

## **Attachment 1 Part 1 – Schedule 1 to Clause 43.03**

### **SCHEDULE 1 TO CLAUSE 43.03 INCORPORATED PLAN OVERLAY**

Shown on the planning scheme map as **IPO1**.

#### **32-68 MOLLISON STREET, ABBOTSFORD INCORPORATED PLAN (MARCH 2020)**

##### **1.0 Requirement before a permit is granted**

None Specified.

See Clause 43.03-1 for relevant provisions.

##### **2.0 Permits not generally in accordance with incorporated plan**

A permit may be granted for the use or subdivision of land, the construction of a building or the construction or carrying out of works that is not generally in accordance with the Incorporated Plan if the permit provides for:

- use of an existing building;
- construction or carrying out of minor works to or associated with existing buildings;
- subdivision of land, provided that the subdivision is the result of a consolidation of all or part of the land or the re-subdivision of the land and the number of lots is not increased;
- removal or creation of easements or restrictions; or
- construction or carrying out of buildings or works associated with the remediation of land in accordance with or for the purpose of obtaining a Certificate or Statement of Environmental Audit under the *Environment Protection Act 1970*,

provided that the responsible authority is satisfied that the issue of the permit will not prejudice the future use and development of the land in an integrated manner, and that the use or development allowed by the permit will contribute to the vision for the site whereby the land is developed according to a new mid-rise character along Mollison Street for the purpose of office, commercial and other compatible uses in such a way that promotes pedestrian activity and passive surveillance, contributes to a high quality public realm and avoids overshadowing of opposite footpaths.

##### **3.0 Conditions and requirements for permits**

The following conditions and/or requirements apply to permits:

- A permit to construct a building or construct or carry out works must include conditions that:
  - require the widening of Little Nicholson Street to be designed and constructed to the satisfaction of the Responsible Authority; and
  - provide active frontages towards Mollison Street and Victoria Crescent.
- A permit to construct a building or construct or carry out works must not allow development to:
  - overshadow the southern footpath of Mollison Street at the equinox; and
  - appear as one building mass along Mollison Street.
- A permit to construct a building or construct or carry out works must incorporate the findings and recommendations of a car parking and traffic impact assessment that demonstrates:
  - the safe entry and exit of vehicles to and from the land and that these movements minimise conflict with any existing pedestrian and cycle links; and
  - the provision of car parking, appropriate circulation and layout of car parking, and the recommended bicycle parking provision rates.

##### **4.0 Decision guidelines**

The following decision guidelines apply to an application for a permit under Clause 43.03 which is not generally in accordance with the incorporated plan, in addition to those specified in Clause 43.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposed development provides façade articulation;
- The impact of the height, bulk, design and appearance of the building or works in relation to the surrounding built form and character;
- The impacts of overshadowing on the southern side of the footpath on Mollison Street, caused by the upper levels of any new development, between 9am and 3pm on the 22<sup>nd</sup> of September;
- Whether a strong sense of separation between the upper levels and street walls of the development is achieved when viewed from the opposite side of the street;
- Whether the development provides opportunities for active frontages and engaging edges to the public realm through landscaping and/or architectural design features;
- The impact of traffic generated by the development on the capacity of the surrounding road network, including the functionality of the intersection of Mollison Street and Victoria Crescent; and
- Whether the layout and appearance of areas set aside for vehicular access, loading and unloading and the location of any proposed car parking is practicable, safe and supports a pedestrian-oriented design outcome.

## **5.0 Preparation of the Incorporated Plan**

The Incorporated Plan must include the following requirements:

- Objectives for the future use and development of the site;
- A plan showing:
  - maximum building heights for each area in metres and storeys;
  - setbacks from Little Nicholson Street;
  - upper level separation between the eastern and western part of the proposed building(s);
  - retention of the corner splay at the intersection of Mollison Street and Victoria Crescent; and
  - the preferred location of vehicle entry and exit points for the land.

## **Attachment 1 Part 2 – Explanatory Report**

*Planning and Environment Act 1987*

# **YARRA PLANNING SCHEME AMENDMENT C280YARA EXPLANATORY REPORT**

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

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

The amendment has been made at the request of Meydan Group (AH Meydan Pty Ltd), owner of the land at 32-68 Mollison Street, Abbotsford.

