

# Ordinary Meeting of Council Agenda

**to be held on Tuesday 20 February 2018 at 7.00pm  
Richmond Town Hall**

## **Arrangements to ensure our meetings are accessible to the public**

Council meetings are held at either the Richmond Town Hall or the Fitzroy Town Hall. The following arrangements are in place to ensure they are accessible to the public:

- Entrance ramps and lifts (off Moor Street at Fitzroy, entry foyer at Richmond).
- Interpreting assistance is available by arrangement (*tel. 9205 5110*).
- Auslan interpreting is available by arrangement (*tel. 9205 5110*).
- A hearing loop is available at Richmond only and the receiver accessory is available by arrangement (*tel. 9205 5110*).
- Proposed resolutions are displayed on large screen.
- An electronic sound system amplifies Councillors' debate.
- Disability accessible toilet facilities are available at each venue.

## **Recording and Publication of Meetings**

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## **Order of business**

- 1. Statement of recognition of Wurundjeri Land**
- 2. Attendance, apologies and requests for leave of absence**
- 3. Declarations of conflict of interest (Councillors and staff)**
- 4. Confidential business reports**
- 5. Confirmation of minutes**
- 6. Petitions and joint letters**
- 7. Public question time**
- 8. General business**
- 9. Delegates' reports**
- 10. Questions without notice**
- 11. Council business reports**
- 12. Notices of motion**
- 13. Urgent business**



## 1. Statement of Recognition of Wurundjeri Land

*"Welcome to the City of Yarra."*

*"Yarra City Council acknowledges the Wurundjeri as the Traditional Owners of this country, pays tribute to all Aboriginal and Torres Strait Islander people in Yarra and gives respect to the Elders past and present."*

## 2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

### Councillors

- Cr Daniel Nguyen (Mayor)
- Cr Misha Coleman (Deputy Mayor)
- Cr Danae Bosler
- Cr Mi-Lin Chen Yi Mei
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr Mike McEvoy
- Cr James Searle
- Cr Amanda Stone

### Council officers

- Bruce Phillips (Acting Chief Executive Officer)
- Andrew Day (Director - Corporate, Business and Finance)
- Ivan Gilbert (Group Manager - CEO's Office)
- Lucas Gosling (Acting Director - Community Wellbeing)
- Chris Leivers (Director – City Works and Assets)
- Justin Hanrahan (Acting Director - Planning and Place Making)
- Jane Waldock (Assistant Director - Planning and Place making)
- Fred Warner (Group Manager – People, Culture and Community)
- Mel Nikou (Governance Officer)

## 3. Declarations of conflict of interest (Councillors and staff)

## 4. Confidential business reports

### **Item**

- 4.1 Contractual matters
- 4.2 Contractual matters
- 4.3 Contractual matters/matters prejudicial to Council and/or any person

## **Confidential business reports**

The following items were deemed by the Chief Executive Officer to be suitable for consideration in closed session in accordance with section 89 (2) of the *Local Government Act* 1989. In accordance with that Act, Council may resolve to consider these issues in open or closed session.

### **RECOMMENDATION**

1. That the meeting be closed to members of the public, in accordance with section 89 (2) of the *Local Government Act* 1989, to allow consideration of:
  - (a) contractual matters; and
  - (b) matters prejudicial to Council and/or any person.
2. That all information contained within the Confidential Business Reports section of this agenda and reproduced as Council Minutes be treated as being and remaining strictly confidential in accordance with the provisions of sections 77 and 89 of the *Local Government Act* 1989 until Council resolves otherwise.

## **5. Confirmation of minutes**

### **RECOMMENDATION**

That the minutes of the Ordinary Council Meeting held on Tuesday 6 February 2018 be confirmed.

## **6. Petitions and joint letters**

## **7. Public question time**

Yarra City Council welcomes questions from members of the community.

### Public question time procedure

Ideally, questions should be submitted to Council in writing by midday on the day of the meeting via the form available on our website. Submitting your question in advance helps us to provide a more comprehensive answer. Questions that have been submitted in advance will be answered first.

Public question time is an opportunity to ask questions about issues for which you have not been able to gain a satisfactory response on a matter. As such, public question time is not:

- a time to make statements or engage in debate with Councillors;
- a forum to be used in relation to planning application matters which are required to be submitted and considered as part of the formal planning submission;
- a forum for initially raising operational matters, which should be directed to the administration in the first instance.

If you wish to raise matters in relation to an item on this meeting agenda, Council will consider submissions on these items in conjunction with and prior to debate on that agenda item.

When you are invited by the meeting chairperson to ask your question, please come forward and take a seat at the microphone and:

- state your name clearly for the record;
- direct your questions to the chairperson;
- ask a maximum of two questions;
- speak for a maximum of five minutes;
- refrain from repeating questions that have been asked previously by yourself or others; and
- remain silent following your question unless called upon by the chairperson to make further comment or to clarify any aspects.

## **8. General business**

## **9. Delegates' reports**

## **10. Questions without notice**

## 11. Council business reports

| Item |  | Page | Rec. Page | Report Presenter                             |
|------|--|------|-----------|--|
| 11.1 | Amendment C218 (Trenerry Crescent)<br>Consideration of Panel Report                                | 7    | 19        | David Walmsley –<br>Manager City<br>Strategy |
| 11.2 | Amendment C219 (Trenerry Crescent)<br>Consideration of Panel Report                                | 154  | 164       | David Walmsley –<br>Manager City<br>Strategy |
| 11.3 | Planning Changes Proposed for Land at 64<br>Alexandra Parade, Clifton Hill - Council<br>Submission | 324  | 331       | David Walmsley –<br>Manager City<br>Strategy |

The public submission period is an opportunity to provide information to Council, not to ask questions or engage in debate.

### Public submissions procedure

When you are invited by the meeting chairperson to make your submission, please come forward and take a seat at the microphone and:

- state your name clearly for the record;
- direct your submission to the chairperson;
- speak for a maximum of five minutes;
- confine your remarks to the matter under consideration;
- refrain from repeating information already provided by previous submitters; and
- remain silent following your submission unless called upon by the chairperson to make further comment.

## 12. Notices of motion

Nil

## 13. Urgent business

Nil

## 11.1 Amendment C218 (Trenerry Crescent) Consideration of Panel Report

Trim Record Number: D18/20568

Responsible Officer: Senior Coordinator Strategic Planning

### Purpose

1. The purpose of this report is:
  - (a) to provide Councillors with an overview of the key recommendations of the independent Planning Panel that considered Amendments C218 and C219 at a joint Planning Panel hearing that occurred in August 2017; and
  - (b) to recommend an alternate version of Amendment C218 (the Amendment) for adoption for the reasons outlined in this report.
2. Council must decide whether to:
  - (a) adopt the Amendment as recommended by the Panel Report and submit it to the Minister for Planning for final approval in accordance with the relevant provisions of the Planning and Environment Act 1987; or
  - (b) adopt the Amendment in the form recommended in this report which includes an alternate version of the amendment based for reasons outlined in the report, and submit it to the Minister; or
  - (c) adopt the Amendment as exhibited and submit it to the Minister; or
  - (d) abandon the Amendment and advise the Minister that Council has abandoned it.
3. In accordance with Section 27 of the *Planning and Environment Act 1987 (the Act)*, a Planning Authority (Council) must consider the Panel's recommendations before adopting an amendment and must justify any variations to the Panel's recommendations.

### Background

4. Amendment C218 proposes to rezone land at 18-62 Trenerry Crescent from Commercial 2 Zone to Commercial 1 Zone and apply an Incorporated Plan Overlay and an Environmental Audit Overlay.
5. The Amendment would facilitate urban renewal of underutilised commercial land, and supports the achievement of Council's preferred vision for the subject sites, as articulated in the adopted Johnston Street Local Area Plan, 2015.
6. Conditional authorisation was received for the amendment on 8 November 2016 which stated that:
  - (a) *"The Amendment must be consistent (with) the Yarra River controls currently being prepared by DELWP prior to submission for approval to the Minister for Planning under Section 35 of the P & E Act 1987."*
7. The Amendment was exhibited from 24 November to 24 December 2016 and received 16 submissions, of which 14 were by the same people or organisation. Most of the submissions covered similar issues.
8. On 4 July 2017 Council resolved to seek the appointment of a Planning Panel in accordance with Section 23 of the Act as there were a number of issues raised in submissions that could not be resolved through changes to the Amendment.
9. At that meeting, Council endorsed the Amendment with a number of changes in response to submissions (Attachment 1). Particular issues relating to traffic, heritage and building heights were addressed in the revised Amendment submitted to the Panel.
10. A joint Panel hearing (for Amendments C218 and C219) was conducted in August 2017, with appearances made by: proponents and their legal representatives; VicRoads; and the Collingwood Historical Society.

11. A number of issues were common to both amendments and these were outlined in the Panel report.
12. Council had legal representation, which called on expert witnesses for heritage and traffic.

### **Submissions and Issues considered by the Panel**

13. Across the 16 submissions received for both amendments, the following key issues of concern were expressed at the Panel hearing:
  - (a) traffic impacts;
  - (b) building heights and setbacks (which was sometimes related to consistency with DDO1);
  - (c) protection of heritage buildings;
  - (d) increased population and infrastructure requirements;
  - (e) character and amenity;
  - (f) removal of third party notice and review rights; and
  - (g) visual impact of new development (on the Yarra River corridor).
14. Some of the issues raised in submissions could not be addressed through changes to the amendments and often had broader implications. These included the following issues:
  - (a) traffic volumes throughout the local area; and
  - (b) a growing population resulting in pressure on existing infrastructure and amenity of the local area.

### **Panel Report and Recommendations**

15. The Panel report was received by Council officers on 25 October 2017 and the Panel's recommended changes (the Panel preferred version of the Amendment) is in the Appendices (Appendix C) of the Panel report (Attachment 2 to this report).

### **Officer Recommended Changes**

16. The version of the Amendment (Schedule 2 to the IPO) being recommended for adoption is found as Attachment 3 to this report.

### **Issues Common to Both Amendments**

17. In addressing Amendments C218 and C219 (as a combined Panel hearing) the Panel considered the following issues that were common to both Amendments:
  - (a) Duplication of provisions in the Design and Development Overlay Schedule 1 (DDO1) Yarra (Birrarung) River Corridor Protection; and
  - (b) Traffic (conditions and impacts from new development).

Duplication of provisions in DDO1 (Amendment C218)
18. One of the key issues considered by the Panel was how (or whether) the controls in DDO1 should be reflected in the proposed Schedule 2 to the IPO (IPO2). DDO1 was revised in February 2017 to introduce mandatory maximum height controls that were previously discretionary. The DDO1 control expires in January 2021 but is expected to become permanent at some stage.
19. The Panel considered whether the proposed Schedule to the IPO should duplicate the provisions of DDO1 to avoid potential future inconsistency or confusion. The proponent emphasised that DDO1 is interim (or temporary) and could therefore change in the future. However, officers consider that there is a level of certainty - based on the work that underpins DDO1 - it will remain in place and become permanent (in some form).

20. Experts for the proponents presented evidence to the Panel that favoured including an additional discretionary building height control - expressed as a 'preferred maximum 25 metres' - in IPO2. The Panel considered that it would be consistent with the building height limits envisioned in the JSLAP and the mandatory controls in DDO1, and would only apply if DDO1 is amended or expires in 2021 without being extended.
21. **The Panel made the recommendation to delete any duplication of the DDO1 provisions in the Incorporated Plan Overlay and Development Plan Overlay Schedules but include a reference to applicable DDO1 requirements and retain specific provisions that add to DDO1.**

Officer Response

22. Officers agree with the changes recommended by the Panel to refine the content of the Schedule to the IPO and Incorporated Plan. Council officers however, disagree with the Panel's view to include a 'preferred' maximum height as the Minister's authorisation to prepare and exhibit the Amendments required that they be consistent with any future changes to the planning controls for the Yarra River. DDO1 was revised and gazetted on 24 February, 2017 and contained mandatory height and setback provisions.
23. It can be assumed - due to the ongoing and collaborative work with the Department of Environment, Land, Water and Planning (DELWP) on protecting the Yarra River corridor from inappropriate development - that DDO1 will become permanent in some form. The mandatory heights and setbacks provisions contained in DDO1 reflect the community's (and Council's) strong desire for certainty in planning controls.
24. Council agreed during the Panel that duplication of (the general) provisions of DDO1 in Schedule 2 to the IPO and the Incorporated Plan is not absolutely necessary and some elements of the schedule can be deleted provided that the 25 metre building height control is inserted, as exhibited.
25. It should be noted that the endorsed post-exhibition version of the Amendment removed the height shown on the Incorporated Plan, deferring the application of a height limit to the already applicable DDO1 (a mandatory 25m height limit). This change was considered to comply with the conditional authorisation for the Amendment and remove confusion (duplication) with DDO1.

Traffic

26. The issue considered by the Panel was whether the potential development outcomes under Amendment C218 would have an impact on traffic in the local area and whether the proponents should be required to conduct traffic impact assessments and make a proportional contribution to traffic mitigation works – in particular, a signalised intersection at Johnston Street.
27. The Panel considered the issue of traffic for Amendments C218 and C219 simultaneously.
28. For Amendments C218 and C219, the evidence provided by Council's expert (GTA Consultants) and the experts engaged by both sets of proponents, concluded that the impact of future development on the overall traffic volumes would be minimal and that it was unreasonable to impose the cost of a signalised intersection on either one or both sets of proponents.
29. Based on their traffic modelling, GTA Consultants estimated that the additional traffic added to the network by assumed development outcomes for Amendments C218 and C219 is approximately 3% for the two combined amendments.
30. The VicRoads representative acknowledged that in light of the traffic evidence it would not be equitable to require the proponents to fund installation of new traffic signals. VicRoads relinquished the requirement that the proponents pay for works to be carried out for a signalised intersection.

**31. The Panel made the following recommendation:**

- (a) ***Retain the provision in Amendment C218 requiring the proponent to provide a traffic and car parking impact assessment but delete reference to it being to the satisfaction of VicRoads and the requirement for proponents to contribute to mitigation works.***

Officer Response

32. Council officers acknowledge the Panel's advice and commentary in response to the evidence presented on traffic. It is clear that there is an existing traffic issue which occurs mainly during peak periods and that a signalised intersection is, in the view of Council's expert, needed now. However, it was concluded that it is not the direct responsibility of either proponent.
33. Amendment C218 may have some impact on the local road network (when a development is completed on the site) and as such a future permit application should consider those impacts and whether any mitigation measures should be introduced as a result.
34. The Schedule to the IPO in Attachments 3, which is recommended for adoption by Council, includes the following changes in response to the Panel recommendation:

| Panel Recommendation   | Officer Recommended Change for Adoption  |
|--|--|
| Retain the provision requiring the proponent to provide a traffic and car parking impact assessment but delete reference to it being to the satisfaction of VicRoads and the requirement for proponents to contribute to mitigation works. | <p>The following wording has been inserted into the Schedule to the IPO which officers believe is acceptable in relation to the Panel's recommendation:</p> <ul style="list-style-type: none"> <li><i>the impact of any additional traffic on the surrounding road network, and how any necessary mitigation measures should be addressed. (<b>Change 1</b> – found in the schedule to the IPO)</i></li> </ul> |

Traffic Further Actions/Council Projects

35. On January 17, 2018, VicRoads announced via their web site, funding for traffic lights at the Abbotsford Convent. This follows several years of advocacy to the State Government by Council.
36. These lights are in addition to lights already in operation at Paterson Street in Abbotsford, (85m to the east of Trenerry Crescent) and Nicholson Street (325m to the west). This means there will be 3 signalised intersections along Johnston Street within a length of around 400m.
37. The combination of lights would have the cumulative effect of calming traffic along Johnston Street, but not necessarily ease traffic conditions for Trenerry Crescent, where the key concern is pedestrian and cyclist safety.
38. A further traffic study to determine the broad network conditions relating to traffic originating from (or travelling through) Clifton Hill towards (and from) Johnston Street is recommended and this would take the form of a future or updated Local Area Place Management Plan (LAPM).

**Issues Specific to Amendment C218: 18-26 Trenerry Crescent**

39. Issues specified to Amendment C218 are:
- (a) Heritage;
- (b) Discretionary heights; and
- (c) Form and content of Amendment C218 and IPO.
40. The officer recommended changes that are discussed in this report are numbered (as changes) within the Schedule to the IPO and on the Panel recommended version of the 18-62 Trenerry Crescent Framework Plan (Attachments 3 and 5 respectively).



Heritage

41. The building(s) at 18-62 Trenerry Crescent are graded as *Individually Significant* and form part of HO337.
42. The proponents relied on evidence from Bryce Raworth and Peter Lovell, two well respected heritage experts. Council relied on advice leading up to the Panel and expert evidence during the Panel from Jim Gardner of GJM Heritage.
43. There were two main issues that were contested: (1) heritage citation and (2) design response (as expressed through the Incorporated Plan).

