

## **MORELAND PLANNING SCHEME**

### **AMENDMENT C180**

#### **EXPLANATORY REPORT**

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

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

The Amendment has been made by G2 Urban Planning at the request of Oceania Universal Paving P/L.

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

The Amendment applies to 430-436 Victoria Street and 7 Gardiner Street, Brunswick.



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

The Amendment proposes to rezone 430-436 Victoria Street and 7 Gardiner Street, Brunswick from an Industrial 1 Zone to a Commercial 2 Zone, apply a Design and Development Overlay - Schedule 29 and Environment Audit Overlay to the land.

## Strategic assessment of the Amendment

### Why is the Amendment required?

The amendment is required to facilitate mixed commercial development further to what is permitted within an Industrial 1 Zone.

This amendment is consistent with the strategic intent of the Moreland Industrial Land Strategy (MILS) and the framework plan that identifies the land within a 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.

The Amendment will provide greater flexibility in the type of commercial uses permissible on the land whilst retaining the capacity for industrial uses and ensuring that residential development remains prohibited in this core industrial area. This is consistent with the MILS which outlines Moreland's core industrial areas are an important employment resource which support a broad range of different economic sectors, not just traditional industrial uses.

The Commercial 2 Zone is expected to provide investment opportunities to support the Brunswick Design District through its proximity to 420 Victoria (formerly known as Brunswick Business Incubator) and a zoning that facilitates a broader range of commercial uses. The Amendment will also allow permits to be sought for primary school use and other sensitive uses such as child care centre and pre-school currently prohibited within an Industrial zone.

*Ministerial Direction No. 1 – Potentially Contaminated Land (Direction No. 1)* requires planning authorities to satisfy themselves that the environmental conditions of land proposed to be used for a sensitive use (defined as residential, child-care centre, pre-school centre or primary school), agriculture or public open space are or will be suitable for that use.

To ensure that the environmental conditions of the land are appropriate for any sensitive use to operate, an Environmental Audit Overlay (EAO) is proposed to be applied to the land. 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. Consequently, a commercial and industrial development that is intended for the site would not trigger any contamination assessment with an EAO applied to the land.

Built form guidance is proposed for the land with the application of a Design and Development Overlay - Schedule 29. The overlay strikes a balance between allowing flexibility that will encourage appropriate commercial development whilst providing design principles to guide appropriate development on the land 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.

### 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; and*
- *1g) - to balance the present and future interests of all Victorians.*

The Amendment responds to the direction of MILS to facilitate a broader range of employment generating uses in one of Moreland Council's Core Industrial and Employment Areas.

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

The amendment is expected to have positive environmental effects through the application of the EAO as the land has a potential history of contaminating uses. The requirements of the EAO will ensure that any site contamination issues are addressed prior to future use or development of the land for a sensitive use.

Environmentally sustainable design measures would be prepared and submitted as part of a planning permit application for a sensitive use.

Local policy within the Moreland Planning Scheme and MILS provide clear directions for long term investment certainty for the business community and to reduce speculation on industrial land in the context of significant development pressure in some parts of Moreland for residential uses.

The Commercial 2 Zone is consistent with the strategic direction of MILS to support a broader range of employment generating uses in Moreland's Category 1 Areas (Core Industry and Employment Areas) to strengthen the commercial and industrial sectors within Moreland.

The rezoning responds to the decline in traditional manufacturing industries and responds to emerging creative industries and projected increase in office floorspace.

The rezoning will encourage the establishment of employment uses that take advantage of proximity to various fixed rail transport options and the Brunswick Activity Centre 350m to the east. The rezoning will also provide opportunity for uses to contribute to the Brunswick Design District.

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

The land is not subject to bushfire risk or a Bushfire Management Overlay, and the amendment is unlikely to result in any significant increase to the risk to life, property, community, infrastructure or the natural environment from bushfire.

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

#### Ministerial Direction – The Form and Content of Planning Schemes pursuant to Section 7(5) of The Act and Ministerial Direction No. 11 – Strategic Assessment of Amendments

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act and Ministerial Direction No. 11 – Strategic Assessment of Amendments. A Strategic assessment of the proposed amendment has been undertaken in accordance with this Ministerial Direction in this explanatory report.

#### Ministerial Direction No 1 – Potentially Contaminated Land

The proposed Commercial 2 Zone would allow for sensitive uses subject to a planning permit, currently prohibited in the Industrial 1 Zone. In response to and in line with Ministerial Direction No 1, an EAO is proposed to be applied to the land to identify the high potential for contamination and defer further site assessment (Environmental Audit) at the time of any future sensitive use or associated development on the site. This will ensure no unnecessary burden is placed on the land owner where non-sensitive uses and associated development is proposed to occur.

