

ATTACHMENT 4 - APPLICANT'S EXPERT REPORTS ACCOMPANYING AMENDMENT C 62 AND PLANNING APPLICATION (PL0/0681) PAGE 1 OF 3.

Accompanying the amendment request where a number of expert reports, a summary of the key findings of those reports follows:

Economic Assessment: MacroPlan Australia

- Demand for industrial land in inner Melbourne will continue to moderate in the future as new supply becomes available in the outer south and south-east areas with superior facilities and improved access to transport networks serving Melbourne.
- The Denton Hat Mills site offers poor access for industrial land uses with heavy trucks and roads that are not suitable for large trucks.
- The site is not close to potential employees (the number of blue collar workers in the City of Yarra has halved in the last 10 years).
- The subject site offers a unique residential development opportunity. The proposed development will generate significant demand for goods and serves in the immediate area eg nearby Victoria Street activity centre and the streetscape will be improved with the proposed residential redevelopment on the site.
- Residential use of the building is viable and will facilitate the ongoing conservation of a significant heritage building in Yarra.

Review of Sustainability of Industrial Re-Use Options – Allom Lovell and Associates May 2004

- The aesthetic and historic heritage values of the 19th century factory building complex constrain the extent of physical intervention possible and limit the potential for new construction.
- The buildings are characterised by their narrow building footprint to allow natural light and ventilation on two sides, and the interiors typically comprise a series of distinct spaces divided by load-bearing masonry cross walls, which should be retained, on heritage grounds. The required load capacity required for an industrial re-use of the buildings may be greater than the proposed residential conversion of the existing building and consequently strengthening or replacement of the floors would be required.
- The fragile nature of the historic fabric preclude the buildings form being readily adapted to warehouse, manufacturing and retail uses.
- An open-plan office is more compatible with the physical characteristics and heritage values of the buildings however, this is prohibited in the Industrial 3 Zone under the planning scheme.
- The economic return from an adaptation to warehouse, manufacturing, retail and office uses is unlikely to be feasible relevant to the required remedial and repair works required to restore the buildings.
- Most large scale historic industrial complexes in the inner city area are adapted principally for residential purposes.

Planning Report: Urbis JHD August 2004

- The proposal is consistent with the State Planning Policy Framework, resulting in a sustainable development, with net community benefits and consistent with Melbourne 2030 by providing higher land use densities near public transport and the mix of facilities in a major activity centre.

- The proposed residential development will assist in the conservation of a place of heritage and historic significance.
- The development, as designed, will contribute to the local urban character and enhance the nearby public realm, while minimising impact on adjoining properties.
- The proposed development will complement the Nicholson Street streetscape and will contribute to the desired character of the existing neighbourhood with high amenity for its future occupants.
- The proposal will contribute to the mix of housing stock in the city.
- The proposed development will be respectful of the prevailing historic character.
- The development will contribute to the long term viability of the nearby Major Activity Centre focused on Victoria Street.
- The proposed development meets the provisions of Clause 22.02- Development Guidelines for Heritage Places, generally meets the relevant provisions of ResCode, Clause 55 and the Guidelines Above Three Storeys, as proposed under Amendment C50 and adopted by Council.