Heritage Citation

44. The current Statement of Significance for HO337 only refers to former industrial buildings (generally) and some of the heritage and architectural features that contribute to the streetscape.
45. Council commissioned a heritage citation for the site from GJM in June 2016 which was used to inform changes to the amendment in response to submissions on heritage issues. The GJM prepared citation identified the 1984 additions, designed by Darryl Jackson AO, as contributing elements to the cultural and historic significance of the place.
46. Peter Lovell of Lovell Chen, put forward a revised Statement of Significance of the site that lessened the significance of both the Daryl Jackson designed extension, as well as the 1924 component. It was shown that the 1924 eastern building component had been significantly altered from the original building and therefore had less heritage significance; this has been accepted by Council's heritage consultant.
47. **The Panel recommended that Council:**
  - (a) ***Adopt the statement of significance for 18-62 Trenerry Crescent Abbotsford as presented by Mr Lovell for the C218 Proponent and included at Appendix D.***

Officer Response

48. The evidence put forward by Peter Lovell put into question how much of the heritage fabric should be retained on the site (further discussed below in design response). The Daryl Jackson additions, according to the evidence, do not have the significance that GJM Heritage had attributed to them. The Lovell Chen citation is based on the citation prepared by Council's consultants incorporating changes regarding the significance of the buildings on the site.
49. The Panel has considered the different versions of the citation and the evidence presented by the heritage consultants. The Panel in its recommendations has supported the citation prepared by Mr Lovell and essentially found that the 1911 building has the highest significance, the 1924 and the Jackson 1984 building a reduced level of significance.
50. GJM Heritage have reviewed the Statement of Significance submitted to the Panel by the proponent and have indicated that with changes to reflect GJM's assessment of the integrity of the buildings, and a number of minor descriptive changes, the Statement of Significance is acceptable and should be adopted by Council.
51. Officers consider this will strengthen the consideration of the heritage significance of these buildings at the time of a planning permit.
52. The revised Statement of Significance that is recommended for adoption is found as Attachment 4. To give the Statement of Significance effect, it needs to be referenced in clauses 21.11 and 22.02 in the Planning Scheme, as set out in attachments 6 and 7.

Panel's Recommended version of the Incorporated Plan

53. The Panel also accepted changes that relate to the heritage elements identified on the Incorporated Plan as put forward by the proponents and recommended those changes for adoption (Appendix C of the Panel report at Attachment 2).

54. Specifically, the Panel made the following key recommendations in relation to the Incorporated Plan:
- (a) *Modify the reference to the 1924 building and label as “Other Heritage Fabric”; and*
  - (b) *Reduce the setback from the retained heritage façades to a preferred 2m.*

55. **The Panel has recommended that Council:**

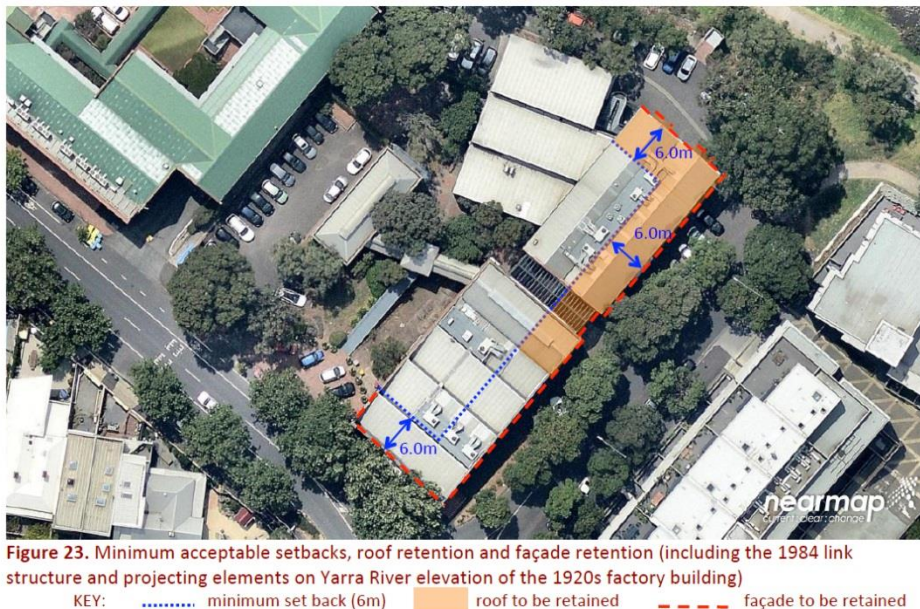
- (a) ***Adopt the form of Incorporated Plan Overlay Schedule 2 as contained at Appendix C to improve form and content of the overlay and the Indicative Framework Plan (Correction: 18-62 Trenerry Crescent Framework Plan).***

*Design Response – Minimum Setbacks from façades*

56. The exhibited version of the Incorporated Plan included a 3m upper level setback (not stated as “preferred”) to achieve an appropriate setback distance that allows the reading of the 3-dimensional form of the heritage building.
57. Heritage advice received post-exhibition (in response to submissions) recommended an upper level setback distances of at least 6m (approximately the depth of a bay of the saw-tooth roof form) along the Trenerry Crescent and Turner Street frontages to ensure that the 3-dimensional form of the building was maintained when new development occurs.
58. The experts presenting on behalf of the proponents argued against the need for a minimum 6m setback when other design responses can be used to retain and respond to the heritage elements of the existing building on the site. In his evidence Bryce Raworth stated that:
- (a) *In terms of setbacks, it is instructive to review some of the recently approved and/or constructed precedents within Yarra in terms of industrial and commercial heritage buildings that have received upper level additions, and a number of examples are adduced below. While the examples exhibit a range of outcomes, the site bears close comparison in terms of interest, scale and character with several examples that have minimal setbacks in the order of 3m or less, or no setback (sometimes employing a shadow-line technique rather than a setback per se). Having regard for these examples, it is suggested that any boundary setbacks may reasonably be minimal in extent.*
59. The Panel accepted the evidence put forward by the proponent that there are alternative design responses that do not require a setback of 6m. The Panel therefore accepted the proponent’s revised version of the Incorporated Plan.

*Officer Response – Minimum Setback from Heritage Façades*

60. Officers disagree with the Panel on how the evidence put forward by the proponent and their experts has been reflected (or translated) on the *18-62 Trenerry Crescent Framework Plan* in the Incorporated Plan.
61. In its conclusion on heritage matters (page 44 of the Panel report), the Panel does not provide any commentary about the merits of the various setbacks distances, other than to accept the version of the Incorporated Plan submitted during the Panel hearing by the proponent.
62. The Panel has recommended that a preferred setback of 2m is provided for in the Incorporated Document. The setback only relates to the frontages of the 1911 building and not to the Turner Street frontage of the 1924 building.
63. The figure below illustrates the minimum setbacks considered acceptable by GJM Heritage Consultants, to the heritage façades of the 1911 and 1924 buildings:



64. It is evident from the heritage advice and the Panel's recommendations that the 1984 Jackson building is not considered to be of individual significance warranting retention. Further, the 1924 building has less heritage significance than the 1911 building and therefore is not required to be retained to the same extent.
65. The Panel's recommendation supports the retention of the facades of the 1911 building along Trenerry Crescent and Turner Street and allows for upper level development. Based on this the panel has then turned its consideration to the necessity for upper level setback to the 1911 building.
66. The Panel has accepted the evidence of the proponent's heritage consultants that upper level setbacks need only be minimal and that there are other architectural treatments that could be used and still enable the retention and interpretation of the 1911 building. The panel has recommended a discretionary 2m upper level setback.
67. Clearly the Panel's recommendation varies from both the exhibited amendment (proposing a 3m setback) and the revised amendment which proposed 6m. It should be noted that the DELWP is likely to give significant weight to the Panel's recommendation given it has had the opportunity to consider and interrogate the heritage evidence in forming its recommendations to Council.
68. One of the key considerations for Council in considering and balancing the recommendations of the Panel report, the proponent's expert heritage evidence and the advice of Council's heritage expert, is what outcome is sought by the proposed setback distance within the planning control.
69. Having regard to the evidence presented to the Panel by the three heritage experts, officers consider that a reduced setback could be provided that would still allow the façade to maintain a 3 dimensional form, and be set apart from new development. However, officers consider that the "preferred" 2m setback recommended by the Panel is insufficient.
70. The advice from GJM heritage states that an absolute minimum setback distance of 6m is needed to:
  - (a) retain a sufficient amount of heritage fabric; and
  - (b) allow the legibility of the 3-dimensional form of the heritage building.
71. Council officers had regard to this advice in preparing the post-exhibition version of the amendment, which was endorsed by Council and presented at Panel.
72. As the roof form is not visible (apart from the gable section that connects the 1911 and 1924 buildings) it does not contribute to the reading of the heritage building. GJM concedes that this roof structure can be demolished without any consequence to the reading of the building(s).

73. Therefore, in trying to balance the recommendation of the Panel against the advice received from GJM Heritage, officers consider that a 3m setback (as originally exhibited) is appropriate to retain the legibility of the three dimensional form of the heritage façades to be retained. This setback would also be consistent with the upper level setbacks of new development on the Trenerry Crescent frontage.

*Design Response – Retention of Heritage Fabric (Façades)*

74. The issues relate to defining the extent of the heritage façade to be retained and appropriate setbacks from heritage façades.
75. The heritage elements identified on the Panel preferred version of the Incorporated Plan reduce the significance of heritage elements (heritage fabric) on the site and as a result, a degree of uncertainty has been introduced in terms of what should be retained on the site.
76. The Panel does not seek to prescribe the extent of buildings to be retained on the *Framework Plan* in the Incorporated Plan, but amends IPO2 to allow retention issues to be resolved at the planning permit stage.
77. The Panel concluded that IPO2 and the Incorporated Framework Plan should be amended to allow a future permit applicant the opportunity to justify a proposal that:
- *retains heritage features including parts of the heritage fabric of the buildings with the façade of the 1911 buildings and part of the Turner Street fabric.*

*Officer Response – Retention of Heritage Fabric (Façades)*

78. To provide certainty about the extent of retention and need for further investigation, it is recommended that Council adopt the following change to the amendment, which differs from the Panel's recommendations:
- (a) Alter the second dot under *Heritage Principles* within the Incorporated Plan to read as follows:
- (i) *Retain the identified heritage façades shown on the 18-62 Trenerry Crescent Framework Plan in Figure 1 and encourage the retention of other heritage fabric to provide a contextual link to historical industrial uses along Trenerry Crescent.*
79. The officer recommended changes (numbered on the *18-62 Trenerry Crescent Framework Plan*) to the Panel's recommended version of the amendment is attached to this report (Attachment 5). The Incorporated Plan and Schedule to the IPO attached to this report (Attachment 3) is recommended for adoption by Council, and includes the following changes:

| Panel Recommendation   | Officer Recommended Change for Adoption   |
|--|---|
| <p>Modify the wording relating to the retention of the heritage buildings on the site by referring to the 1924 heritage component as "other heritage fabric"</p> <p>Adopt the Incorporated Plan as provided at Appendix C of the Panel Report which includes the following changes to the Incorporated Plan:</p> <ul style="list-style-type: none"> <li>• Identifying the 1924 building as "other heritage fabric" on the Incorporated Plan</li> <li>• Reducing the 6m setback to a preferred 2m setback</li> <li>• Reinstating arrows that indicate "opportunities for increased activation"</li> </ul> | <p>(a) Alter the second dot under <i>Heritage Principles</i> within the Incorporated Plan to read as follows:</p> <p>(i) <i>Retain the identified heritage façades shown on the 18-62 Trenerry Crescent Framework Plan in Figure 1 and encourage the retention of other heritage fabric to provide a contextual link to historical industrial uses along Trenerry Crescent. (Change 2)</i></p> <p>(b) Accept the distinction made on the plan between the 1911 and 1924 heritage façades but modify the wording to reflect the intention to retain the 1911 heritage façade as well as the 1924 façade subject to structural and heritage advice <b>(Change 3)</b></p> <p>(c) Reinstate a 3m setback as illustrated on the exhibited Incorporated Plan <b>(Change 4)</b></p> <p>(d) Delete (2) arrows that encourage "opportunities for activation" through the façades of the heritage building to be retained <b>(Change 5)</b></p> |

|  |  |
|--|--|
|  | (e) Adopt the revised Statement of Significance submitted by Peter Lovell subject to any recommended changes by GJM Heritage ( <b>Attachment 4</b> ) |
|--|--|

Discretionary Heights – Street wall height to Trenerry Crescent

80. The Panel appears to support the street-wall height as illustrated on the Incorporated Plan in the exhibited amendment:
- (a) *The IPO2 and the Incorporated Framework Plan should be amended to allow a future permit applicant the opportunity to justify a proposal that... has a street wall height on the Trenerry Crescent frontage as exhibited in the Incorporated Plan in Amendment C218 that depicts 'maximum height 4 storeys (15m)'.*
81. The exhibited Incorporated Plan in Amendment C218 depicted the street wall height as a “*maximum height 4 storeys (15m)*”. In its submission during exhibition, the Proponent of C218 sought changes to the IPO Schedule that *allows a degree of discretion in height and setbacks*.
82. The C218 Proponent proposed the street wall height to be changed from a mandatory to discretionary height and the Panel has recommended the IPO Schedule depicts “*15 metres preferred height*”.

Officer Response

83. Council considered the mandatory street wall height proposed in Amendment C218 to be justified, having regard to the JSLAP and the urban design analysis that underpins it; heritage significance of 18-62 Trenerry Crescent; and the proposed application of the IPO.
84. GJM’s position on the controls proposed for this site assumed a four storey street wall height, which was considered *appropriate in the context of the broader precinct*.
85. The heights on the Incorporated Framework Plan do not need to be expressed as either preferred or mandatory because of how the Incorporated Plan Overlay operates. The parent clause to the Incorporated Plan Overlay states:
- (a) *A permit granted must:*
- (i) *be generally in accordance with the incorporated plan, unless a schedule to this overlay specifies otherwise; and*
- (ii) *include any conditions or requirements specified in a schedule to this overlay.*
86. The Incorporated Plan and Schedule to the IPO recommended by Council officers for adoption (Attachment 3) removes the term “preferred”, but maintains a reference to *15M maximum street wall height*, noting that *a permit must be generally in accordance with the Incorporated Plan*.
87. This is consistent with the IPO introduced via Amendment C170 to land in Mollison Street, Abbotsford. The heights and setbacks on the incorporated plan in Amendment C170 did not specify whether they were mandatory or discretionary because the parent clause states that they must be generally in accordance with the incorporated plan.

| Panel Recommendation  | Officer Recommended Change for Adoption   |
|---|---|
| Identify street-wall height to Trenerry Crescent as preferred in legend | Remove references to preferred height and setback in relation to the street-wall height (plan and legend) as will be assessed under the provisions of the Incorporated Plan Overlay ( <b>Change 6</b> ) |

Discretionary Heights – Maximum Building Height

88. As discussed from paragraphs 16-19, the Panel considered issues of duplication and concluded that Amendment C218 should be amended so that the Incorporated Plan to the IPO includes a note that the revised DDO1 applies and expresses a preferred maximum 25 metre building height (not including the street wall height). Any duplication of DDO1 building height and set back provisions should be deleted and any reference to heights in storeys should be deleted.
89. It was argued that because DDO1 is an interim control - and subject to change - the building heights applied to the site should be based on this amendment proposal and not strictly comply with the existing DDO1. This discussion was “driven” by the preference for an overall discretionary maximum height of 26m for the site by the proponents (one metre higher than DDO1).
90. The Incorporated Plan that was endorsed by Council prior to the Panel process, stated as a note on the plan:
  - (a) *Maximum building heights (not including the street-wall height) must be in accordance with DDO1.*
91. In accordance with the conditional authorisation, Council’s endorsed post-exhibition version of the Amendment, removed the overall maximum height from the Incorporated Plan to avoid the confusion being caused between this control and DDO1.
92. The Panel recommended that a preferred maximum height of 25m be shown on the Incorporated Plan, despite Council’s attempt to comply with the conditional authorisation. The Panel also included wording in the schedule that refers to the need to consider DDO1.
93. **The Panel’s Recommendation**
  - (a) ***Adopt the form of Incorporated Plan Overlay Schedule 2 as contained at Appendix C to clarify building height controls; and***
  - (b) ***Delete parts of the Incorporated Plan for the building height and set back provisions of Design and Development Overlay Schedule 1 and add a note that Design and Development Overlay Schedule 1 applies, and express a discretionary preferred maximum 25 metre height (see Appendix C).***

Officer Response

94. The *preferred* maximum height that was advocated for by the proponent, not only undermines the certainty that the control aims to achieve but also the intent of DDO1, which applies as a mandatory control regardless.
95. The Panel report states that Council agreed with a 25m discretionary height limit for the site, however, this was corrected during the Panel hearing and a corrections report was issued in December acknowledging Council’s position on the matter of mandatory heights.
96. It was made clear (to the Panel) that Council did not support a preferred height as it contradicted Council’s expectations for the site, the conditional authorisation and the wider Yarra River corridor.
97. The provisions of DDO1 apply despite the height and setback requirements on the Incorporated Plan. Whilst DDO1 is an interim control that expires in 2021, it has been indicated to Council through a letter from the Minister for Planning, that an amendment process to bring in permanent controls is planned for 2018. At this stage, it is unclear that this will occur this year.
98. As discussed at paragraph 68, the parent clause to the Incorporated Plan Overlay states:
  - (a) *A permit granted must:*
    - (i) *be generally in accordance with the incorporated plan, unless a schedule to this overlay specifies otherwise; and*
    - (ii) *include any conditions or requirements specified in a schedule to this overlay.*

99. The Incorporated Plan and Schedule to the IPO attached to this report (Attachment 3) removes references to being either mandatory or discretionary because firstly, they must comply with DDO1 and secondly, they must be generally in accordance with the Incorporated Plan.
100. The Incorporated Plan and Schedule to the IPO recommended by officers for adoption by Council includes the following changes:

| Panel Recommendation  | Officer Recommended Change for Adoption   |
|---|---|
| Express a (discretionary) preferred maximum 25 metre height on the Incorporated Plan and express all other heights and setbacks as preferred. | <p>The following changes to the <i>18-62 Trenerry Crescent Framework Plan</i> are recommended for adoption:</p> <p>(a) References to building heights and setbacks from the river as “preferred” will be removed (including from the legend) and the heights and setbacks expressed so that the numerical value corresponds with DDO1. <b>(Change 7)</b></p> <p>(b) The 25m height limit has been reinstated on the plan as recommended by the Panel, with no reference to being either preferred or mandatory – the provisions of the IPO apply as well as DDO1 (which takes precedence as a mandatory control). <b>(Change 7)</b></p> |

*Form and Content of the amendment*

101. The issue of form and content was discussed as it related to the Ministerial Direction on Form and Content for Planning Schemes which sets out the guidelines for provisions in planning schemes and includes templates which need to be complied with, where specified.
102. In terms of “form and content”, the conditional authorisation was referring simply to the headings and structure of the proposed schedule to the IPO and as pointed out by Council, and acknowledged by the Panel, revisions were made prior to the Panel hearing to comply with the authorisation.
103. The Panel further added:
  - (a) *It is sufficient for the Panel that the planning authority will recheck the form of the amendment papers taking account of the Panel recommendations prior to adoption of the Amendment*
104. Council officers have reviewed the form of the amendment papers taking account of the Panel recommendations and further changes are required.