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

The amendment applies to land at 32-68 Mollison Street, Abbotsford (“the subject land”) indicated on the North West corner of Mollison Street and Victoria Crescent as indicated in Figure 1.

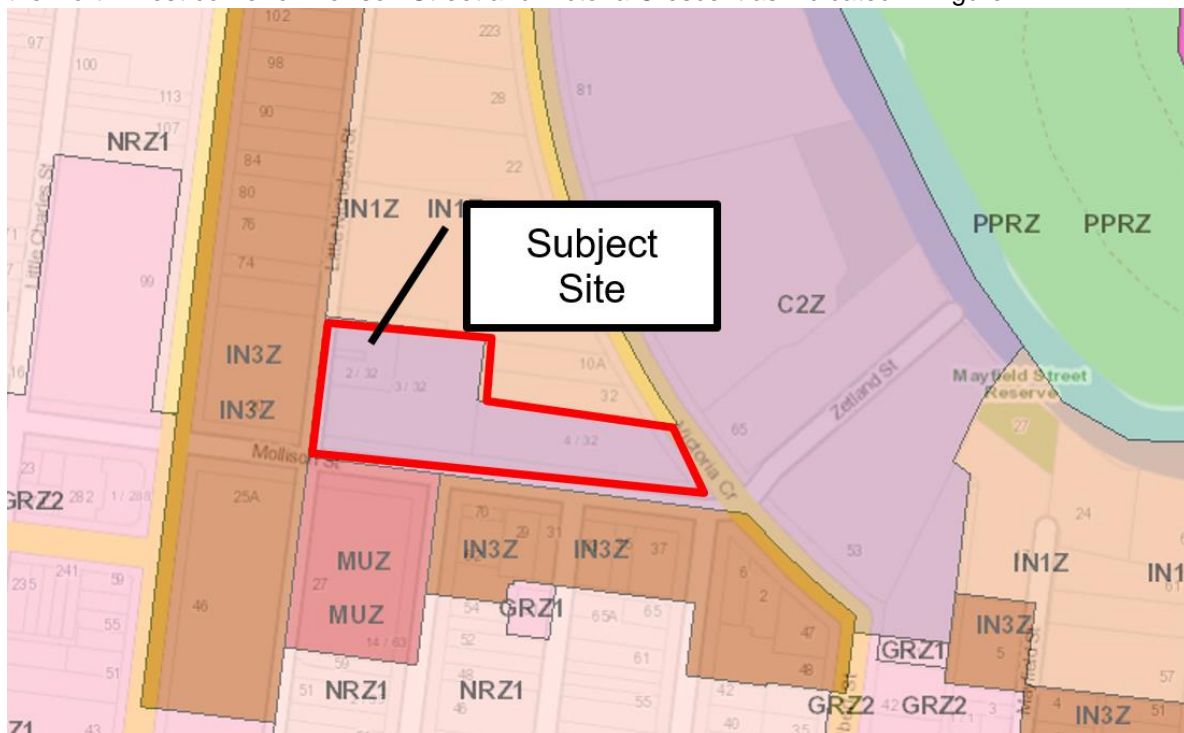


Figure 1: Location of the subject site

### **What the amendment does**

The amendment proposes to replace the existing Incorporated Plan Overlay - Schedule 1 (IPO1) and Incorporated Document that applies to 32-68 Mollison Street, Abbotsford, by the making the following changes to the Yarra Planning Scheme:

- replace the existing Incorporated Plan Overlay - Schedule 1;
- delete the IPO1 from the property at 61-69 William Street, Abbotsford;

- amend Clause 72.04 to replace the incorporated document “32-68 Mollison Street and 61-69 William Street, Abbotsford July 2013” with “32 – 68 Mollison Street Incorporated Plan (March 2020)”;

## **Strategic assessment of the amendment**

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

The scale and density of development approved and currently being proposed within Abbotsford has increased substantially in recent years. The subject site is in proximity to Victoria Street activity centre, two train stations and a tram line (along Victoria Street). While the surrounding area currently consists of a mix of one to three storey older industrial and warehouse style buildings, this is set to change due to recent planning permit approvals for eight storeys to the west and nine to six storeys to the north of the subject site.