ESD: First Rate Report

- A previous version of the proposed development has been assessed against *Sustainable Energy Victoria: Home Energy Rating Software (First Rate)*. This version of the redevelopment proposal differs slightly from the latest version in that a home office was deleted from the ground floor of 46 Nicholson Street and a larger dwelling is proposed. This change will not substantially affect the energy assessment.
- A *First Rate* Energy Assessment was undertaken for all dwellings with the aim of achieving an average 5 star energy rating for the proposal with a minimum of 3 stars.
- The dwellings proposed in the Denton Hat Mills building achieved ratings of between 4.5 stars and 6 stars, with the dwellings built directly on top of the car park slab scoring the lowest ratings.
- Dwellings in the new portion of the proposal, at the rear of the existing heritage building and abutting it to the south, scored between 1.5 and 6 stars.
- To achieve the 3 star rating dwellings on the first floor requires either insulation below the floor slab (in the car park) or improved glazing.
- Insulation can be provided to the underside of the slab above the car park to achieve an R 1.0 insulation capacity or,
- Improved glazing consists of window framing which is timber or thermally broken aluminium, double glazing, and Low E coating.
- Dwellings 120 and 319 require improved glazing to achieve a 3 star rating.
- Dwellings 121 to 123 and 125 to 131 and 133 to 136 require either insulation to R 1.0 as specified above or improved glazing.
- The two abovementioned requirements will form a condition on any planning permit to issue.

Traffic and Parking Assessment Report: GTA Consultants

- The Mollison Street/Nicholson Street and Mollison Street/Little Nicholson Street intersections operate satisfactorily during peak periods with acceptable queues and delays and a maximum Degree of Saturation (X) of approximately 0.6 (the ideal limit accepted in .90).
- A minimum of 90 spaces are available during the peak parking period within a 200 metre radius of the subject site at the peak time of 9.00pm on Friday. This corresponds to a peak occupancy rate of 77%/

- Along the streets closest to the subject site a minimum of 27 car spaces are available during the peak parking period at 3.00pm on Friday.
- The site is well served by public transport – train, bus and tram services.
- 120 secure car spaces are proposed for the development. A further 36 will be provided for the office use and café. All café visitor parking (10) and residential visitor parking (14 spaces) will be catered for on street. The surveyed on street vacancies in the surrounding area will adequately cater for the expected remaining development demands.
- There is adequate capacity in the nominated intersections which can be expected to operate with minimal delays and queuing following full development of the site.
- The traffic access way via Little Nicholson Street is considered satisfactory for the proposed development.
- The likely peak demand for car parking for the proposed development is 180 spaces. The proposed on site provision of 156 spaces is considered to be adequate. Peak residential visitor and café visitor parking, totalling 24 spaces, can be accommodated at all times within reasonable walking distance of the site.

(Certain traffic issues raised by Council's traffic engineer, in response to the report are discussed later in this report).

Environmental Site Analysis, Denton Hat Mills, Abbotsford

- Following the findings and the results of chemical analyses of the site to date, there does not appear to be any other significant environmental issues with regard to the environmental quality of the site that are not already known. The upper 0.5 metres of rubble/fill level would be classified as high level contaminated soil (mercury contamination) in accordance with EPA requirements.
- Contaminated concentrations in groundwater are not considered to impact on the proposed use of the site.
- The development of a remediation plan (RAP) is required specifically to address the following;
 - Removal of the identified underground storage tanks, water pits and sumps.
 - Removal of any contaminated soil associated with these underground structures.
 - Removal of mercury contaminated fill and rubble immediately beneath the concrete across the site.
 - Removal of soil fill and natural soils also contaminated with low levels of mercury.
 - Implement the RAP and prepare a validation report after remediation.



Planning and Environment Act 1987

**YARRA PLANNING SCHEME
AMENDMENT C62
PERMIT APPLICATION NO. PL04/0681**

EXPLANATORY REPORT

Who is the Planning Authority?

This amendment has been prepared by the Yarra City Council. Yarra City Council is the Planning Authority for this amendment.

Land affected by the Amendment.

The amendment applies to the land located at 46 – 60 Nicholson Street, Abbotsford. Number 46 is zoned a Residential 1 Zone and Number 48 – 60 is zoned an Industrial 3 Zone under the provisions of the Yarra Planning Scheme.

The site is made up of two separate titles. The site at 46 Nicholson Street is vacant and is included in Certificate of Title Vol 7512 Folio 075. The site at 48 –60 Nicholson Street is occupied by a vacant heritage building (Denton Hat Mills) and is included in Certificate of Title Vol 8600 and Folio 954.