**Commitment to Public Realm Improvements**

105. The proponents for Amendment C218 have continually expressed their desire to improve elements of the public realm surrounding the site through the planning permit and development phase, and have provided a letter to Council stating their intent to do so.
106. A conceptual outline of public realm improvements has been provided to Council that aims to address and improve elements of the public realm including the following:
  - (a) the footpath and public realm along the Trenerry Crescent frontage;
  - (b) the footpath and public realm along the Trenerry Crescent frontage, including the installation of way-finding signage, bicycle hoops and facilities, Water Sensitive Urban Design (WSUD) treatments;
  - (c) improving the river bank east of the property boundary through revegetation and potentially public art work (a mural) of the exposed retaining wall; and
  - (d) other detailed public realm works outlined within the conceptual proposal.
107. The proposed works are not in a final form but give an indication of the scope of works the proponent is willing to deliver as part of a development proposal.

### **External Consultation**

108. The Amendment has been consulted upon in accordance with the relevant provisions of the Planning and Environment Act and submitters have been notified as the Amendment has progressed through to the Planning Panel stage.

### **Internal Consultation (One Yarra)**

109. The Amendment has had input from statutory planning and the traffic (engineering and sustainable transport) department at Council.

### **Financial Implications**

110. The Amendment costs are being covered by the proponent.

### **Economic Implications**

111. The Amendment will have positive economic effects on the local area through employment opportunities created on the site.

### **Sustainability Implications**

112. The Amendment encourages the use of sustainable transport initiatives to reduce the impacts of traffic on the local area.

### **Social Implications**

113. There are no direct social implications.

### **Human Rights Implications**

114. There are no known human rights implications.

### **Communications with CALD Communities Implications**

115. The Amendment has been consulted upon through a variety of media options that Council offers including accessible web pages and translation services outlined on fact sheets and letters distributed as part of the amendment process.

### **Council Plan, Strategy and Policy Implications**

116. The Amendment implements the following Council Plan objective:
- (a) *Manage change in Yarra's built form and activity centres through community engagement, land use planning and appropriate structure planning processes.*

### **Legal Implications**

117. The Amendment has been undertaken in accordance with the relevant provisions of the Planning and Environment Act 1987.

### **Options**

118. There are three main options for Councillors to consider in relation to adopting the Amendment:
- (a) adopt the Amendment with the changes recommended by the Planning Panel; or
  - (b) adopt the Amendment with the officer recommended changes which take into account the Panel's recommendations with some variations; or
  - (c) adopt the Amendment as exhibited; or
  - (d) abandon the amendment.

### **Conclusion**

119. The Panel has considered the Amendment (C218) at a Planning Panel that occurred in August 2017 and has made a number of recommendations for changes as outlined in this report.
120. Council officers have reviewed the recommendations, sought further advice from GJM Heritage, and made subsequent changes to the Amendment in order to:



- (a) maintain the integrity of the Amendment and the purpose for introducing the Incorporated Plan Overlay to the site (Schedule 2);
  - (b) comply with the conditional authorisation which was specifically aimed at ensuring that heights and setbacks were consistent with DDO1, which is mandatory in nature;
  - (c) comply with the Minister's Direction on the Form and Content of Planning Schemes – some of the Panel's recommended changes were put forward on this basis and are generally accepted by Council officers;
  - (d) improve the graphic content of the 18-62 Trenerry Crescent Framework Plan contained within the Incorporated Plan; and
  - (e) respond to expert advice that Council had received in relation to heritage matters for the site, and to submissions from community members expressing concerns about the heritage building and how those concerns are responded to through a future development proposal.
121. In accordance with Section 27 of the Planning and Environment Act, Council must have regard to and consider the recommendations of the Planning Panel report before deciding to adopt an amendment with or without changes.
122. Officers have proposed departures from some of the recommended Panel changes to improve the planning control and ensure it complies with the conditional authorisation for the Amendment.

## **RECOMMENDATION**

1. That Council notes:
  - (a) the report of officers in relation to the Panel's findings in relation to Amendment C218;
  - (b) the findings and recommendations of the Panel regarding Amendment C218; and
  - (c) the letter to Council stating an intention to undertake public realm upgrades related to a future planning permit application and improvements as outlined in the 18-62 Trenerry Crescent Public Realm Concept, prepared by Tract Consultants, dated 15 December 2017 (Attachment 8).
2. That Council:
  - (a) having considered the report of the Planning Panel, adopts Amendment C218 in accordance with the officer recommended changes to the Amendment (found as Attachment 3);
  - (b) adopts the Statement of Significance (citation) for 18-62 Trenerry Crescent and the changes to Clause 21.11 and Clause 22.02 (Attachments 6 and 7 respectively) of the Yarra Planning Scheme to include the citation as a reference document; and
  - (c) submits the adopted amendment to the Minister for Planning for approval, in accordance with Section 31 of the Act.
3. That Council note the reasons for varying from the Panel recommendations as outlined in the officer report.
4. That officers notify submitters to Amendment C218 of Council's decision.

**CONTACT OFFICER:** Evan Burman  
**TITLE:** Strategic Planner  
**TEL:** 9205 5075

**Attachments**

- 1** Post-Exhibition IPO Schedule and Incorporated Plan C218
- 2** Yarra C218 and C219 Panel Report
- 3** Amendment C218 IPO Schedule and Plan for Adoption
- 4** C218 Post Panel Heritage Citation (GJM)
- 5** Yarra C218 Panel Recommended Plan (Officer Changes)
- 6** Municipal Strategic Statement Clause 21.11 - Amendment C218 - Reference Documents
- 7** Local Planning Policy Schedule 22.02 - Amendment C218 - Development Guidelines for sites subject to the Heritage Overlay
- 8** (C218) Letter with Public Realm Concept Plan

# Attachment 1 - Post-Exhibition IPO Schedule and Incorporated Plan C218

## YARRA PLANNING SCHEME

--/20--  
C218

### SCHEDULE 2 TO THE INCORPORATED PLAN OVERLAY

Shown on the planning scheme map as **IPO2**.

**18-62 Trenerry Crescent, Abbotsford November 2016**

#### 1.0

--/20--  
C218

#### Requirements for permit applications

An application to construct a building on the site that includes multiple residential dwellings must allocate a minimum leasable floor area\* of 20 % of its net floor area\*\* for office/retail/commercial or other employment generating uses, to the satisfaction of the responsible authority.

**\*Leasable floor area** - That part of any floor area able to be leased. It does not include public or common tenancy areas, such as malls, verandahs, or public conveniences.

**\*\*Net floor area** - The total floor area of all floors of all buildings on a site. It includes half the width of any party wall and the full width of all other walls. It does not include the area of stairs, loading bays, accessways, or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply or lifts.

#### 2.0

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C218

#### Application Requirements

An application to construct a building on the site must include a site analysis and design response to the satisfaction of the responsible authority. The application is to contain the following:

- A design response that:
  - describes how the building respects and addresses the interface with Trenerry Crescent, Turner Street and the former industrial interface to the Yarra River Corridor.
  - addresses the sensitive river corridor environs in terms of materials and the suitable design and articulation of façades in order to minimise visual impacts when viewed from the river corridor and Yarra Bend Park.
  - provides safe and efficient pedestrian and vehicle access to the building.
- A conservation management plan or comprehensive heritage analysis prepared for the site by a suitably qualified heritage consultant, that:
  - identify the heritage fabric to be retained;
  - articulate the significance of the heritage place, its component parts, and its setting;
  - describe the relationship between the heritage place and any neighbouring or adjacent heritage place/s; and
  - establishes principles for managing the significance of the heritage place and its relationship with its surroundings.
- A heritage impact statement prepared by a suitably qualified professional that assesses the impact of the proposed development on the heritage values of the heritage place and nearby heritage places, as identified in the conservation management plan or similar comprehensive heritage analysis prepared for the site, along with relevant heritage studies and citations.
- A visual impact assessment, to the specifications of the responsible authority, that provides the following:
  - A 3D model of the development and its surrounds in conformity with the Department of Environment, Land, Water and Planning Infrastructure Advisory Note – 3D Digital Modelling. Where substantial modifications are made to the proposed building envelope, a revised 3D digital model must be submitted to the Responsible Authority.

## Attachment 1 - Post-Exhibition IPO Schedule and Incorporated Plan C218

### YARRA PLANNING SCHEME

- Site line analysis and 3D modelling of the proposed development from key view points in the public realm to enable an assessment of the visual impact of the development on heritage places; and
- Perspectives showing the visual prominence of the development from public vantage points along the Yarra River corridor and Yarra Bend Park.
- A car parking and traffic impact assessment that considers the provision of car parking, circulation and layout of car parking and the impact of any additional traffic on the surrounding road network, including the intersection of Trenerry Crescent and Johnston Street, and how any necessary mitigation measures and/or financial contributions towards works to mitigate the impact of the development are to be delivered, to the satisfaction of the responsible authority and VicRoads.
- A Green Travel Plan that promotes sustainable transport options including the provision of on-site bicycle storage and end-of-trip facilities.
- A landscape scheme that considers the suitability of existing vegetation on the site and measures to protect and enhance vegetation along the banks of the Yarra River (immediately east of the site) including a revegetation program and protection of the existing trees in Trenerry Crescent and Turner Streets

### 3.0 Decision guidelines

Before deciding on an application the responsible authority must consider, as appropriate:

- How the proposed development responds to the purpose and objectives of the Incorporated Plan and accords with the 18-62 Trenerry Crescent Framework Plan.
- How the proposed development responds to the Yarra River Corridor Strategy which seeks to protect the natural characteristics of the Yarra River corridor.
- How the proposed development responds to the land use and built form guidelines and principles in Part 4 of the Johnston Street Local Area Plan, 2015.
- The impact of the height, bulk, design and appearance of the building or works on the character and amenity of the surrounding area:
- The scale and design of new development and its transition to the single storey heritage façade fronting Trenerry Crescent and the adjoining building at 64 Trenerry Crescent
- The impacts of overshadowing on windows to habitable rooms in the existing building to the south and southern side footpath on Turner Street, caused by upper levels of new development, between 9am and 3pm on September 22 (equinox).

How the proposed development has regard to the heritage significance of the place and the principles for managing the values, as set out in the conservation management plan or similar comprehensive analysis prepared for the site.

- The relationship of any new buildings to the street including entrances that provide opportunities for active or visual engagement and whether new buildings provide an attractive and engaging edge to the street environment through landscaping and/or architectural design features.
- The design of any car park area including how it relates visually to the street environment and the extent of activation of the frontage at street level.
- The impact of development on the surrounding road network, including the intersection of Trenerry Crescent and Johnston Street, the suitability of any proposed mitigation measures and/or financial contributions towards works to mitigate the impact of the development and whether the views of VicRoads have been considered and addressed.
- The extent to which the design of any building and the materials used, minimises the visual impacts of built form when viewed from the Yarra River corridor and Yarra Bend Park.
- The extent to which sustainable travel options are provided as part of the development, in accordance with a Green Travel Plan.
- The extent to which screening of mechanical plant equipment is achieved.

## Attachment 1 - Post-Exhibition IPO Schedule and Incorporated Plan C218

### YARRA PLANNING SCHEME

#### 4.0 Requirements for incorporated plan

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C218

The incorporated plan must include:

- Objectives for the future use and development of the site
- A plan showing:
  - Relevant building heights and setbacks across the site.
  - Building height in storeys and metres or RLs.
  - Heritage features to be retained
  - Vehicle entry and exit points for the site.
  - Visual connections to the Yarra River Corridor
  - Areas of landscaping to minimise the visual intrusion of development in the Yarra River Corridor.

#### 5.0 Reference Documents (Policy Reference)

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C218

*Johnston Street Local Area Plan – December, 2015*

*City of Yarra, Yarra River Corridor Strategy, Planisphere, 2015*

## Attachment 1 - Post-Exhibition IPO Schedule and Incorporated Plan C218

### 18-62 Trenerry Crescent, Abbotsford Plan

#### 1.0 The Plan

The 18-62 Trenerry Crescent, Abbotsford Plan consists of this ordinance and the 18-62 Trenerry Crescent Framework Plan

#### 2.0 Purpose

To facilitate the use and development of the land at 18-62 Trenerry Crescent for a mixed use development including dwellings, retail premises and office uses that will provide jobs and business activity for the local area.

To encourage new development that respects the sensitive Yarra River corridor interface, the heritage values of the site and former industrial character of Trenerry Crescent.

#### 2.0 Objectives

##### *Use principles*

- Encourage and support a mix of retail, office and accommodation uses that complement the location and bring life to the area.
- Retain employment generating land uses on the site, whilst permitting residential uses and encouraging mixed use activities consistent with the character of the area.
- Encourage offices, retail uses such as cafes and restaurants at the lower levels of any development that support local residential and commercial uses on the site and nearby.

##### *Development principles*

- Provide for new development to be set back from the Yarra River interface to provide a transition in built form and minimise the visual prominence of development from the Yarra River corridor and Yarra Bend Park.
- Facilitate development that responds to the robust former industrial buildings along the east side of Trenerry Crescent, acknowledging the change that has occurred along Trenerry Crescent and having regard to the built form expectations outlined in the Johnston Street Local Area Plan 2015.
- Retain the identified heritage façades shown on the *18-62 Trenerry Crescent Framework Plan* in Figure 1 and where practicable, other elements of the heritage fabric to provide a contextual link to the historical industrial uses along Trenerry Crescent.
- Maintain a visual connection to the retained heritage elements on the site when viewed from Trenerry Crescent and Turner Street.
- Provide an appropriate separation and/or transition between the street wall façade height of new development and the façade of the existing heritage building, as viewed along Trenerry Crescent.
- Provide appropriate setbacks from Trenerry Crescent and Turner Street at upper levels beyond the street wall height to minimise visual dominance of upper levels in the street, as well as the potential for overshadowing the property to the south.
- Ensure that upper level development is sufficiently setback from the retained heritage façades to enable them to be understood as having three dimensional form and appreciated as separate from the new development behind.
- Ensure that built form at the river corridor interface is well designed and articulated in order to break up the building mass.
- Locate taller built form towards the Trenerry Crescent interface (away from the river corridor) and set back upper levels from the street wall façade.
- Provide an appropriate design response to the heritage building on the site in accordance with a Conservation Management Plan (CMP) or comprehensive heritage analysis.

## Attachment 1 - Post-Exhibition IPO Schedule and Incorporated Plan C218

- Ensure that the form of development reflects high quality architecture, urban design and landscaping.
- Ensure that the design and use of materials are respectful of the natural characteristics of the river corridor, responding to the former industrial character, avoiding reflective and/or contrasting materials along the banks of the river.
- Respect and seek to improve the public realm along the Turner Street frontage as a key pedestrian and cycling link to the Yarra River corridor.
- Have regard to views to the Yarra River corridor from the public realm.
- Provide separate entries for different land uses.