The subject site is affected by a mandatory height limit of 5 storeys which was introduced by the Planning Scheme Amendment C170 to the Yarra Planning Scheme. Through support for recent approvals, it is evident that the potential of the precinct in which the site is located can accommodate a greater intensity of use and built form to contribute to the objective of local employment opportunities. The proposed planning scheme amendment will enable a planning permit application to be considered that provides a built form outcome more equivalent to that being permitted on the surrounding sites.

The amendment will allow building height from 5 storeys (23m) to 7 storeys (32m) for part of the land which would match other allowable heights in the employment area and provide for a modified built form and amenity outcomes. The amendment will also facilitate more employment space on a site that is part of a key employment precinct in Yarra as identified in Spatial Economic and Employment Strategy 2018.

To ensure appropriate and orderly planning, the amendment is required to better facilitate and guide the scale, massing and bulk of the new development.

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

The amendment implements the following objectives of planning in Victoria (sections 4(1) and 12(1)(a) of the Act):

*To provide for the fair, orderly, economic and sustainable use, and development of land.*

*To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*

*To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*

*To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.*

*To balance the present and future interests of all Victorians.*

The amendment seeks to provide greater clarity regarding built form outcomes and expectations in Yarra’s employment areas of Abbotsford. In doing so, the proposed provisions will support more efficient and orderly planning processes. The views of all affected parties will be sought through the exhibition process.

The amendment seeks to provide greater clarity as it will drive the development outcomes for better built form, public realm improvement and improve public safety.

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

The Amendment is consistent with the overarching goal in the planning scheme to:

*Integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.*

The Amendment will have positive social and economic benefits through the facilitation of well-designed building accommodating office and commercial activity situated near an activity centre that is well served by public transport and other services.

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

The amendment does not address bushfire risk, as the land subject to the amendment is not:

- Subject to a Bushfire Management Overlay;
- Within a designated bushfire prone area;
- Proposed to be used or developed in a way that may create a bushfire hazard.

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

The Amendment complies with Ministerial Direction No. 9 in addressing and responding to the metropolitan planning strategy, *Plan Melbourne 2017-2050*.

Amendment C280yara is consistent with the following Directions contained in *Plan Melbourne 2017-2050*:

**Direction 1.1 - Create a city structure that strengthens Melbourne's competitiveness for jobs and investment** which seeks to strengthen the competitiveness of Melbourne's employment areas. The Amendment provides appropriate policy direction for the planning and development of the employment areas to ensure that it continues to meet community needs.

**Direction 5.1 - Create a city of 20-minute neighbourhoods** which aims to cluster new housing, access to jobs, services and public transport to accommodate growth. The amendment will facilitate employment generation near a Major Activity Centre (Victoria Street) which will improve local employment and commercial opportunities.

The Amendment complies with the Ministerial Direction for '*The form and content of Planning Scheme*' under Section 7(5) of the Act and *Planning Practice Note 23: Applying the Incorporated Plan and Development Plan Overlays* (November 2018).

The amendment is affected by Ministerial Direction No. 11 *Strategic Assessment of Amendments* and complies with the requirements as set out in this explanatory report.

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

The Amendment supports and implements State Planning Policy in responding to the following clauses:

#### **Clause 11 - Settlement**

- **Clause 11.02-1S Supply of Urban Land** – To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

#### **Clause 13 – Environmental risks and amenity**

- **Clause 13.01-1S Natural Hazards and Climate Change** - To minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.
- **Clause 13.05-1S Noise Abatement** - To assist the control of noise effects on sensitive land uses.

#### **Clause 15.01 – Built environment**

- **Clause 15.01-1S Urban Design** - To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
- **Clause 15.01-1R Urban Design – Metropolitan Melbourne** - To create a distinctive and liveable city with quality design and amenity
- **Clause 15.01-2S Building Design** - To achieve building design outcomes that contribute positively to the local context and enhance the public realm.
- **Clause 15.01-4S Healthy Neighbourhood** - To achieve neighbourhoods that foster healthy and active living and community wellbeing.
- **Clause 15.01-4R Healthy Neighbourhood – Metropolitan Melbourne** - Create a city of 20 minute neighbourhoods that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.
- **Clause 15.01-5S Neighbourhood Character** - To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

#### **Clause 15.02 – Sustainable development**

- **Clause 15.02-1S Energy and Resource Efficiency** - To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

#### **Clause 17.01 Employment**

- **Clause 17.01-1S Diversified Economy** - To strengthen and diversify the economy.
- **Clause 17.01-1R Diversified Economy – Metropolitan Melbourne** - Support the Central City to become Australia's largest commercial and residential centre by 2050, by planning for office, retail, residential, education, health, entertainment and cultural activity spaces.