The application for a planning permit accompanying the amendment applies to the whole site known as 46 – 60 Nicholson Street, Abbotsford.

The site at 48 – 60 Nicholson Street, Abbotsford has been issued with a permit from Heritage Victoria, Permit No. P7255, dated 24 March 2004. The permit allows the proposed redevelopment of the former hat factory complex, which is to be conserved and adapted for residential and commercial uses. Remaining buildings to the rear (east) and interior parts of the site are proposed to be demolished to accommodate the construction of new apartment buildings, and an apartment building is also proposed to be constructed on an adjacent vacant site (No. 46 Nicholson Street).

What the Amendment does.

The amendment seeks to alter the Yarra Planning Scheme to allow prohibited uses to be considered on the site at 48-60 Nicholson Street, Abbotsford by modifying the schedule to Clause 43.01 of the Yarra Planning Scheme at HO40. The amendment would remove the ‘no’ in the prohibited uses column and replace with “yes”.

The amendment also seeks to apply an Environmental Audit Overlay to the land.

The proposed amendment is accompanied by an application for a planning permit under Section 96A(1) of the *Planning and Environment Act 1987* which states that:

“a person who requests a planning authority to prepare an amendment to a planning scheme may also apply to the planning authority for a permit for which the planning scheme as amended by the proposed amendment would require a permit to be obtained.”

The planning permit application that accompanies the amendment relates to the land at 46-60 Nicholson Street, Abbotsford. The application is to allow the development of 114 apartments, seven office tenancies and one home office tenancy at ground floor level and a 50 seat café (not licensed). The development proposes car parking on site for 155 cars and 153 bicycle spaces and on site landscaping, including communal open space. It will include construction of a new building behind the heritage structure and on the vacant site at 46 Nicholson Street, and dispensation for car parking under Clause 52.06 of the Yarra Planning Scheme.

Why the Amendment is required.

The amendment is required because the existing building, which is identified on the Victorian Heritage Register, is currently in a dilapidated state. In order to ensure the long-term viability of this building and its ongoing protection in heritage terms, there is a need to allow scope for consideration of a wider range of uses on the site than currently allowed under the existing Industrial 3 Zoning. By modifying the schedule to the Heritage Overlay which applies to part of the site (48 – 60 Nicholson Street), the proposed planning permit application for residential uses and limited commercial uses, can be considered without rezoning the subject land.

The application of the Environmental Audit Overlay on part of the subject site ensures that appropriate works will be done prior to a sensitive use commencing on the site (such as residential).

The amendment would allow for the consideration of the active re-use of the building and for investment into initial and ongoing remediation/conservation works.

Impact of the Amendment.

Minister's Directions

The amendment is affected by Ministerial Direction No.1 – Potentially Contaminated Land as the site may be contaminated from the previous uses conducted on the site. An Environmental Audit Overlay is proposed to be applied to the site to ensure compliance with this Direction.

The amendment is also affected by Ministerial Direction No.9 – Metropolitan Strategy which applies to all planning schemes in metropolitan Melbourne. An assessment against this policy follows:

What aspects, if any, of the Metropolitan Strategy are relevant?

The aspects of the Metropolitan Strategy that are relevant to the amendment are Direction 1 ('a more compact city') and Direction 5 ('a great place to be').

How does the Metropolitan Strategy affect the amendment?

This amendment accords with the principles contained within the Metropolitan Strategy and will not be in contravention of any general policy directions.

Is the amendment consistent with any directions or policies in the Metropolitan Strategy?

- Policy 1.3 Locate a proportion of new housing in or close to Activity Centres and other strategic redevelopment sites that offer good access to services and transport.
- Policy 5.1 Promote good urban design to make the environment more liveable and attractive.
- Policy 5.2 Recognise the cultural identity, neighbourhood character and sense of place.
- Policy 5.4 Protect heritage places and values.
- Policy 5.5 Promote excellent neighbourhood design to create attractive, walkable and diverse communities.