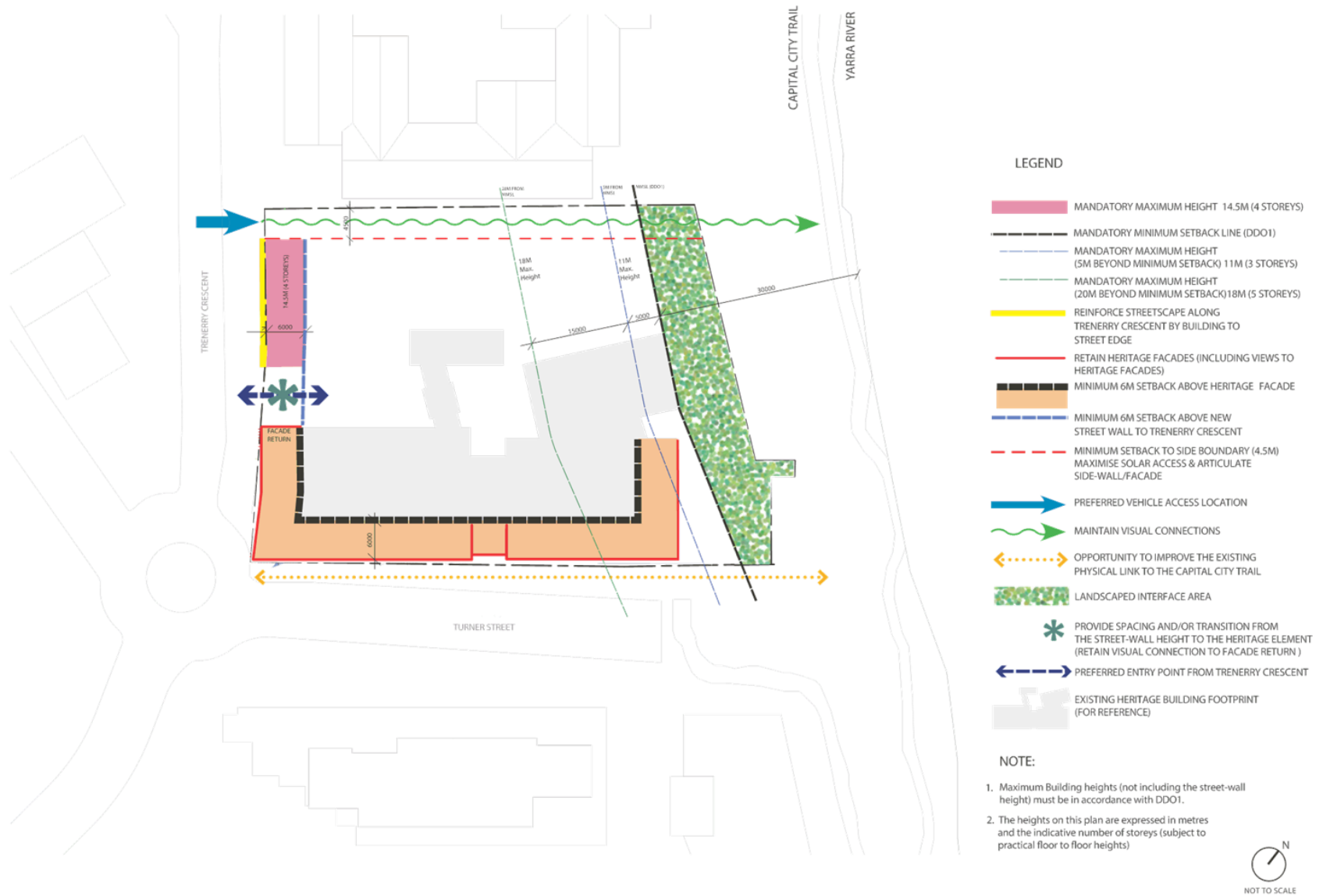
### *Landscape principles*

- Encourage the use of sustainable practices in vegetation selection, stormwater runoff, removal of weeds, vegetation and revegetation of the Yarra River bank (between the title boundary and the Capital City Trail) with local indigenous species.
- Protect the street trees in Trenerry Crescent and Turner Street which provide a distinct landscape character and physically connect the urban environment with the Capital City Trail and the Yarra River.
- Seek to improve the streetscape in Turner Street with footpath upgrades and the introduction of Water Sensitive Urban Design initiatives.
- Ensure any new development incorporates landscape and planting features that integrate with the river environs.

### *Sustainable Transport Principles*

- Provide adequate and convenient on-site parking to cater for the needs of any mixed use development whilst acknowledging the provision of public transport in close proximity to the site and sustainable transport principles.
- Provide adequate bicycle facilities (bicycle storage spaces and end-of-trip facilities) for future residents and workers on the site to reduce the need for car parking spaces and consequently, reliance on motor vehicles.

# Attachment 1 - Post-Exhibition IPO Schedule and Incorporated Plan C218





## Attachment 2 - Yarra C218 and C219 Panel Report

*Planning and Environment Act 1987*

Panel Report

Yarra Planning Scheme Amendments C218 and C219

Rezoning of sites in Trenerry Crescent, Abbotsford

25 October 2017

## Attachment 2 - Yarra C218 and C219 Panel Report


*Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the Act

Rezoning of sites in Trenerry Crescent, Abbotsford

Rezoning of sites in Trenerry Crescent, Abbotsford

25 October 2017



Geoff Underwood, Chair



Amanda Cornwall, Member

## Attachment 2 - Yarra C218 and C219 Panel Report

Yarra Planning Scheme Amendments C218 and C219 | Panel Report | 25 October 2017

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### List of Abbreviations

|       |  |
|-------|--|
| DDO1  | Design and Development Overlay, Schedule 1 (Yarra (Birrarung) River Corridor Environs) |
| DELWP | Department of Environment, Land, Water and Planning                                    |
| DPO14 | Development Plan Overlay, Schedule 14  |
| DTPLI | Department of Transport, Planning and Local Infrastructure (former)                    |
| EAO   | Environmental Audit Overlay  |
| EPA   | Environment Protection Authority   |
| ESO1  | Environmental Significance Overlay – Schedule 1 (Yarra River Environs)                 |
| HO337 | Heritage Overlay (Schedule 337 – Victoria Park Precinct)                               |
| IPO2  | Incorporated Plan Overlay, Schedule 2  |
| JSLAP | Johnston Street Local Area Plan  |
| LPPF  | Local Planning Policy Framework  |
| MMSL  | Mandatory Minimum Setback Line   |
| MSS   | Municipal Strategic Statement  |
| MUZ   | Mixed Use Zone   |
| NRZ   | Neighbourhood Residential Zone   |
| RGZ   | Residential Growth Zone  |
| SLO1  | Significant Landscape Overlay, Schedule 1 (Yarra (Birrarung) River Corridor Environs)  |
| SPPF  | State Planning Policy Framework  |
| VPP   | Victoria Planning Provisions   |

## Attachment 2 - Yarra C218 and C219 Panel Report

Yarra Planning Scheme Amendments C218 and C219 | Panel Report | 25 October 2017

### Overview

| Amendment Summary         |   |
|---------------------------|---|
| <b>The Amendments</b>     | Yarra Planning Scheme Amendments C218 and C219  |
| <b>Brief description</b>  | The Amendments rezone land from Commercial 2 Zone to Commercial 1 Zone (C218) and Mixed Use Zone (C219) to facilitate development for residential and commercial uses. Amendment C218 applies an Incorporated Plan Overlay and Amendment C219 applies a Development Plan Overlay to the respective sites to guide future development. The Amendments reflect the requirements of Design and Development Overlay Schedule 1 (Yarra River Corridor Protection) (DDO1) and the heritage values of existing buildings on the subject sites in Heritage Overlay (Schedule 337 – Victoria Park Precinct) (HO337).   |
| <b>Subject sites</b>      | 18-62 Trenerry Crescent, Abbotsford (C218)<br>112-124 and 126-142 Trenerry Crescent, Abbotsford (C219)  |
| <b>The Proponents</b>     | Joval Pty Ltd for C218 and Australian Education Union for C219  |
| <b>Planning Authority</b> | Yarra City Council  |
| <b>Authorisation</b>      | <p>Granted on 8 November 2016 with the following conditions:</p> <ul style="list-style-type: none"> <li>the Amendments must be consistent with the Yarra River Corridor Controls which were at the time being prepared by the Department of Environment, Land, Water and Planning</li> <li>for Amendment C218 the proposed Schedule 2 to the IPO must be drafted in accordance with the Minister's Direction on the <i>Form and Content of Planning Schemes for Schedules to the Incorporated Plan Overlay</i></li> <li>for Amendment C219 the proposed Schedule 14 to the DPO must be drafted strictly in accordance with the Minister's Direction on the <i>Form and Content of Planning Schemes for Schedules to the Development Plan Overlay</i></li> <li>for Amendment C219 any clerical or minor errors in the Building Heights Plan within the proposed Schedule 14 to the DPO be amended to the satisfaction of DELWP officers prior to exhibition.</li> </ul> <p>In its Part A submission Council outlined how the conditions have been complied with. The Victorian Government gazetted the Yarra River Corridor Controls in the form of GC48 on 24 February 2017. Council addressed the new DDO1 in post exhibition changes to the Amendments.</p> |
| <b>Exhibition</b>         | 24 November to 24 December 2016.  |

## Attachment 2 - Yarra C218 and C219 Panel Report

Yarra Planning Scheme Amendments C218 and C219 | Panel Report | 25 October 2017

|  |   |
|--|---|
| <b>Post exhibition changes to Amendments</b> | <p>On 4 July 2017 Council endorsed post exhibition changes to the Amendments that include:</p> <ul style="list-style-type: none"> <li>• A proposal to require a traffic impact assessment at the planning permit stage and to secure a proportional contribution from the proponents to the cost of traffic signals and works to manage increased traffic resulting from the developments;</li> <li>• Changes necessary to align with revised Design and Development Overlay Schedule 1 (DDO1) for the Yarra River gazetted in February 2017, which include: <ul style="list-style-type: none"> <li>○ mandatory controls for building heights and setbacks, and</li> <li>○ controls to limit overshadowing of the Yarra River.</li> </ul> </li> <li>• Introducing controls that give further recognition of the heritage values of buildings on each site.</li> </ul> |
| <b>Submissions</b>                           | <p>There were 16 submissions for each Amendment. Of those submissions, 14 were by the same people or organisations for both Amendments.</p> <p><u>Objections and concerns</u></p> <p>Most of the submitters either objected to or expressed concerns about the Amendments based on impacts on local traffic and parking, the removal of third party rights under a DPO and IPO, inadequate building height and setback requirements to protect visual impacts on the Yarra River, and inadequate protection of heritage buildings.</p> <p><u>Support</u></p> <p>The proponents for each Amendment supported the Amendments with the exception that the Proponent for C219 did not support the proposed publicly accessible shared pathway through the middle of their site.</p> <p>One other submitter supported Amendment C218.</p>                                  |

| Panel Process             |   |
|---------------------------|---|
| <b>The Panel</b>          | Geoff Underwood (Chair) and Amanda Cornwall. Trevor McCullough was chair of the Panel for the Directions Hearing. |
| <b>Directions Hearing</b> | 25 July 2017 at Planning Panels Victoria, 1 Spring Street, Melbourne  |
| <b>Panel Hearing</b>      | 9, 10, 11 August 2017 at the Collingwood Town Hall and 16, 17 and 18 August 2017 at the Richmond Town Hall        |
| <b>Site Inspection</b>    | Accompanied, 9 August 2017  |

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|                            |   |
|----------------------------|---|
| <b>Appearances</b>         | <p>Greg Tobin, Harwood Andrews Legal and Evan Burman for Yarra City Council who called the following expert witnesses:</p> <ul style="list-style-type: none"> <li>- Mr Jason Sellars, GTA Consultants on traffic</li> <li>- Mr Jim Gard'ner, GJM Heritage on heritage (by Skype).</li> </ul> <p>Jeremy Gobbo QC for the C218 Proponent instructed by Romy Davidov, Best Hooper, who called the following expert witnesses:</p> <ul style="list-style-type: none"> <li>- Charmaine Dunstan, Traffix Group on traffic</li> <li>- Brodie Blades, David Lock Associates on urban design</li> <li>- Bryce Raworth, Bryce Raworth and Associates on heritage</li> <li>- Peter Lovell, Lovell Chen on heritage</li> <li>- Stuart McGurn, Urbis on town planning</li> <li>- John Patrick, John Patrick and Associates on landscape (provided expert report but did not appear).</li> </ul> <p>Matthew Townsend, for the C219 Proponent instructed by Nick Sissons, Holding Redlich who called the following expert witnesses:</p> <ul style="list-style-type: none"> <li>- Mr John Glossop, Glossop Town Planning on town planning</li> <li>- Ms Deborah Donald, O'Brien Traffic on traffic</li> <li>- Mr Mark Sheppard, David Lock Associates on urban design</li> <li>- Mr Bruce Trethowan on heritage (provided expert report but did not appear).</li> </ul> <p>Andrew Rasulo for VicRoads.</p> <p>Janet Taylor for Collingwood Historical Society.</p> <p>Clare Scarlett attended for Boroondara City Council on day 1 only.</p> |
| <b>Date of this Report</b> | 25 October 2017   |



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## **Executive Summary**

### **(i) Summary**

Rezoning of sites in Trenerry Crescent, Abbotsford (the Amendments) seek to rezone two sites on Trenerry Crescent Abbotsford from Commercial 2 Zone to allow the development of the sites for mixed use including commercial and residential uses.

Strategic planning for the Trenerry Crescent area and the two sites support the rezoning and redevelopment of the sites consistent with recent development in the area. The sites are two of three sites remaining for redevelopment. The Amendments have strong strategic planning support.

Trenerry Crescent is within a Heritage Overlay for the broader Victoria Park Precinct and the two sites each contain buildings of heritage significance under the Overlay. One of the sites at 112-12 and 126-142 Trenerry Crescent has a significant building that will influence any redevelopment proposal.

Land fronting the east side of Trenerry Crescent also backs onto the Yarra River corridor. Recent amendments to the Yarra River controls have applied a new level of development control not in operation at the time of exhibition of Amendments C218 and C219. The Minister for Planning's authorisation for the preparation of the Amendments included a specific requirement that the form of the amendments had to be in strict compliance with the form of Design and Development Overlay 1 now applying to the sites. The Yarra City Council made variations to the exhibited form of the amendments to reflect the provisions of DDO1 and the development constraints applying to the sites.

Presentations to the hearing by the Council as the planning authority and the proponents for Amendments C218 and C219 sought variations to the exhibited documents according to their interpretation of the new controls.

Submissions to the amendments were made by residents of Trenerry Crescent concerned at the impact of traffic from the redevelopment to follow rezoning, the impact of development on the river corridor and heritage issues.

VicRoads appeared at the hearing to further its submission that redevelopment of the sites would add to traffic problems at the intersection of Trenerry Crescent and Johnston Street and to call for contributions from the landowners toward any works necessary to mitigate traffic impacts. During the hearing, VicRoads changed its submission to relinquish the idea of contributions to works.

The protection of the Yarra River corridor is supported by the C218 and C219 Proponents. Each landowner accepts the responsibility to protect the river corridor from additional overshadowing, to limit the visibility of buildings from the river corridor and the Capital City Trail that runs along the riverbank and the imposition of development constraints in the resulting controls implemented by DDO1 and the respective Incorporated Plan Overlay and the Development Plan Overlay.

The key issues at the hearing focussed on the form of the heritage and planning controls for each site. After exhibition of the Amendments, council sought and obtained heritage advice



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that proposed additional layers of control through the IPO and the DPO as well as citations specially prepared for each site. The council relied upon the advice of its heritage adviser to propose increased protection of existing buildings and to enhance the heritage values of each site. On the other hand, each of the proponents submitted evidence from their own advisors.

The respective submissions presented the Panel with the task of framing controls that allowed redevelopment opportunities while respecting the sensitivity of the Yarra River and environs as required by the DDO1, the heritage of the Victoria Park Precinct and the individual buildings as well as impacts on the local area. The Panel has redrafted the IPO and the DPO and the associated documents to achieve a balance between what might be thought to be competing objectives. The Panel's preferred form of the revised IPO2, DPO14 and the heritage citation for the building at 18-62 Trenerry Crescent are included as appendices.

This report deals provides specific recommendations for Amendments C218 and C219 after discussing the issues that are common to each.

The Panel recommends that the Amendments be adopted with the changes as recommended and contained in the revised documents.

The Panel recommends approval notwithstanding the submissions from local residents who sought the rejection of the rezonings on traffic grounds. The Panel agrees with each of the traffic experts who appeared at the hearing who advised that in their opinion there would be some increase in traffic from the redevelopments to follow but the increases would be marginal and not sufficient to warrant rejection of the Amendments.

### (ii) Recommendations

Based on the reasons set out in this Report, the Panel recommends that Rezoning of sites in Trenerry Crescent, Abbotsford be adopted as exhibited subject to the following modifications:

#### 1. In Amendment C218

- a) delete any duplication of Design and Development Overlay Schedule 1 provisions in Incorporated Plan Overlay Schedule 2 but include a reference to applicable Design and Development Overlay Schedule 1 requirements and retain specific provisions that add to Design and Development Overlay Schedule 1, and
- b) delete parts of the Incorporated Plan for the building height and set back provisions of Design and Development Overlay Schedule 1 and add a note that Design and Development Overlay Schedule 1 applies, and express a discretionary preferred maximum 25 metre height (see Appendix C).