#### **Clause 17.02 Commercial**

- **Clause 17.02-1S Business** - To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.
- **Clause 17.02-2S Out-of-centre development** - To manage out-of-centre development.

#### **Clause 18 - Transport**

- **Clause 18.01-2S Transport System** - To coordinate development of all transport modes to provide a comprehensive transport system.
- **Clause 18.02-1S Sustainable Personal Transport** - To promote the use of sustainable personal transport.
- **Clause 18.02-1R Sustainable Personal Transport – Metropolitan Melbourne** - Improve local travel options for walking and cycling to support 20 minute neighbourhoods.
- **Clause 18.02-2S Public Transport** - To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.
- **Clause 18.02-2R Principal Public Transport Network** – Facilitate high-quality public transport access to job-rich areas.

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

The Amendment is consistent with and facilitates the following Clauses of the Local Planning Policy Framework:

#### **Clause 21.04-2 - Activity centres**

- Objective 4 - To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.
  - Strategy 4.1 Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres.
  - Strategy 4.3 Support the role of all activity centres, including Neighbourhood Activity Centres, in providing local day-to-day needs of residents of all abilities.
- Objective 5 - To maintain the long term viability of activity centres.
  - Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.

- Strategy 5.3 Discourage uses at street level in activity centres which create dead frontages during the day.

#### **Clause 21.04-3 – Industry, Office and Commercial**

- Objective 8 - To increase the number and diversity of local employment opportunities.
- Strategy 8.5 Support opportunities for new uses on isolated industrial sites provided they reflect the predominant surrounding uses.

#### **Clause 21.05-2 - Urban design**

- Objective 16 - To reinforce the existing urban framework of Yarra.
- Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.
- Objective 19 - To create an inner city environment with landscaped beauty.
- Strategy 19.1 Require well resolved landscape plans for all new development.
- Strategy 19.2 Encourage opportunities for planting suitable trees and landscape areas in new development.
- Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.
- Strategy 20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.
- Objective 21 - To enhance the built form character of Yarra's activity centres.
- Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form.
- Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.

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

The amendment makes proper use of the Victoria Planning provisions as it utilises the most appropriate zone to support the best use of the land and provides guidance for future development by applying a new Schedule to the Incorporated Plan Overlay.

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

Council sought the views of the Department of Environment, Land, Water and Planning (DELWP) in the drafting of the controls which informs the Amendment. There are no agencies whose views were required to be considered as part of the amendment process. The view of any relevant agency will be taken into account, where necessary, during the consideration of subsequent planning permit applications.

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

Any redevelopment is unlikely to have a significant impact on the transport system. By virtue of its location, a redevelopment of the subject site will address many of the objectives of the *Transport Integration Act 2010* to be located in close proximity to transport options for a better integration of transport and land use. This will enable efficient and effective access for persons and goods to places of employment, markets and services; facilitate local investment; reduce the need for private motor vehicle transport and extent of travel and facilitate better access to and greater mobility within local communities.

#### **Resource and administrative costs**

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

The amendment has a minor impact on the resources of the responsible authority. It requires planning permits to be assessed in line with the planning controls applying to the site.

## **Where you may inspect this amendment**

The amendment can be inspected free of charge at the Yarra City Council website at <https://www.yarracity.vic.gov.au/the-area/planning-for-yarras-future/yarra-planning-scheme-and-amendments/current-amendments>

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

Collingwood Town Hall

140 Hoddle Street

Abbotsford VIC 3067

Richmond Town Hall

333 Bridge Road

Richmond VIC 3121

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).

## **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 [*Date to be determined along with exhibition dates*].

A submission must be sent to: [[Address](#) to be determined]

## **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: *To be pre-set in discussions with Planning Panels Victoria as per regular process.*
- panel hearing: *To be pre-set in discussions with Planning Panels Victoria as per regular process.*