Does the amendment support, give effect to or assist the implementation of the Metropolitan Strategy or can it reasonably be modified to do so?

The subject site is proximate and linked to the Victoria Street Major Activity Centre, and its future use will contribute to the ongoing viability of the centre. The amendment provides for the consideration of an increased variety of uses for the site, assisting in reuse of a currently underutilised building. The amendment assists in the implementation of the Metropolitan Strategy.

Will the amendment compromise the implementation of the Metropolitan Strategy?

The implementation of the Metropolitan Strategy will not be compromised by 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.

Environmental Effects

The amendment is not considered to result in any adverse environmental impacts. The amendment will have a positive impact as it facilitates the adaptive re-use of the existing heritage building.

Social and Economic Effects

The amendment will facilitate consideration of a wider range of uses and development on the site. This can contribute to the economic viability for the area by providing new uses close to Victoria Street shopping strip. The reuse of the building for residential uses will provide for a high level of natural surveillance of the surrounding street network, increasing the perception of safety in the immediate area.

Strategic and Policy Justification of the Amendment

The amendment is consistent with the key objectives of the State Planning Policy Framework, specifically in relation to Clause 13 (Principles of Land Use and Development Planning), Clause 14 (Settlement), Clause 15.11 (Heritage) and Clause 17 (Economic Development).

The amendment is consistent with Council's Municipal Strategic Statement and relevant Local Planning Policies. These documents set out Council's preferred strategic directions in relation to key influences and issues on land use, the strategic framework for further development and development guidelines for heritage places (Clauses 21.03, 21.04, 21.05-7, Element 7 Heritage) and Clause 22.02 (Development Guidelines for Heritage Places).

Supporting Documentation

The following documents are displayed as part of this amendment:

- The officer report to the Planning and Community Development Committee meeting of 7 December 2004.
- An Amendment report prepared by UrbisJHD and related documents.
- A planning application for the use and development of the subject site with associated car parking, accompanied by application plans.
- Heritage Victoria Permit No. P7255, dated 24 March 2004.

Where you may inspect this Amendment and Planning Application

The amendment and planning application are available for public inspection, free of charge, during office hours at the following places.

Department of Sustainability and Environment Planning Information Centre Upper Plaza Nauru House 80 Collins Street Melbourne 3000	City of Yarra Richmond Town Hall Town Planning Counter 333 Bridge Road Richmond Vic 3121	City of Yarra Collingwood Town Hall Reception Desk 140 Hoddle Street Abbotsford Vic 3067	City of Yarra Fitzroy Town Hall Reception Desk Cnr. Moor and Napier Streets Fitzroy Vic 3065
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Copies of the amendment, planning application and supporting documentation are also available for inspection at each of the **Municipal Libraries** located at: 415 Church Street, Richmond; 128 Moor Street, Fitzroy; 240 St Georges Road, North Fitzroy; 11 Stanton Street, Abbotsford; 667 Rathdowne Street, North Carlton.

In addition, the amendment documentation only may be viewed on **Council's website**: www.yarracity.vic.gov.au/planning



**NOTICE OF THE PREPARATION
OF AN AMENDMENT TO A PLANNING SCHEME AND
NOTICE OF AN APPLICATION FOR PLANNING PERMIT**

Planning and Environment Act 1987

YARRA PLANNING SCHEME

AMENDMENT C62

APPLICATION No. PL04/0681

The amendment applies to the land located at 46 – 60 Nicholson Street, Abbotsford.

The site is made up of two separate titles. The site at 46 Nicholson Street is vacant and is included in Certificate of Title Vol 7512 Folio 075. The site at 48 – 60 Nicholson Street is occupied by a vacant heritage building (Denton Hat Mills) building and is included in Certificate of Title Vol 8600 and Folio 954.