#### 2. In Amendment C219

- a) delete any duplication of Design and Development Overlay Schedule 1 provisions in Development Plan Overlay Schedule 14 but include a reference to applicable Design and Development Overlay Schedule 1 requirements and retain specific provisions that add to Design and Development Overlay Schedule 1, and

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- b) delete parts of the Indicative Framework Plan for the building height and set back provisions of Design and Development Overlay Schedule 1 and add a note that Design and Development Overlay Schedule 1 applies, and express a discretionary preferred maximum 25 metre height (see Appendix E).
- 3. Retain the provision in Amendments C218 and C219 requiring the proponent to provide a traffic and car parking impact assessment but delete reference to it being to the satisfaction of VicRoads and the requirement for proponents to contribute to mitigation works. The Panel's preferred version of the relevant provisions are set out in Appendices C and E.
- 4. In Amendment C218
  - a) Adopt the form of Incorporated Plan Overlay Schedule 2 as contained at Appendix C to clarify building height controls
  - b) Adopt the statement of significance for 18-62 Trenerry Crescent Abbotsford as presented by Mr Lovell for the C218 Proponent and included at Appendix D.
- 5. Adopt the form of Incorporated Plan Overlay Schedule 2 as contained at Appendix C to improve form and content of the overlay and the Indicative Framework Plan.
- 6. Adopt the heritage citation for the former Austral Silk and Cotton Mills warehouse and factory complex as prepared by GJM Heritage for inclusion as a reference document at Clause 22.02-8.
- 7. Adopt the form of Development Plan Overlay Schedule 14 as contained at Appendix E.
- 8. Delete the requirement for the publicly accessible shared path shown on the Indicative Framework Plan and adopt the wording on the Panel preferred form of the Indicative Plan at Appendix E.

**Attachment 2 - Yarra C218 and C219 Panel Report**

## **1 Introduction**

### **1.1 The Amendments**

#### **1.1.1 Purpose of the Amendments**

Amendments C218 and C219 are two separate proposals to rezone land along Trenerry Crescent, Abbotsford to facilitate mixed use development for residential and commercial uses. The subject sites are currently Commercial 2 Zone (C2Z).

The Amendments recognise the heritage values of existing buildings on the sites as set out in Heritage Overlay (Schedule 337 – Victoria Park Precinct) (HO337). The Amendments also reflect the special controls that apply to developments on the Yarra River Corridor under the Design and Development Overlay, Schedule 1 (Yarra River Corridor Protection) (DDO1) with effect from February 2017.

The Amendments ensure necessary environmental assessment of the sites to address any potential soil contamination by applying the Environmental Audit Overlay (EAO).

#### **Description of Amendment C218**

Amendment C218 proposes to rezone land at 18-62 Trenerry Crescent from C2Z to Commercial 1 Zone (C1Z) and to apply an Incorporated Plan Overlay (IPO) that provides site specific guidance on a future development proposal.

The building at 18-62 Trenerry Crescent is an *Individually Significant* heritage building affected by HO337. It comprises a heritage building at the corner of Trenerry Crescent and Turner Street with alterations and extensions principally to the rear in 1984.

#### **Description of Amendment C219**

Amendment C219 proposes to rezone two properties at numbers 112-124 and 126-142 Trenerry Crescent from C2Z to the Mixed Use Zone (MUZ). The proponent currently occupies and operates the recently refurbished building at 126-142 Trenerry Crescent as a commercial site.

The Amendment proposes to apply a Development Plan Overlay (DPO) with a new Schedule 14 (DPO14) to the site to manage future development of either property to achieve positive public realm, urban design and built form outcomes.

The building at 112-124 Trenerry Crescent is an *Individually Significant* heritage building affected by HO337. Its future use is reliant on the adaptability of the building which was part of the former Austral Silk and Cotton Mills Factory complex.

#### **1.1.2 The subject sites**

Amendment C218 applies to land at 18-62 Trenerry Crescent, Abbotsford and Amendment C219 applies to 112-124 and 126-142 Trenerry Crescent shown in Figure 1.

## Attachment 2 - Yarra C218 and C219 Panel Report



Figure 1 The subject sites

### 1.2 Background to the proposals

Amendment C218 was prepared at the request of the landowner, Joval Pty Ltd (C218 Proponent). Representatives for the C218 Proponent have discussed potential rezoning of the C218 site with Council officers since 2011.

Amendment C219 was prepared at the request of the landowner the Australian Education Union (C219 Proponent). In March 2016 representatives of the C219 Proponent presented Council with a proposal for Amendment C219.

### 1.3 Issues dealt with in submissions and post exhibition changes

Council received 16 submissions. The submitters were the same for both amendments, except the respective proponents and two individual submitters. See Appendix A.

Submitters raised a number of issues which Council summarised in its Part A submission.<sup>1</sup> Common themes across the submissions were as follows:

- (a) increased traffic volume and need for traffic management measures
- (b) protection of heritage buildings on the respective sites
- (c) building heights and setbacks (sometimes related to consistency with DDO1)
- (d) visual impact of new development on the Yarra River corridor
- (e) impact of increased population on infrastructure, character and amenity
- (f) removal of third party rights as a result of an IPO for C218 and a DPO for C219.

<sup>1</sup> Document 1, Appendix B.



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The proponents supported the Amendments as exhibited except that the C219 Proponent opposed a requirement to provide a publicly accessible shared pedestrian and cycling path through the middle of the two properties.

In response to submissions, Council sought further advice on heritage and traffic issues, which informed changes to the amendments. The proponents also commissioned consultants to undertake further work on traffic impact assessment, and visual impact analysis.

Revised DDO1 was gazetted on 24 February 2017, introducing mandatory maximum building heights and setbacks, and controls to limit overshadowing and provide protection of the Yarra River.

Upon receipt of the further expert advice it commissioned, and upon the changes to DDO1, Council made a number of substantial post exhibition changes to the Amendments:

- to align the Amendments with the revised DDO1 for the Yarra River corridor
- to require a traffic impact assessment with the planning permit and consideration of a financial contribution by the proponents to any traffic mitigation works
- to introduce new controls that further recognise the heritage values of existing heritage buildings.

At the ordinary Council meeting on 4 July 2017 Council resolved to:

- Endorse the post exhibition changes to the Amendments
- Include heritage citations prepared for the Council by GJM Heritage (GJM) as reference documents to clause 22.02-8 (Development guidelines for sites subject to the Heritage Overlay – references)
- Request the Minister for Planning to appoint a Panel to consider the Amendments in accordance with section 23 of the Planning and Environment Act.

Council notified submitters of the changes on 11 July 2017. Details of the post exhibition changes to the Amendments are set out in Council's Part A submission.<sup>2</sup>

### 1.4 Issues dealt with in this report

Council requested the Panel hear the Amendments together because of the common issues and common submitters. In this report, the Panel has grouped issues that are common to both Amendments and addressed specific issues in separate chapters.

This report deals with the issues under the following headings:

- Section 1 - Issues common to both Amendments
- Strategic policy and the nature of the planning controls
  - Policy framework
  - Planning Scheme Provisions
- Issues common to both Amendments
  - DDO1 Yarra River corridor controls
  - Traffic issues

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<sup>2</sup> Document 1, Attachment D for Amendment C218 and Attachment E for Amendment C219.

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- Section 2 – Issues specific to each Amendment
- Issues specific to Amendment C218
  - Heritage
  - Discretionary heights
  - Form and content of Amendment C218 and IPO.
- Issues specific to Amendment C219
  - Heritage and urban design
  - Form and content of Amendment C219 and DPO
  - Requirement for public shared pathway.

The Panel has provided the recommendations for each Amendment separately, as requested by Council.

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### **Section 1 – Issues common to both Amendments**

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## 2 Strategic policy and nature of controls

Council provided a response to the Strategic Assessment Guidelines as part of the explanatory report to the exhibited Amendments. The Panel has reviewed Council's response and the policy context of the Amendments, and has made its appraisal of the relevant zone and overlay controls and other relevant planning strategies.

### 2.1 Policy framework

#### 2.1.1 State Planning Policy Framework

Council's Part A submission stated that the State Planning Policy Framework (SPPF) provisions most relevant to the Amendments are:

- Clause 11 – Settlement;
- Clause 12 – Environmental and Landscape Values;
- Clause 13 – Environmental Risks;
- Clause 15 – Built Environment and Heritage;
- Clause 16 – Housing; and
- Clause 17 – Economic Development.

Council stated that the Amendments respond to the SPPF as follows:<sup>3</sup>

- The rezoning of the C218 and C219 sites will contribute to the provision of serviced land for housing and diversity of choice; it will provide opportunity for new uses to establish to broaden the mix in the area and provide employment opportunities (Clause 11).
- IPO2 in Amendment C218 and DPO14 in Amendment C219 will apply controls and guidelines consistent with DDO1 and SLO1 to respond to the significance and values of the Yarra River corridor (Clause 12).
- The application of the EAO will ensure any potentially contaminated land is suitable for its intended future use and development (Clause 13).
- IPO2 in Amendment C218 and DPO14 in Amendment C219 will guide development to provide an appropriate built environment and public realm whilst respecting the natural environment (Clause 15).
- The rezoning of the C218 and C219 sites will provide for diversity of housing that is integrated, accessible, sustainable and proximate to activity centres, public transport, schools and open space (Clause 16).
- The C1Z in Amendment C218 and MUZ in Amendment C219 will encourage economic development and allow for mixed use activities and higher density on the well-located sites (Clause 17).

The Amendments support the following policies and directions in Plan Melbourne 2017-2050, which has been approved by Government since the exhibition of the Amendment:

- *Direction 2.2: Deliver more housing closer to jobs and public transport.*
- *Policy 2.2.3: Support new housing in ... places that offer good access to jobs, services and public transport.*
- *Direction 4.4: Respect Melbourne's heritage as we build for the future.*

<sup>3</sup> Document 1, paragraphs 64-73.



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- *Policy 4.4.1: Recognise the value of heritage when managing growth and change.*

The evidence of Mr Stuart McGurn, town planning expert for the C218 Proponent, and Mr John Glossop, town planning expert for the C219 Proponent, support Council's view on the relevant state planning policy.

The Panel agrees with Council's analysis of the applicable provisions of the SPPF.

### 2.1.2 Local Planning Policy Framework

The Amendments respond to the Local Planning Policy Framework (LPPF), which comprises the Municipal Strategic Statement (MSS) at clause 21 of the Yarra Planning Scheme and specific local planning policies. The LPPF includes several provisions relevant to the Amendments, including:

- Municipal Profile (Clause 21.02);
- Vision (Clause 21.03);
- Land Use (Clause 21.04);
- Built Form (Clause 21.05);
- Transport (Clause 21.06);
- Environmental Sustainability (Clause 21.07);
- Neighbourhoods (Clause 21.08);
- Development Guidelines for Sites Subject to the Heritage Overlay (Clause 22.02);
- Environmentally Sustainable Development (Clause 22.17).<sup>4</sup>

Council submitted that broadly the Amendments respond to the vision and objectives in the LPPF as follows:

- *The C218 and C219 sites are well-located to allow the type of development envisaged by the LPPF, which responds to the opportunities emerging from the changing economic structure of the city.*
- *The Amendments will provide increased flexibility for a wider range of uses (including residential), which will enhance commercial activity in the area.*
- *The application of the IPO and DPO controls will ensure that new development addresses the urban design objectives and strategies in the LPPF.*
- *The C218 and C219 sites are located adjacent to the Yarra River. They are well connected to public transport, the Capital City Trail and main roads and present significant opportunity for new development.*

The evidence of Mr McGurn and Mr Glossop, support Council's view on the relevant local planning policy.

The Panel agrees with Council's analysis of the applicable provisions of the LPPF.

### 2.1.3 Other planning strategies or policies used in formulating the Amendment

#### Yarra Business and Industrial Land Strategy

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<sup>4</sup> Document 1, paragraphs 74-76.

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Council adopted the *Yarra Business and Industrial Land Strategy* (BILS) in 2012 to guide decision-making relating to future land use, strategic planning and rezoning requests.

BILS recommended as follows for 'CIB 3 – Trenerry Crescent Node':<sup>5</sup>

*Rationale: This precinct has an interface with the Yarra River which should be maximised through employment and business opportunities. The precinct is deemed unsuitable for future industrial investment and it is recommended that areas of Business 3 Zone<sup>6</sup> be rezoned to Business 2 Zone. Existing Business 2 and 5 zone areas should be retained.*

- *Recommended Zones: Retain current zoning arrangements pending further investigation.*
- *Undertake master planning for this area to deal with urban design and access issues and in particular the interface with Yarra Parklands.*

Council completed the further investigation and master planning as part of the *Johnston Street Local Area Plan* (JSLAP), which Council adopted in December 2015.

### Johnston Street Local Area Plan and Amendment C220

The strategic basis for the Amendments is supported in the JSLAP, which includes as a land use recommendation:<sup>7</sup>

*Retain employment generating land uses activities along Trenerry Crescent, whilst permitting residential uses and encouraging mixed use activities that respect the Yarra River corridor.*

With respect to built form, the JSLAP makes the following recommendation:<sup>8</sup>

*Ensure that development respects the natural, vegetation dominated characteristics of the Yarra River corridor through recessive, high quality architectural design that displays well-articulated built form.*

The subject sites are located within Precinct 7 of the JSLAP (Trenerry Crescent). It describes the future character of the precinct as an ... *eclectic mix of existing heritage buildings and well designed newer buildings* ... [where] ... *a mix of offices and residential apartments brings life to the street.*

Precinct 7 contains the following built form guidelines and principles:

#### Trenerry Crescent Interface

- *Street wall/façade height: 4 storeys (15m)*
- *Max height: 6-8 storeys (25m)*

<sup>5</sup> Page 44.

<sup>6</sup> The C218 and C219 sites were zoned Business 3 at the time. On 15 July 2013, land zoned Business 3 was converted to C2Z.

<sup>7</sup> Page 44.

<sup>8</sup> Page 50.

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- *Upper levels should be set back to reduce visual impact and overshadowing of public and private spaces.*<sup>9</sup>

It also addresses the River Interface and references DDO1.

Council prepared Planning Scheme Amendment C220 to implement the JSLAP in two of its precincts which do not include Trenerry Crescent. Amendment C220 was granted conditional Ministerial authorisation on 9 March 2017. Since then, Council has undertaken further urban design analysis and plans to reconsider Amendment C220 later in 2017.

## 2.2 Planning scheme provisions

### 2.2.1 DDO Schedule 1 (Yarra (Birrarung) River Corridor Protection)

DDO1 sets out objectives, permit requirements, application requirements and decision guidelines relating to the Yarra River corridor.

The explanatory report for Amendment GC48 which introduced the DDO1 controls summarises the changes as introducing:

*...mandatory overshadowing, building height and setback requirements for private land within close proximity to, or abutting the Yarra River. ... discretionary controls relating to overshadowing of public open space, permeable surface minimums, materials selections and other siting and design of built form requirements.*

GC48 replaced existing DDO controls in the Yarra, Boroondara and Stonnington planning schemes. The C218 and C219 sites are now shown on DDO1 Map Area C with the mandatory building height and setback requirements.

The revised DDO1 is an interim control with an expiry date of 31 January 2021.

Council submitted that the exhibited Amendments were consistent with the revised DDO1, but Council endorsed a number of minor post-exhibition changes in response to Amendment GC48 and submitter concerns. The changes modify how building heights are specified in the Incorporated Plan to the IPO in Amendment C218 and in the Indicative Framework Plan in DPO14 in Amendment C219.

The mandatory building heights and set back requirements in DDO1 are discussed in detail in chapter 3.1.

### Significant Landscape Overlay – Schedule 1 (Yarra (Birrarung) River Corridor Environs)

At the time of exhibition, an Environmental Significance Overlay – Schedule 1 (Yarra River Environs) (ESO1) applied to the sites. DDO1 replaced the ESO1 with the Significant Landscape Overlay – Schedule 1 (Yarra (Birrarung) River Corridor Environs) (SLO1).

Like the DDO1, the SLO1 sets out objectives, permit requirements, application requirements and decision guidelines relating to the Yarra River corridor.

The SLO1 is an interim control with an expiry date of 31 January 2021.

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<sup>9</sup> Johnston Street Local Area Plan, page 55.

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### 2.2.2 Heritage Overlay – Schedule 337 (Victoria Park Precinct, Abbotsford)

The sites have buildings that are included within the Heritage Overlay (HO337 – Victoria Park Precinct) so planning permit applications are considered against the provisions of the Heritage Overlay and heritage policy in Clause 22.02 of the Yarra Planning Scheme.

