

YARRA PLANNING SCHEME

AMENDMENT C280YARA

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by 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”) on the North West corner of Mollison Street and Victoria Crescent as indicated in Figure 1 below.

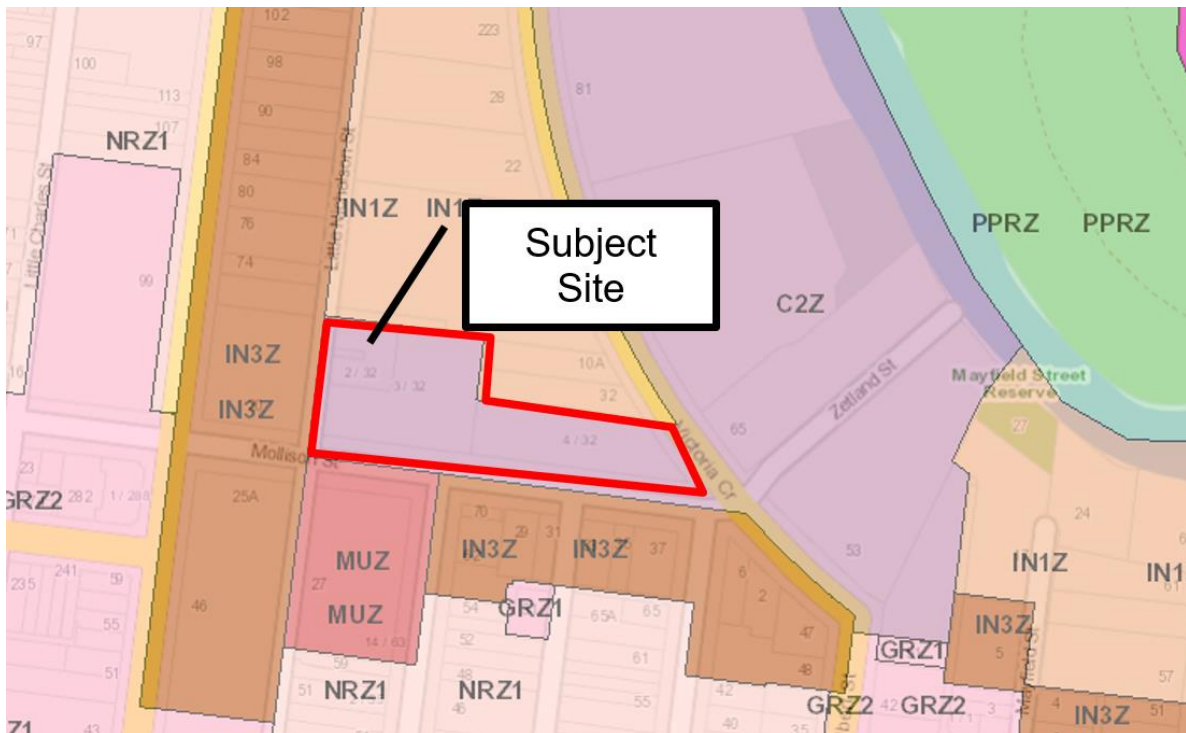


Figure 1: Location of the subject site

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 2021)”;

Strategic assessment of the amendment

Why is the amendment required?

The proposed IPO and Incorporated Plan is required to

- a) increase the allowable 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;
- b) retain certainty for a modified built form, amenity outcomes for the site;
- c) retain or enhance the existing amenity of the public realm; and
- d) provide for improved traffic access and movement outcomes

Building Height

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.

The proposed IPO allows a building of five to seven storey building on the site, five storey on the eastern part and seven storey on the western part of the subject site. The detailed plan is shown on the proposed Incorporated Plan to the proposed IPO1.

Certainty of built form outcomes

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

The current IPO allows a building up to 5 storeys which is for the entire site and has very minimal urban design requirements to guide the built form. The site currently benefits from a live planning permit to develop a 5 storey building covering the whole site. The current IPO lacks the following:

- Allowing a building without upper level separation along 150m of Mollison Street;
- The active frontage is insufficient to create a safe interface between the street and the building;
- Little Nicholson Street doesn't allow for two-way traffic as it lacks sufficient width, a ground level setback is not recommended;
- To control vehicle access points from the development there are no requirement to restrict access from Victoria Crescent and Mollison Street.