#### Ministerial Direction No 9 – Metropolitan Strategy

Plan Melbourne 2017-2050, the Victorian State Government's overarching strategic policy for the growth of Melbourne, identifies under Outcome 1 that: Melbourne is a productive city that attracts investment, supports innovation and creates jobs.

Direction No 9 requires that planning scheme amendments must have regard to Plan Melbourne.

This amendment is considered to be consistent with the direction and policies of the Strategy, in particular:

- 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 close to where people live, enable transit-oriented development and urban renewal.

Ministerial Direction No. 19 – Preparation and content of Amendments that may significantly impact the Environment, Amenity and Human Health

Ministerial Direction No. 19 – Preparation and content of Amendments that may significantly impact the Environment, Amenity and Human Health requires planning authorities to seek the views of the Environment Protection Authority (EPA) in the preparation of planning scheme that could result in use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste. The views of the EPA were sought in April 2020 and recommended that the planning authority make an assessment to determine if the land is potentially contaminated and unlikely to be suitable for a sensitive use without more detailed assessment and remediation works or management.

The table below demonstrates that the current and historical uses of the land meets the definition of potentially contaminated land defined in *Ministerial Direction No 1 – Potentially Contaminated Land* and is classified as having high potential for contamination.

Current Land Use		Previous/Historical Land Use	Potential for Contamination
<b>430-436 Victoria Street Brunswick</b>	Industry – concrete structures and formwork	Metal recycler, including metal refining (25m constructed chimney stack detailed on rates notice)	High Potential
<b>7 Gardiner Street Brunswick</b>	Industry – concrete structures and formwork	Former dwelling – linked to metal recycler at 430-436 Victoria Street	High Potential

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

Clause 11 – Settlement

The amendment provides opportunities for intensification of commercial development in an established urban area with good access to public transport and services.

Clause 13 – Environmental Risks

The application of the EAO to the land with potential for contamination, addresses the objectives of Clause 13.03 - Soil Degradation.

Clause 15 Built Environment & Heritage

The Amendment will facilitate a quality urban design outcome that responds to the location and provides a sense of place.

Clause 17 Economic Development

The Amendment will enable a wide range of commercial activity and increased employment opportunities.

Clause 18 Transport

The Amendment promotes greater employment opportunities within walking distance of train and tram transportation.

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

The amendment is supported by the Municipal Strategic Statement (MSS) as it advises that industry is in transition, reflecting the changing nature of manufacturing and growth in the service economy and it aims to provide greater opportunities for Moreland residents to work locally to reduce travel times to work, reduce congestion and for the sustainability and health benefits of less car reliance.

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

This strategic consideration does not apply as the Moreland Planning Scheme does not yet have a Municipal Planning Strategy at Clause 02.

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

The amendment makes proper use of the Victoria Planning Provisions (VPP) through the selection of the:

- Commercial 2 Zone as the zone to facilitate mixed commercial development aligned with planning scheme policy objectives,
- Design and Development Overlay to provide built form guidance on the land adjacent open space, and
- Environmental Audit Overlay to defer environmental assessments to any planning permit sought for use or development of a sensitive use on the land.

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

The review of Moreland's previous industrial land strategy and the development of the MILS involved extensive public consultation including public exhibition during Amendment C158 to implement the MILS into the Planning Scheme. As part of this process, and the development of the MILS, the views of the Victorian Planning Authority (formerly the Metropolitan Planning Authority) and the Department of Land Water Environment and Planning were sought.

The views of the Environmental Protection Authority were also sought in accordance with the requirements of Ministerial Direction No. 19. The recommendation of the EPA has been met through the assessment of current and historical land uses on the land.

The views of the relevant agencies will be sought during the exhibition of the amendment. The Amendment is not expected to have to have an impact on any relevant authority. The Amendment does not revise any existing referral provisions.

**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 use that minimises dependence on car use and facilitates sustainable transport options proximate to Sydney Road, and various public transport routes.

**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 not expected to have a significant impact on administration and resources. A single planning application would be expected in the future, ensuring Council administration would be appropriately managed across the entire site.

## Where you may inspect this Amendment

The amendment can be inspected free of charge at the Moreland City Council website at <https://www.moreland.vic.gov.au/planning-building/planning-scheme-amendments/current-amendments/>

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

Hard copy of the Amendment can also be provided on request.

## 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 **23 April 2021**. A submission must or be sent to:

Amendment C180  
Strategic Planning Unit  
Moreland City Council  
Locked Bag 10  
MORELAND VIC 3058

Or via email [strategicplanning@moreland.vic.gov.au](mailto:strategicplanning@moreland.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: TBC – pre-set dates for week starting 12 July 2021
- panel hearing: TBC – pre-set date for week starting 16 August 2021

Further details regarding the full panel hearing will be provided by Planning Panels Victoria post the Directions Hearing.