The Heritage Overlay includes the following within its purpose:

*To conserve and enhance heritage places of natural or cultural significance.*

*To conserve and enhance those elements which contribute to the significance of heritage places.*

*To ensure that development does not adversely affect the significance of heritage places.*

The Heritage Overlay requires a permit to subdivide land, demolish or remove a building, construct a building or carry out works. It provides that before deciding on an application the responsible authority must consider certain matters including:

*The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place*

*Any applicable statement of significance, heritage study and any applicable conservation study*

*Whether the location, bulk, form and appearance of the proposed building will adversely affect the heritage place*

*Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place*

The City of Yarra Review of Heritage Overlay Area 2007, HO337 Victoria Park Heritage Overlay Area, Abbotsford includes a Statement of Significance for the Victoria Park Heritage Overlay Area (Industrial sub-area). Under the heading 'What is significant?', the statement includes the following under the sub-heading 'Industry':

*The massive Austral Silk and Cotton Mills complex was built at the north end of Trenerry Crescent in 1927 and the Yarra Falls Spinning Mills had also expanded in the area during the early 20<sup>th</sup> century. Their administrative complex was built in 1919 facing Johnston St and the landmark 1930s Byfas building was built, facing Trenerry Crescent, to produce textiles during World War Two. The combination of these extensive industrial complexes has a strong built character that is evident from within the Heritage Overlay Area and from distant views down the Yarra River and the Eastern Freeway.*

*In the last two decades of the 20<sup>th</sup> century, these large industrial and mill buildings have been gradually decommissioned and recycled for light industrial, commercial or residential uses. Some of these developments have been innovative in the re-use of significant industrial structures, such as Daryl Jackson's award winning design for the Esprit company in the 1980s.*

The City of Yarra Review of Heritage Overlay Areas 2007, Appendix 8 identifies whether sites subject to the Heritage Overlay are 'individually significant', 'contributory' or 'not

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contributory'. Appendix 8, as revised in May 2017, is an incorporated document in the Schedule to Clause 81.01. It identifies:

- 18-62 Trenerry Crescent as individually significant, described as a 'factory/warehouse complex, later Esprit offices' and dated '1890-1925, 1982'.
- 112-120 Trenerry Crescent as individually significant, described as 'Austral Silk and Cotton Mills factory/warehouse complex, former' and dated 1927.

The Scheme does not currently incorporate or refer to statements of significance for 18-62 Trenerry Crescent or 112-124 Trenerry Crescent.

Council endorsed a number of post exhibition changes to the Amendments in July 2017 to reinforce the requirements of the Heritage Overlay and the heritage significance of the individually significant buildings. The Council's proposed changes to the Amendments are discussed in chapters 4 and 5.

### 2.2.3 Land Subject to Inundation Overlay

The Land Subject to Inundation Overlay (LSIO) applies to each of the properties and sets out objectives and application requirements in relation to the potential flooding impacts on sites and seeks to ensure that built form responses minimise the impacts of flooding.

## 2.3 Nature of the controls

### 2.3.1 Proposed planning controls

The proposed planning controls for C218 rezone the land to C1Z, apply an Incorporated Plan Overlay (IPO) – Schedule 2 and apply the Environmental Audit Overlay (EAO).

The proposed planning controls for Amendment C219 are to apply a MUZ, apply a Development Plan Overlay (DPO) – Schedule 14 (DPO14) and apply the EAO.

The Panel has assessed the appropriateness of the overlays and zones and whether the Council should apply the same zone to the whole of Trenerry Crescent. The urban design evidence, particularly the JSLAP and DDO1 indicates that Council should treat all of Trenerry Crescent as one unit, with one zone and one overlay.

Council stated that the proponents chose the IPO and DPO as the most appropriate planning control for the respective sites.

Council considered the IPO to be appropriate as part of Amendment C218 to specify both:

- land use requirements, to ensure a minimum of 20 per cent of the floor space in any new development for office, retail, commercial or other employment-generating uses; and
- built form requirements, to ensure a built form outcome that responds to the site's interface with the Yarra River corridor and public realm along Trenerry Crescent and Turner Street.

Council stated that it considered the DPO an appropriate control for Amendment C219 to manage future development to ensure it:

- is respectful of the Yarra River corridor and the heritage building at 112-124 Trenerry Crescent; and
- delivers benefits to the public realm, including:



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- the retention of views to the Yarra River corridor from Trenerry Crescent between 112-124 and 126-142 Trenerry Crescent; and
- connectivity improvements for pedestrians and cyclists by a shared path through the site, linking Trenerry Crescent and the Capital City Trail.

### 2.3.2 Purposes of IPO and DPO

The purposes of an IPO and DPO according to *Planning Practice Note 23 – Applying the Incorporated Plan and Development Plan Overlays* (August 2015) (PPN23) are:

- to identify areas that require the planning of future use or development to be shown on a plan before a permit can be granted
- to exempt a planning permit application from notice and review if it is generally in accordance with an approved plan.

An IPO and DPO both:

- require a plan to be prepared before a permit is granted, unless the schedule specifies otherwise;
- guide the content of that plan through requirements identified in the schedule; and
- remove notice requirements and third party review rights for planning permit applications that are 'generally in accordance with' the plan. This aspect of the overlays is discussed in further detail below.

The key difference is:

*If the planning authority uses an IPO, the plan will be an incorporated document, part of the planning scheme. A planning scheme amendment will be needed to introduce or change the plan.*

*If the planning authority uses a DPO, the plan will be a development plan. A development plan is not incorporated into the planning scheme. It can be introduced or changed 'to the satisfaction of the responsible authority'.<sup>10</sup>*

Council stated that Amendment C218 proposes to apply the IPO and to incorporate the plan. There will only be further opportunity for third party input into the plan for Amendment C218 if changes are subsequently sought to that plan.

PPN23 advises that:<sup>11</sup>

*The IPO requirement for a planning scheme amendment to incorporate or change the plan enables third parties to be involved in the process of making or changing the plan. For this reason, the IPO should normally be used for sites that are likely to affect third-party interests and sites comprising multiple lots in different ownership.*

*Because the DPO has no public approval process for the plan, it should normally be applied to development proposals that are not likely to significantly affect third-party interests, self-contained sites where ownership*

<sup>10</sup> PPN23, page 3.

<sup>11</sup> PPN23, page 3.

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*is limited to one or two parties and sites that contain no existing residential population and do not adjoin established residential areas.*

Council stated it decided to consider the stricter set of factors identified in PPN23 for the DPO in relation to both Amendments. It noted that:

- both sites are in single ownership;
- neither site contains an existing residential population; and
- neither site directly interfaces with residentially zoned land, although the land to the west of Trenerry Crescent is located in the Neighbourhood Residential Zone.

Council stated that it considered the key difference between the use of the overlays in these Amendments is that Amendment C218 includes the plan to be incorporated, and therefore provides a higher level of certainty as to the use and development outcome on that site.

It stated that Amendment C219 retains more flexibility, with a development plan to be prepared at a later date. This is more attractive to the C219 Proponent, which advised the Panel that it does not propose to develop the site at this stage. It has recently refurbished the building at 126-142 Trenerry Crescent which it is currently occupying.

### 2.3.3 Third party rights

The IPO and DPO parent provisions provide exemption from notice and review of *any application under any provision of this scheme which is generally in accordance with the incorporated plan or development plan respectively.*

Submissions 6, 8 and 14 (Collingwood Historical Society, Collingwood and Abbotsford Residents' Association Inc., and Yarra Riverkeepers Association) expressed the view that the Council should not apply an IPO and DPO to the sites because they exempt notice and review rights for third parties at the permit application stage.

Council submitted that the relevant question is whether sufficient community consultation has been undertaken in relation to the Amendments to justify the exemptions. This includes the level of detail made available for the community to consider and the degree of specificity in the planning controls.

Council's submission noted the comments of the Panel in Amendment C185 to the Ballarat Planning Scheme, which considered the introduction of a Special Use Zone that effectively removed third party notice and review rights. The Panel concluded that:<sup>12</sup>

*... the rigorous controls and planning undertaken for SUZ15 as part of this Amendment, including the community consultation undertaken, justifies the exemption applying.*

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<sup>12</sup> Panel report dated 4 September 2015, page 110.

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Council submitted that *the Amendments have provided an appropriate opportunity for the community and affected parties to make submissions about future development on the sites and provide input into the content and detail of the proposed provisions.*<sup>13</sup>

Council stated that it ensured that the absence of future notification and review rights was clearly communicated when providing notice of the Amendments. The letters sent to owners and occupiers in the surrounding area included a factsheet that stated:

*It is important to note that this is [a] critical stage in the planning process as there would be no requirement for the community to be notified about future planning permit applications on the sites.*

Council submitted that the proposed planning controls provide sufficient specificity and certainty to manage future development outcomes in conjunction with the planning controls that already apply to the Amendment sites.

The Collingwood Historical Society submitted that an IPO and a DPO are not appropriate. They stated that the owners benefit by fast tracking future development without further third party input but there is no clear benefit to Yarra City Council, its residents and ratepayers or to other Melbournians who enjoy the Yarra River and its surrounds.

### 2.3.4 Proposed zones

Both Amendment sites are currently located within C2Z. The purpose of the C2Z includes:

*To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*

*To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*

The use of land for 'Accommodation (other than Caretaker's house, Motel and Residential hotel)' is prohibited in the C2Z.

The other sites on the eastern side of Trenerry Crescent are located within C1Z with the exception of the site on the corner of Johnston Street. The zones are depicted in Figure 2 below.

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<sup>13</sup> Document 17, paragraph 40.



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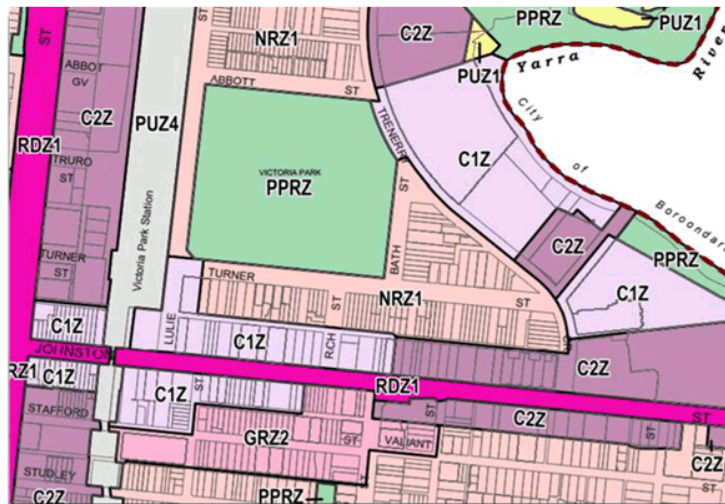


Figure 2 Zoning on Trenerry Crescent

The future zones along the eastern side of Trenerry Crescent are specifically considered in the JSLAP which states as follows with respect to the CIB 3 – Trenerry Crescent Node:

*Trenerry [sic] Crescent has only three sites that remain within the Commercial 2 Zone as most sites have been redeveloped for residential and mixed use activities (apartments). The remaining three sites present opportunities for mixed use developments with a mix of office/commercial and residential uses. New development will need to consider the sensitive interface of the Yarra River corridor and respond accordingly.*

*The BILS recommends rezoning to allow a mix of office and residential uses. The three sites that remain in the Commercial 2 Zone should be rezoned to the Mixed Use Zone to facilitate the mixed-use development that is consistent with the trends that have occurred along Trenerry Crescent in recent years.<sup>14</sup>*

The 'remaining three sites' identified in the JSLAP include the two present Amendment sites.

The Land Use Framework Plan in the JSLAP depicts the eastern side of Trenerry Crescent, including the Amendment sites as 'mix of offices and residential uses, sensitive to the river corridor'.<sup>15</sup>

### Amendment C218 – Commercial 1 Zone

Rezoning the C218 site from C2Z to C1Z would allow its redevelopment to include residential use which Council considered to be appropriate and not contested.

The purpose of the C1Z includes:

*To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*

<sup>14</sup> Johnston Street Local Area Plan, page 18.

<sup>15</sup> Johnston Street Local Area Plan, page 45.

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*To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

Council submitted that the outcome of Amendment C218 will be to create consistency of zoning with the adjoining sites to the north and south.

Council submitted that the application of C1Z along the eastern side of Trenerry Crescent is appropriate having regard to the size of the sites and their excellent access to:

- public transport, including the Victoria Park train station and bus routes along Johnston Street;
- open space, including adjacency to the Yarra River parkland and Capital City Trail and proximity to Victoria Park; and
- the Johnston Street Neighbourhood Activity Centre.

The C218 Proponent's town planning expert Mr McGurn concluded that the proposed rezoning to C1Z is appropriate.<sup>16</sup>

### **Amendment C219 – Mixed Use Zone**

Council supported the proposal by the C219 Proponent to rezone the land from C2Z to MUZ as it would allow the continuation of the proponent's business activities at 126-142 Trenerry Crescent, as well as a mix of uses on both sites including dwellings.

The purpose of the MUZ includes:

*To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*

*To provide for housing at higher densities.*

*To encourage development that responds to the existing or preferred neighbourhood character of the area.*

Under the MUZ, 'Dwelling (other than Bed and breakfast)' is a section 1 (permit not required) use.

Council submitted that rezoning the C219 site from C2Z to MUZ would allow its redevelopment to include residential use which Council considers to be appropriate and not contested.

Council stated that it was satisfied that the purpose provisions within the MUZ are appropriate for this site and reflect the outcomes sought through application of the DPO and proposed schedule. The MUZ is the zone specifically proposed for this site in the JSLAP.

It submitted that the application of a residential zone in this location constitutes an appropriate response to the adjacent C1Z while achieving a sensible zoning transition at the end of the parcels to the east of Trenerry Crescent.

The report of the C219 Proponent's town planning expert, Mr Glossop, concludes that the proposed rezoning is appropriate.<sup>17</sup> Mr Glossop acknowledges that the 'intended mix of

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<sup>16</sup> Document 7, page 11.

<sup>17</sup> Document 12, page 10.

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uses' proposed for this site could also be achieved within the C1Z, but he prefers the MUZ due to the condition that attaches to dwellings as a section 1 use in the C1Z.

### 2.4 Ministerial Directions and Practice Notes

#### 2.4.1 Ministerial Directions

Council submitted that the Amendment meets the relevant requirements of the following Ministerial Directions:

- Ministerial Direction 11 (Strategic Assessment of Amendments) and Planning Practice Note 46 (Strategic Assessment Guidelines).
- Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

#### 2.4.2 The Form and Content of IPO and DPO

The authorisation for Amendment C218 required that the proposed Schedule 2 to the IPO must be drafted in accordance with the Minister's Direction on the Form and Content of Planning Schemes for Schedules to the Incorporated Plan Overlay. This is discussed in chapter 4.2.

The authorisation for Amendment C219 required that the proposed Schedule 14 to the DPO must be drafted strictly in accordance with the Minister's Direction on the Form and Content of Planning Schemes for Schedules to the Development Plan Overlay. This is discussed in detail in chapter 5.2.

#### 2.4.3 Repetition of control provisions

Both the C218 Proponent and the C219 Proponent made submissions that the terms of the control documents should be amended to remove what were described as repetitive and therefore unnecessary provisions in the respective overlays and plans. The thrust of the submissions was that repetition across the controls must be avoided to meet the requirements of the direction on the Form and Content of Planning Schemes. Witness statements from heritage and urban design experts sought changes on the grounds of improving the relevance of the documents while the planning experts argued for improved readability and clarity, among other things. The import of the changes varied for all experts but the effect of Mr Glossop's list of changes would result in severe editing of the relevant overlay for the C219 site.

Council on the other hand, submitted that some repetition is acceptable depending on the purpose of the control and the function of the repeated provision.

### 2.5 Discussion

#### 2.5.1 Policy framework and strategies

The Amendments enjoy strong strategic support and are consistent with the directions and policies of the metropolitan strategy and in Plan Melbourne 2017-2050. They are supported by the JSLAP which recommends a mix of employment generating activities and residential uses for Trenerry Crescent with future built form that respects the characteristics of the Yarra River corridor.

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The Amendments are consistent with DDO1 and SLO1 relating to the Yarra River corridor and the requirements in the local planning scheme of the HO337 Victoria Park Heritage Overlay Area. The details of how the Amendments should reflect the DDO1 controls are discussed in chapter 3.1 and details of the proposed heritage requirements in the Amendments are discussed in chapters 4 and 5.

### 2.5.2 Nature of the controls

The Panel has assessed the appropriateness of the overlays and zones and whether the same zones and overlay controls should apply to the whole of Trenerry Crescent. The urban design evidence, JSLAP and DDO1 suggest that Council should treat all of Trenerry Crescent as one unit, with a single mixed use zone and one overlay. However, the circumstances for the proposed uses for each site and the nature of the development proposals favour particular controls.

The Panel accepts the proposed planning overlays are appropriate for the specific circumstances of each proponent. An IPO for C218 is justified to achieve the land use and built form requirements sought by Council, specifically 20 per cent of total floor space for commercial use. The plan to guide future use and development will become part of the planning scheme and any changes will require a further amendment.

A DPO is justified for C219 to achieve the proposed retention of views and public realm improvements and to facilitate staged development on the two properties. It reflects the fact that the C219 Proponent has no proposal for the site and allows changes to the development plan to the satisfaction of the responsible authority.

The Panel is also satisfied that the IPO for Amendment C218 and the DPO for Amendment C219 are consistent with PPN23.

The proposed zonings in the Amendments are appropriate. In Amendment C218 the C1Z will create consistency of zoning with the adjoining sites to the north and south. The MUZ for Amendment C219 achieves a zoning transition from C1Z at the north end of Trenerry Crescent.