The recent planning approvals for the 20-30 Mollison Street to the west and the 12-20 Victoria Crescent to the north of the subject site were decided at the VCAT. The key reason for the applications ending up at VCAT was to decide on the built form outcome, public realm improvement and height of the building. Both the planning permit were a result of VCAT decision and Council had to negotiate better urban design outcome with the developer at VCAT. These two planning permits are an example that the Planning Scheme and Land Use are limited to guide built form outcome.

The proposed IPO1 will provide certainty for the below built form outcome:

- a) Providing active frontages towards Mollison Street and Victoria Crescent and removing vehicle access from Victoria Crescent;
- b) Avoid overshadowing of the southern footpath of Mollison Street between 10 am and 2 pm on 22 September;
- c) Introducing a range in street wall height from three to four storeys: three storeys to Little Mollison Street and four storeys to the corner of Mollison Street and Victoria Crescent;
- d) Introducing a setback above the street wall of 3 metres from northern boundary, Mollison Street, Victoria Crescent and Little Nicholson Street to create a more distinctive break between the podium and upper levels and assist in managing visual bulk at upper levels;
- e) Continuing the chamfered corner of Mollison St and Victoria Crescent to mark corner and provide a generous pedestrian standing area;

- f) Providing for upper-level building separation (minimum 6m building separation from the 4th Storey and above) and design treatments so that the upper level forms to read as separate buildings;
- g) Varying height across the site that responds to the emerging heights of adjacent approvals, coupled with upper level building separation has the following benefits;
- h) Reduces visual bulk from adjacent buildings, Mollison St and streets to the south (low scale residential development) of the subject site; and
- i) Creates a perception of multiple buildings of varying heights rather than one large monolithic building.

The height is consistent with other surrounding recently approved development whilst ensuring better built form outcome.

Public Realm and Amenity

The proposed IPO improves the surrounding public realm and amenity by the following:

- Requiring the building to have active frontage of a minimum 80% of the Mollison Street & Victoria Crescent frontage, keeping inactive facades to a minimum;
- Chamfered building corner at the Mollison Street and Victoria Crescent intersection with no cantilevering at the upper levels to create a safer traffic zone;
- Removing vehicle access from Victoria Crescent frontage to ensure a safer pedestrian environment; and
- Vehicular access from Little Nicholson Street to create safer pedestrian environment along Mollison Street and Victoria Crescent.
- Avoiding overshadowing of the southern footpath along Mollison Street between 10 am and 2 pm on 22 September.

Traffic, Access and Movement

The proposed IPO and associated Incorporated Plan includes a number of elements to manage traffic and movement:

- a) requiring a ground level setback from Little Nicholson Street to enable two-way traffic movements;
- b) requiring a traffic engineering report to be prepared at the planning permit stage that demonstrates, amongst other matters, how the development reduces car dependence and promotes sustainable transport modes;
- c) ensuring pedestrian entrances are clearly visible, secure and have an identifiable sense of address; and
- d) requiring staff bicycle parking to be located and designed to be secure and conveniently accessible from the street and end of trip uses.

The amendment also provides the following communal benefit which is a better outcome for community and surrounding development. The benefits are:

- a) A ground level setback from Little Nicholson Street to enable two-way traffic movements;
- b) Contribution to install a formal and raised pedestrian crossing across Mollison Street at the Victoria Crescent intersection.

These communal benefit are negotiated with the proponent to facilitate the community and orderly development of the area. Two Section 173 agreements will be signed between Council and the proponent to ensure their delivery.

The amended IPO provides quality outcome for the site which otherwise would have led to a mass of 5 storey building on the site with poor urban design outcome. Amending the current IPO allows Council to not only ensure that the development will be used for employment but also a preferred built form outcome to mark the entrance into the employment precinct of Abbotsford from Victoria Street.

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.

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 assist to achieve better built form and public realm outcomes and assist to improve public safety at local intersections.

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 better built form outcomes, 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 provides better 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 retains certainty on the built form outcomes of the site, which potentially reduces administrative costs.

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:

Planning Counter,
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.

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 5pm on 17 May 2021.

A submission must be sent to either:

strategicplanning@yarracity.vic.gov.au with the subject line 'C280yara – Submission'

or:

City of Yarra
C/o Strategic Planning
PO Box 168 Richmond
Re: C280yara Submission

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 commence in the week of Monday, 6 September 2021;
- panel hearing: to commence in the week of Monday, 4 October 2021.