Number 46 is zoned a Residential 1 Zone and Number 48 – 60 is zoned an Industrial 3 Zone under the provisions of the Yarra Planning Scheme.

The amendment proposes to alter the Yarra Planning Scheme to allow prohibited uses to be considered on the site at 48-60 Nicholson Street, Abbotsford by altering the schedule to Clause 43.01, HO 40 in the Heritage Section of the Yarra Planning Scheme. The alteration would specifically require removing the 'no' in the prohibited uses column and replacing it with a 'yes'. The amendment also seeks to apply an Environmental Audit Overlay to the land.

The site at 48 – 60 Nicholson Street, Abbotsford has been issued with a permit from Heritage Victoria, Permit No. P7255, dated 24 March 2004. The permit allows the proposed redevelopment of the former hat factory complex, which is to be conserved and adapted for residential and commercial uses. Remaining buildings to the rear (east) and interior parts of the site are proposed to be demolished to accommodate the construction of new apartment buildings, and an apartment building is also proposed to be constructed on the adjacent vacant site (N0. 46 Nicholson Street) as part of the proposed development.

The planning permit application that accompanies the amendment relates to all the land at 46-60 Nicholson Street, Abbotsford. The permit is to allow the development of 114 apartments, seven office tenancies and a 50 seat café (not licensed). The development proposes car parking on site for 155 cars and 153 bicycle spaces and on site landscaping, including communal open space. It will include construction of a new building behind the heritage structure and on the vacant site at 46 Nicholson Street, and dispensation for car parking under Clause 52.06 of the Yarra Planning Scheme.

The existing structures to the rear of this building are proposed to be demolished and replaced with a new building six levels above ground level (with mezzanine and basement), linked to the existing building by a glazed walkway.

The person who requested the amendment and the applicant for the permit is Burbank Homes Pty Ltd.

You may inspect the:

- * amendment and the planning application;
- * any documents that support the amendment and application; and
- * the explanatory report about the amendment and application.

at the office of the planning authority, City of Yarra, and at the Department of Sustainability and Environment at the following addresses:

Department of Sustainability and Environment Customer Service Centre Upper Plaza, Nauru House 80 Collins Street, MELBOURNE 3000	City of Yarra Richmond Town Hall Town Planning Counter, 333 Bridge Road, RICHMOND 3121	City of Yarra Collingwood Town Hall Front Reception 140 Hoddle Street COLLINGWOOD. 3067	City of Yarra Fitzroy Town Hall Reception Desk Cnr. Moor and Napier Streets Fitzroy Vic 3065
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This can be done during office hours and is free of charge.

The amendment, planning application and supporting documentation are also **available for inspection at each of the Municipal Libraries** located at: 415 Church Street Richmond, 128 Moor Street Fitzroy, 240 St Georges Road North Fitzroy, 11 Stanton Street Abbotsford and 667 Rathdowne Street North Carlton.

The amendment documentation **only** can be viewed on the Council’s website at www.yarracity.vic.gov.au/planning.

Any person who may be affected by the amendment or by the granting of the permit may make a submission to the planning authority.

The closing date for submissions is *[insert date]*. A submission must be sent to:

Mr Gary Dew,
Senior Strategic Planner
City of Yarra
PO Box 168
RICHMOND VIC 3121

Jane Homewood, Manager Urban Planning



Planning and Environment Act 1987
YARRA PLANNING SCHEME

AMENDMENT C 62

The planning authority for this amendment is the City of Yarra.

The Yarra Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 1 attached map:

Overlay Maps

1. Planning Scheme Map No. 6 EAO is amended in the manner shown on the attached map[s] marked “ Yarra Planning Scheme, Amendment C 62”.

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

2. In Overlays – Clause 43.01, replace Schedule 1 with a new Schedule 1 in the form of the attached document.
3. For the List of Amendments, substitute a new List of Amendments in the form of the attached document (to be attached in the amendment documentation).

End of document