### 2.5.3 Repetition of control provisions

The Panel interprets Council's approach to mean that some repetition is acceptable in circumstances where an overlay is tailored and applies to a single site. The content can include provisions primarily found elsewhere in the planning scheme (such as other overlay requirements that could otherwise be missed) and the function of repeating provisions is to draw attention to those other requirements.

The Panel applies that approach to judge whether requirements and provisions present in the planning scheme can be cited in DDO14 and IPO2.

The Panel is supported in this approach with the current structure of the VPP using cross references in zones and overlays to other control provisions to point to the relevance and application of those provisions. For example, a clinical no-repetition approach would see the deletion of the commonly used provision:

*Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:*

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*The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

There are other examples in the VPP of the referencing of relevant provisions such as particular provisions in Clause 52, the objectives and standards of Clause 56 as well as the objectives, standards and decision guidelines of Clause 58 for an apartment development.

The Panel sees a difference between editing documents to satisfy a type of compliance audit against an approach to allow repeat provisions where the purpose and function warrant it. There is a balance to be achieved between drafting planning documents with a clinically applied pen and expressing the outcome to be achieved under the controls.

### 2.5.4 Third party rights

In proposing the IPO and DPO, the proponents have agreed to a level of control and prescription not applied to neighbouring sites. There are legitimate concerns that proposals generally in accordance with an approved plan under an IPO or a DPO are exempt from third party notification and review rights at the planning permit stage. The counterbalance is that the community has been given notice of the controls with the opportunity to influence future development through submissions on the DPO and IPO.

The Panel believes that the IPO and DPO provide detailed guidance for future development on the respective sites. The Panel also believes that through the Amendment process the community and affected parties have had sufficient detail and opportunity to have input on the directions of future development on the sites.

## 2.6 Conclusion

The Panel recommends the adoption of the Amendments subject to modifications in response to submissions on the Yarra River corridor controls, traffic impacts, heritage, and matters of form and content, which are discussed in the following chapters. In determining what modifications to recommend, the Panel has allowed some repeat provisions across the various documents where it will draw attention to those other requirements and articulate the outcome to be achieved.

Particular recommendations for each matter are detailed in relevant sections of the report.



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### 3 Issues common to both Amendments

#### 3.1 DDO1 Yarra River corridor controls

##### 3.1.1 What is the issue?

The issue is how the controls in DDO1 should be reflected in IPO2 and DPO14. The DDO1 control expires in January 2021 and is regarded by the proponents as an interim control. A question arises about whether the IPO and DPO should duplicate provisions of DDO1 at all to avoid potential future inconsistency or confusion.

The Minister's authorisation to prepare and exhibit the Amendments in 2016 required them to be consistent with any future changes to the planning controls for the Yarra River.

The most contentious control in DDO1 is the mandatory maximum building height with setback requirements for Trenerry Crescent, Area C. Other provisions set objectives, decision guidelines, application requirements and development principles.

Both proponents submitted that the DPO and IPO should include a discretionary preferred maximum building height of 25 metres that would apply if the mandatory maximum building height of 25 metres in DDO1 expires in 2021 or is amended.

The C218 Proponent seeks a discretionary maximum building height of 26 metres measured from the natural ground level at the Trenerry Crescent frontage.

##### 3.1.2 Evidence and submissions

###### (i) DDO1 and post exhibition changes

The exhibited Amendments provided a maximum discretionary building height expressed as *8 storeys (25 metres)*, with variation in built form to manage the views to and from the Yarra River.

Submissions 4, 5, 6, 7, 8, 10, 11, 12 and 14 (Boroondara City Council, the Collingwood Historical Society, Collingwood and Abbotsford Residents Association, Melbourne Water, and the Yarra Riverkeepers Association) expressed concerns about the impact of future built form on the Yarra River. Some submitters sought building heights that were lower, and some raised questions about consistency with the then DDO1. Some submitters expressed concern about the visual impact of future built form from viewpoints along the Yarra River corridor, including Dights Falls and Yarra Bend Park (within the Boroondara municipality), and overshadowing.

The DDO1 gazetted in February 2017 provides mandatory maximum building heights for future development along Trenerry Crescent and requires minimum setbacks for buildings from the Yarra River so that future developments do not cast any additional overshadowing of the Yarra River. The applicable Setback Map Reference Area C, DDO1 provides:

- *Mandatory Minimum Setback Line (MMSL): 30 metres (measured from the property boundary nearest the river).*
- *Maximum height:*
  - *between 0 and 5 metres from the MMSL: 11 metres.*

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- *between 5 and 20 metres from the MMSL: 18 metres.*
- *beyond 20 metres from the MMSL: 25 metres.*

Council endorsed a number of post exhibition changes to the Amendments to reflect that the revised DDO1 now includes these mandatory requirements. The changes were as follows:

- For Amendment C218:
  - Remove the building heights specified in the Incorporated Plan to the IPO, subject to inclusion of a note on the plan that maximum building heights (not including the street wall height) must be in accordance with DDO1
  - Add a landscaped interface area to the Yarra River in the Incorporated Plan
  - Add an application requirement in the IPO requiring the design response to address the sensitive river corridor environs to minimise visual impacts
  - Extend the scope of the visual impact assessment to require it to include perspectives showing the visual prominence of the development from the public vantage points along the Yarra River corridor and Yarra Bend Park
  - A new decision guideline requiring the responsible authority to consider the extent to which the design of any building and the materials used minimises the visual impacts of built form when viewed from the Yarra River corridor and Yarra Bend Park
  - A new requirement for the Incorporated Plan to show areas of landscaping to minimise visual intrusion of development in the Yarra River corridor
  - A new Development Principle on set back from the Yarra River interface to provide a transition in built form and minimise the visual prominence of development from the Yarra River.
- For Amendment C219:
  - remove the Building Heights Plan at Figure 2, and in the Indicative Framework Plan at Figure 1 indicate the heights and setbacks mandated in the revised DDO1
  - In section 3 of the DPO, extending the scope of the visual impact assessment required as part of the application to include perspectives showing the visual prominence of the development from the public vantage points along the Yarra River corridor
  - In section 4, Vision, in the DPO add new clauses for the development to minimise the visual impact of new buildings from the Yarra River and adjacent public open space and ensure building elevations are presented at a variety of heights and stepped back from the frontage of the Yarra River and adjacent public open space.

### (ii) Submission by C218 Proponent

#### Proponent issues

The C218 Proponent submitted that the IPO should nominate a discretionary building height of 26 metres, and that building heights should be measured from natural ground level at the centre of the Trenerry Crescent frontage.

The C218 Proponent relied on the urban design evidence of Mr Brodie Blades of David Lock Associates and the town planning evidence of Mr McGurn.

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In support of its position the C218 Proponent submitted that:

- an overall height in the order of 8 storeys is supported by the JSLAP and DDO1
- a discretionary maximum height limit of 26 metres more appropriately allows for 8 storey development given the minimum floor to ceiling height limits for 2 commercial and 6 residential storeys (4 and 3.1 metres respectively)
- building heights should be measured from natural ground level at the centre of the subject site to avoid a wedding cake typology whilst allowing the built form to follow the slope of the land, an outcome contemplated by JSLAP and Council's draft DDO1.

The C218 Proponent submitted that discretionary height limits are generally the preferred means of guiding the height and scale of development. To support this position, the C218 Proponent cited sections of Planning Practice Note 59, *The role of mandatory provisions in planning schemes* which supports performance-based planning based on the principle that there should be discretion.

The submitter also stated that Council's strategic work on the *Yarra River Corridor Strategy 2015* and the JSLAP nominated discretionary rather than mandatory heights for Trenerry Crescent (Precinct 7 in JSLAP).

The C218 Proponent submitted that the future of the mandatory height limit in DDO1 is uncertain because it is interim and because it nominates discretionary heights for other riverside areas nearby (Areas E, F and G).

The C218 Proponent sought an acknowledgement that in February 2017 it had substantially prepared a scheme for the land based on the old DDO1 control. It stated that:

*The Proponent is now burdened with the lengthy and expensive task of formally opposing the height controls in DDO1. In the meantime discretionary height controls ought to be applied in the IPO...This will allow the best planning outcome in the long term and prevent the need for a further planning scheme amendment.*<sup>18</sup>

### Provision for discretionary building height control

Mr Blades expressed the opinion that *the Incorporated Plan articulates a clear future overall height ambition of a discretionary maximum of 8 storeys (25m)*. He acknowledged that the JSLAP envisions a preferred future height of 6-8 storeys (25 metres) and DDO1 currently provides mandatory maximum height controls of 25 metres.

Mr Blades characterised DDO1 as *an interim control whose permanent provisions are yet to be finalised*.<sup>19</sup> Mr Blades restated his position that a discretionary height control should be in place despite DDO1 because it would be necessary when the DDO1 interim control expires in 2021. He submitted that it is therefore appropriate from an urban design perspective *to consider the principle of maximum building height in the Incorporated Plan* particularly if the final DDO1 height controls allow the exercise of discretion regarding height on the site.<sup>20</sup>

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<sup>18</sup> Document 29, paragraph 35.

<sup>19</sup> Document 2, paragraphs 54-55.

<sup>20</sup> Document 2, paragraph 56.



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Mr McGurn expressed the view that DDO1 is an interim control *presumably to allow for additional analysis to be undertaken*. But he considered that *...even if they are modified it remains likely that a high level of protection and control over development...will be maintained*.<sup>21</sup>

Mr McGurn stated if the DDO1 mandatory height limits are modified it would be preferable for the maximum height in the Incorporated Plan to be able to be varied to some degree.<sup>22</sup>

### Maximum building height of 26 metres

Mr Blades recommended that the maximum height on the C218 site be increased to a discretionary 26 metres. He stated that this is required because the IPO mandates a 20 per cent commercial floorspace requirement for future development of the site. In his opinion:

*A 25m overall preferred height control is not sufficient for flexibility in this sense as it appears to assume a single 4m commercial floor-to-floor height plus seven storeys of residential three metre floor-to-floor heights (4m [commercial ground floor] + 21m [3, FTF height x 7 storeys] = 25m. I recommend increasing the maximum building height on site to a discretionary 26m to allow greater flexibility in the fulfilment of the IPO2's commercial floorspace requirement across multiple storeys.*<sup>23</sup>

Mr McGurn's report stated, on the other hand, that the proposed overall height limit of 25 metres is consistent with the heights envisaged by the JSLAP and DDO1.

### Natural ground level

Mr Blades recommended inserting an annotation into the Incorporated Plan clearly stating that the reference point for building heights is the natural ground level at the site's frontage to Trenerry Crescent. He noted that the site is steeply sloping and *it is logical from a character perspective to avoid an overtly stepped future built form outcome by simply 'pegging' the intended height on site to natural ground level of the centre of the site's Trenerry Crescent interface*. He cited other mechanisms within the VPP such as many of the City of Melbourne Design and Development Overlays that adopt this approach.<sup>24</sup>

Mr McGurn's evidence and expert report stated that the DDO1 requirements will limit development on the site to 25 metres above natural ground level at any point.

### Other references to DDO1 in the IPO

Mr Blades and Mr McGurn both recommended deleting any reference to building heights in storeys in the IPO2 given that height in metres is the relevant consideration.

Mr Blades and Mr McGurn recommended deleting all replication of DDO1 requirements from the IPO and the Incorporated Plan on the basis that duplication may cause confusion or lead to inconsistency if the DDO1 is changed in future. Mr Blades stated that repeating the provisions of an interim planning control within an Incorporated Plan opens up the potential

<sup>21</sup> Document 7, paragraphs 66 and 68.

<sup>22</sup> Document 7, paragraph 72.

<sup>23</sup> Document 2, paragraph 62 and recommendation 4.

<sup>24</sup> Document 2, paragraph 59 and recommendation 2.

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need for *another Amendment process in the future to be consistent with any change in the final, permanent Yarra River controls.*

Mr Blades recommended deleting:

- all reference to the specific provisions of DDO1 in the Incorporated Plan and any duplication of DDO1's objectives and design guidelines in IPO2 and the Incorporated Plan
- Application Requirements within IPO2 such as the requirement for a design response that addresses the sensitive river corridor environs
- the Decision Guideline in IPO2 that requires the responsible authority to consider the extent to which the design of any building minimises visual impacts when viewed from the Yarra River corridor
- any duplication of other relevant planning controls within the Purpose of the Incorporated Plan, specifically the second purpose which encourages new development that respects the sensitive Yarra River corridor interface, as a duplication of other controls.<sup>25</sup>

Mr McGurn's report suggested refinements to the IPO to avoid duplication of the requirements in DDO1 and SLO1. He pointed to the additional landscaping requirements in the post exhibition versions of:

- IPO2, Application Requirements which require the design response in the permit application to address the sensitive river corridor environs; and
- the Development Principle in the Objectives of the Incorporated Plan, which states: *Provide for new development to be set back from the Yarra River interface to provide a transition in built form and minimise the visual prominence of development from the Yarra River corridor and Yarra Bend Park.*<sup>26</sup>

Mr McGurn submitted that as a general principle there is no need to duplicate provisions in an IPO that are in other parts of the planning scheme. In response to questioning from Council he stated that little harm occurs if you do so, but he did not see the need.

The expert evidence on more general matters of Form and Content of the IPO is discussed in chapter 4.2.

### (iii) Submission and evidence by C219 Proponent

#### C219 submission

The C219 Proponent submitted that the draft DPO14 should be amended to avoid duplication of controls and policies that already apply by reason of DDO1 and SLO1. The C219 Proponent submitted that duplicating other planning controls is poor drafting that leads to cluttered planning schemes and often poor and inconsistent outcomes. The C219 Proponent cited an example of the requirement in section 3 that the application include a visual impact assessment that provides perspectives showing the visual prominence of the development from public vantage points along the Yarra River corridor; DDO1 already

<sup>25</sup> Document 2, paragraphs 64-66, 86-90, recommendations 5, 8, and 9.

<sup>26</sup> Document 7, paragraph 67.

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requires a visual impact assessment of proposed buildings from public viewing points with in the Yarra River corridor.<sup>27</sup>

The C219 Proponent did not ultimately propose significant changes to how DPO14 addresses the provisions of DDO1. In a track changes version of DPO14 and the Indicative Framework Plan tabled at the hearing the C219 Proponent proposed revisions primarily address heritage, the public shared pedestrian pathway and form and content of planning scheme issues.<sup>28</sup> These are discussed in other parts of this report. The C219 Proponent proposed relatively minor editorial changes in relation to DDO1:

- *for refinements to Vision clauses so that building elevations are ‘sufficiently articulated’ rather than ‘presented at a variety of heights’, and deleting reference to maintaining key views to the Yarra River corridor*
- *to delete the Decision Guidelines Section which included a requirement that the responsible authority consider retaining views to the Yarra River corridor environs*
- *for a revised Indicative Framework Plan (IFP) which removes duplication of the building height controls in DDO1 and adds a note that DDO1 applies and a ‘preferred maximum 25m height’.*

Most of these changes followed the evidence of the C219 Proponent’s urban design expert, Mr Mark Sheppard of David Lock Associates. Mr Sheppard recommended that duplication of specific DDO1 requirements be deleted from DPO14 but that it should include a note that DDO1 applies.<sup>29</sup>

Mr Sheppard tabled a recommended version of the IFP at the Panel hearing which included a note stating that: *The provisions of DDO1 relating to height and setback requirements applies.*

Mr Sheppard also suggested that changes to the IFP include a reference to *preferred 25m maximum height*. During cross examination by Council, Mr Sheppard clarified that the term ‘preferred’ maximum height did not mean ‘at least’ or any meaning different from DDO1.

### Town planning evidence

The C219 Proponent presented town planning evidence from Mr Glossop who stated that he considers the landscape and environmental values of the Yarra River are properly protected by DDO1 and SLO1 and there is no need for Amendment C219 to duplicate them.

He cited the Principles in Practice Note 10, Writing Schedules which state that:

- schedules must be read with other planning controls
- local content should not duplicate other provisions.<sup>30</sup>

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<sup>27</sup> Document 40, paragraphs 53-60 and paragraph 67 (f).

<sup>28</sup> Document 35.

<sup>29</sup> Document 13, paragraphs 28-29 and recommendation 4.

<sup>30</sup> Document 12, paragraphs 61-63.

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Mr Glossop's opinion was that to comply with the condition in the authorisation for Amendment C219 to be consistent with DDO1 Yarra River corridor controls, DPO14 should be amended to remove all requirements which seek to duplicate or paraphrase it.<sup>31</sup>

Mr Glossop stated that the sort of detail required in the Design Guidelines of DPO14 is either covered in DDO1 or should be addressed in the permit application.

