gateway 2: Consider submissions and request a Panel (February 2021);
- Decision Gateway 3: Panel Report review and approval request (July 2021).

Attachment/s

1	C180 - Zone and Overlay Maps	D19/119580
2	C180 - Proposed Design and Development Overlay Schedule 29 (DDO29) and Commercial 2 Zone Provisions	D19/110329