He also stated that the building height and set back requirements from the Yarra River and the landscape designation along that interface in the Indicative Framework Plan should not replicate DDO1 requirements.<sup>32</sup>

Mr Glossop considered that the whole IFP should be removed from DPO14. It was his opinion that *a DPO already provides for a plan to be approved under the overlay and it would be inappropriate to tie development on the site to one plan in the overlay schedule (without a planning scheme amendment)*.<sup>33</sup>

### (iv) Collingwood Historical Society submission

Submissions to the exhibited Amendments expressed concerns about building heights and setbacks along the Yarra River corridor. The Collingwood Historical Society submitted that the building height and setback controls in the revised DDO1 are not sufficient. They stated that there:

*needs to be a greater set back from the crest line as well as from the river itself to protect views from Yarra Bend Park and Studley Park.*

*The Amendments appear to be promoting monolithic 4 to 8 storey structures on these sensitive sites. While such developments would provide profitable apartments with pleasant views for the privileged few, it would further destroy the amenity of the river for all other Yarra residents and the rest of Melbourne.*<sup>34</sup>

The mandatory maximum building height and setback controls in the revised DDO1 give assurance on some of those submissions.

### (v) Council submissions

During the hearing Council agreed to remove the reference to the building height controls in DDO1 in IPO2 and DPO14 contingent on inserting the discretionary controls which could be expressed as 'preferred maximum'.

Council's closing submission stated that an additional discretionary building height control in the overlays is generally consistent with the JSLAP and it would *do no harm*. Council stated that the point of reference for building heights should be natural ground level, as provided in DDO1.

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<sup>31</sup> Document 12, paragraphs 65.

<sup>32</sup> Document 12, paragraph 73.

<sup>33</sup> Document 12, paragraph 72.

<sup>34</sup> Document 14.

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Council agreed that duplication of provisions of DDO1 in IPO2 and the Incorporated Plan are not absolutely necessary and could be deleted provided that the 25 metre building height control is inserted.

Council's closing submission on Amendment C219 agreed that any specific DDO1 requirements should be deleted from DPO14 to avoid duplication.

In the context of submissions on heritage controls in IPOs and DPOs, Council argued that they are a site specific control providing a one-stop-shop. He pointed to the Operation of the Overlays section of PPN23 which states that overlays are to be used to:

- *require a plan ... to coordinate proposed use or development before a permit can be granted*
- *guide the content of the plan by specifying that it should contain particular requirements*
- *provide certainty about the nature of the proposed development ...*

### 3.1.3 Discussion

#### Discretionary building height controls

The Panel has considered the urban design and town planning evidence that favours including an additional discretionary building height control expressed as a 'preferred maximum 25 metres' in IPO2 and DPO14. It is consistent with the building height limits envisioned in the JSLAP and the mandatory controls in DDO1, and would only apply if DDO1 is amended or expires in 2021 without being extended.

#### Proposed 26 metre building height and natural ground level in IPO2

The Panel appreciates the challenge for the C218 Proponent to achieve the 8 storeys it desires within a building height of 25 metres. However, the Panel is not convinced by their argument that because the JSLAP and the exhibited IPO mentioned 8 storeys that a discretionary building height control of 26 metres was envisaged.

The Panel accepts the C218 Proponent's position that the IPO is a framework control and should provide some flexibility and discretion. The IPO however must provide an appropriate level of certainty for future development in a way that is consistent with planning policy and strategy. A maximum building height of 25 metres and 6-8 storeys is expressed in the JSLAP and was part of the exhibited IPO2 and Incorporated Plan.

The Panel is not persuaded by the C218 Proponent's argument that the Incorporated Plan should include a note stating that the natural ground level is taken from the Trenerry Crescent frontage. The Panel relies upon the definition of Building Height in Clause 72 of the Planning Scheme, and the town planning evidence of Mr McGurn supports the Panel's position. The Panel does not see any reason to include a provision in the IPO seeking to interpret or contradict DDO1.

#### Duplication of DDO1 provisions

The Panel understands the Council position that IPOs and DPOs should provide a comprehensive site-specific control but the view is not supported by the expert evidence. The Panel agrees duplicating other planning provisions which may change is not good drafting practice. However, as stated at section 2.4.3, the Panel distinguishes between



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duplication, the verbatim restating of provisions, and repetition that draws attention to a provision elsewhere in the planning scheme.

The Panel agrees with Council and the proponents that the building height controls in DDO1 should not be duplicated in IPO2 and DPO14, but believes the Incorporated Plan and the IFP should include a note that the DDO1 building height and set back controls apply.

The town planning and urban design evidence was clear that any provisions duplicating DDO1 should be deleted from IPO2 and DPO14 and Council agreed with this position. Because of their importance, the Panel sees merit in referring to DDO1 Yarra River corridor controls wherever they apply, such as in the permit application requirements.

The Authorisation for the Amendments required that the final form of the Amendments be consistent with DDO1. The Panel applies that direction in its deliberations. It would be difficult to demonstrate to the Minister that IPO2 and DPO14 are consistent with DDO1 and SLO1 if they are silent on the point.

### 3.1.4 Conclusions

The Panel believes that Amendment C218 should be amended so that the Incorporated Plan to the IPO includes a note that the revised DDO1 applies and expresses a preferred maximum 25 metre building height (not including the street wall height). Any duplication of DDO1 building height and set back provisions should be deleted and any reference to heights in storeys should be deleted.

The Panel concludes that Amendment C218 should not include a discretionary building height of 26 metres or a note that the reference point for natural ground level is the frontage to Trenerry Crescent.

For Amendment C219 the Panel concludes that the Building Heights Plan at Figure 2, and in the Indicative Framework Plan at Figure 1 should be removed. The Indicative Framework Plan should include a note that the revised DDO1 applies and state a discretionary preferred maximum 25 metre building height (not including the street wall height).

The Panel's preferred drafting for C218 and C219 is in appendices C and E.

### 3.1.5 Recommendation

The Panel makes the following recommendations:

1. **In Amendment C218**
  - a) **delete any duplication of Design and Development Overlay Schedule 1 provisions in Incorporated Plan Overlay Schedule 2 but include a reference to applicable Design and Development Overlay Schedule 1 requirements and retain specific provisions that add to Design and Development Overlay Schedule 1, and**
  - b) **delete parts of the Incorporated Plan for the building height and set back provisions of Design and Development Overlay Schedule 1 and add a note that Design and Development Overlay Schedule 1 applies, and express a discretionary preferred maximum 25 metre height (see Appendix C).**

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### 2. In Amendment C219

- a) delete any duplication of Design and Development Overlay Schedule 1 provisions in Development Plan Overlay Schedule 14 but include a reference to applicable Design and Development Overlay Schedule 1 requirements and retain specific provisions that add to Design and Development Overlay Schedule 1, and
- b) delete parts of the Indicative Framework Plan for the building height and set back provisions of Design and Development Overlay Schedule 1 and add a note that Design and Development Overlay Schedule 1 applies, and express a discretionary preferred maximum 25 metre height (see Appendix E).

### 3.2 Traffic issues

#### 3.2.1 What is the issue

The issue is whether the developments under the Amendments will have a significant impact on traffic and whether the proponents should be required to conduct traffic impact assessments and make a proportional contribution to traffic mitigation works.

Submissions from seven local residents and VicRoads in response to the exhibited Amendments raised concerns about increased traffic in Trenerry Crescent particularly in peak hour and urged rejection of the Amendments because of traffic impacts. Some submissions supported traffic management measures such as traffic lights at the intersection of Trenerry Crescent and Johnston Street. VicRoads recommended traffic signals and sought a requirement at the permit stage that the developers undertake a traffic assessment and be required to contribute to the costs of any mitigation works that are required.

In response to the submissions Council commissioned expert traffic advice from GTA Consultants. The consultants agreed that traffic signals would be the most logical outcome for the intersection and outlined other measures to reduce traffic, such as creating a Green Travel Plan for both sites and promoting bicycle use, car share and use of public transport.

Council asked the proponents to commission expert reports following exhibition of the Amendments. Those reports, by Cardno and One Mile Grid, recognised that the developments would lead to increased traffic but did not conclude that traffic signals are needed.

In response to the VicRoads' submission and the expert traffic advice Council endorsed changes to the Amendments at its meeting on 4 July 2017. The changes would require the proponents to conduct a car parking and traffic impact assessment at the permit application stage as follows:

*A car parking and traffic impact assessment that considers the provision of car parking, circulation and layout of car parking and the impact of any additional traffic on the surrounding road network, including the intersection of Trenerry Crescent and Johnston Street, and how any necessary mitigation measures and/or financial contributions towards works to mitigate the impact of the development are to be delivered, to the satisfaction of the responsible authority and VicRoads.*

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Council adopted the position that the most appropriate mechanism to secure the contributions would be through a Section 173 Agreement with the proponents.

### 3.2.2 Evidence and submissions

Council engaged Mr Jason Sellars of GTA Consultants to provide expert traffic evidence. Other traffic experts were engaged by the proponents with Ms Charmaine Dunstan of Traffix Group giving evidence on C218 and Ms Deborah Donald of O'Brien Traffic on C219. Mr Andrew Rasulo of VicRoads provided a submission and attended the Panel hearings.

#### Existing traffic problem

Johnston Street is an arterial road and Category 1 Road Zone under the jurisdiction of VicRoads. Trenerry Crescent is a Council managed local road. It is 400 metres from the Eastern Freeway and carries a high volume of through traffic that is avoiding traffic delays on Hoddle Street.

The expert reports describe Trenerry Crescent and its intersection with Johnston Street as presenting a number of challenges. Ms Dunstan described it is a local road that operates as a higher order collector road or limited arterial road because of its connectivity between Clifton Hill and Abbotsford. Ms Donald provided statistical information about vehicle numbers and evidence about traffic origins and destinations. The expert reports described a high volume of bicycle traffic on Trenerry Crescent because it is part of the Capital City Trail, and a high volume of pedestrian traffic because of the nearby Victoria Park train station.

Mr Sellars' expert report assessed the intersection performance and found that it performed with an intersection Degree of Saturation (DOS) of 1.00 during both the weekday AM and PM peak hours. He concluded that the intersection is operating at its theoretical capacity and the existing traffic conditions warrant the introduction of measures to address the capacity constraints.

Mr Sellars' report includes VicRoads data on traffic accidents at the intersection from June 2012 to 2017. There have been 5 accidents causing serious injury (at least one person was sent to hospital), 4 involving a cyclist and a vehicle and the fifth involving a rear end collision between vehicles.

Ms Dunstan's report discusses road safety issues and concludes that *the intersection is not inherently unsafe and the total number of crashes is more a reflection of higher traffic and cyclist numbers than any inherent concerns.*<sup>35</sup>

VicRoads' submission to the Panel provides site observations from two inspections of the intersection, one during the AM peak and the other during the PM peak. It stated there is a steady traffic flow using Trenerry Crescent beyond what the local road network would generate. It also pointed to a constant stream of pedestrians walking to and from Victoria Park Station who have to cross Trenerry Crescent, often in conflict with turning traffic. The information observed a heavy demand for right turning traffic in the PM peak and a consistent demand for left turning traffic into Trenerry Crescent from Johnston Street despite a ban on this movement during the PM peak.

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<sup>35</sup> Document 4, page 13.



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Ms Donald's report stated that a reason for delays at the intersection arose because of poor road use by drivers blocking lanes on Trenerry Crescent.

### Measures to address traffic

Mr Sellars' report canvasses three intersection improvement options. Option 1 canvasses traffic signals. He concludes that the intersection meets the thresholds for traffic volume and accidents under the guidelines for new traffic signal installations in the VicRoads Traffic Engineering Manual. Option 2 proposed limiting traffic movement to and from Trenerry Crescent by limiting left in and left out turning traffic and option 3 would remove a right turning movement from Trenerry Crescent.

Mr Sellars expressed the view that traffic signals should be installed at the intersection now. His report stated that traffic signals would address problems with the critical right turn movements but would increase delays and queuing. It would provide the highest form of control between competing vehicle, pedestrian and bicycle movements and result in safer intersection performance. In response to questions from the Panel, Mr Sellars offered no opinion on who should install or pay for the traffic signals.

Ms Dunstan stated that Council needs to decide what it wants to do to address the existing problems at the intersection. She stated that while VicRoads is responsible for intersections of two arterial roads, Trenerry Crescent is a local road and the responsibility of Council.

Ms Dunstan submitted that traffic signals would make the intersection safer but would attract more through traffic. Ms Dunstan submitted that the traffic problem is not a road safety issue; it is a result of through traffic and queuing. The authorities need to look at what the through traffic will tolerate. Banning left and right turns will be a deterrent. Traffic problems can be made worse by putting in traffic signals and taking out traffic management.

She stated that installing traffic signals is not necessarily the solution. It was her opinion that the types of accidents that have occurred with bicycles such as car dooring, left turn swipe and right turning cars hitting cyclists are not going to be fixed by traffic signals. Nor would the rear end crash have been prevented as traffic signals increase rear end crashes.

The Panel asked Ms Dunstan for her view on other proposed traffic treatments if no signals are installed. Ms Dunstan recommended a separate left turn lane and parking removal during peak times, and prohibiting right turn at PM peak saying that hardly anyone does it because it is so difficult and therefore there would be little impact. She said that even though there are few right turners they are blocking the left turners while waiting.

Mr Rasulo of VicRoads stated that he agreed with Ms Dunstan that traffic signals will not necessarily address the issues at the intersection. He also stated that there is not sufficient justification for VicRoads to install signals now because of competing funding priorities.

Ms Donald agreed the intersection at Johnston Street and Trenerry Crescent requires signalisation under present conditions. She stated that because the situation exists now, the cost of installation should be resolved between Council and VicRoads.

Council asked Ms Donald if it was her view that the need for signalisation now is the result of the volume of traffic and pedestrians or if it is through traffic or local traffic. She stated that if there was only local traffic the right turn out of Trenerry Crescent would still be an issue,

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so the issue is not just volume. She stated that it is not just the traffic on Johnston Street, it is the combination of all of the traffic conditions.

Mr Rasulo of VicRoads asked Ms Donald whether it is her opinion that traffic signals reduce crashes at the intersection. She stated that she would need more details about the nature of the crashes to answer.

When asked if there are other treatments to improve safety for pedestrians and cyclists Ms Donald stated that there are some measures that could be done, but it depends on the specific causes of the crashes.

She stated that making it more difficult to exit out of Trenerry Crescent might help reduce traffic but the answer depends on sources and destinations of traffic with a study required to determine both and the nature of any changes before they were made.

Mr Rasulo asked Ms Donald whether traffic signals would benefit adjacent streets which have queuing in the peak times. She agreed that it is an area wide problem but that she had not been engaged to look at the area beyond Trenerry Crescent.

In response to a question from Mr Rasulo about the ban on right turns suggested by the other traffic experts she expressed the view that it would not be very helpful, and could have a negative impact.

The Panel asked Ms Donald for her opinion on Mr Sellars' proposals for improvements to the intersection based on current conditions, other than installing traffic signals. She stated that in a general sense the options could work but more study is required.

### **Impact of the developments on traffic**

Mr Sellars stated that the indicative level of traffic increase from development of the sites would be marginal, perhaps between 1-2 per cent. His report assessed the impact on the performance of the intersection from the Amendment C218 site would increase from 1.00 (the existing DOS) to 1.03 during peak periods. He assessed the impact on the performance of the intersection from the Amendment C219 site would increase from 1.00 (the existing DOS) to 1.02 during peak periods.

For both sites combined he assessed the impact on the performance of the intersection would increase from 1.00 (the existing DOS) to 1.04 during the weekday AM peak and 1.03 during the weekday PM peak. The increases relate to the right turn movement from Trenerry Crescent during the weekday AM peak hour and the right turn movement from Johnston Street during the weekday PM peak hour.

Ms Dunstan's report provided detailed estimates of traffic volumes generated by the proposed development at the C218 site. She adopted a conservative residential traffic generation rate of 0.3 vehicle trips per peak hour per dwelling and 3 vehicle trips per dwelling per day. She based her assessment on a development yield of 45 office spaces, one food and drink premises and 160 apartments with 1 car space per apartment, which she regarded as relatively high for current developments in the Richmond/Abbotsford area.

Ms Dunstan's report forecasts that the additional dwellings would generate up to 48 additional movements in the commuter peak hours. She estimated that the development would generate up to 28 vehicle movements through the Johnston Street/Trenerry Crescent

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intersection per peak hour and no more than seven additional movements in the critical right turn movements into or out of Trenerry Crescent.

Ms Dunstan found that additional traffic associated with the development of the C218 site will have negligible impact on the operation of the intersection of Trenerry Crescent and Johnston Street. She also found that the development can be accommodated with or without traffic signals. Ms Dunstan submitted that the proposed application requirements related to traffic engineering matters in the Council's Part A submission are appropriate.

Ms Donald submitted that there is no justification for requiring the C219 Proponent to contribute to cost of works to improve safety of the intersection. Her opinion is that if people are using Trenerry Crescent as a rat run now as her data shows, it would require considerable increase in traffic numbers to deter drivers from continuing to use the street.

She restated her evidence that she considers the VicRoads requirement that the traffic signals be developer funded to be excessive. She stated:

*...there is no equity in requiring only the developers of three sites affected by C218 and C219 to contribute to the cost of installing traffic signals. I do not believe there is any nexus between the proposed Planning Scheme Amendments and the VicRoads position.*

Ms Donald also answered in the negative a question from Mr Rasulo whether there should be a developer contribution of any sort to any measures.

The Panel asked each of the traffic witnesses how it should respond to submitters who opposed the rezonings on the basis of increased traffic and who sought rejection of the Amendments. Each of the experts took the view that the traffic impacts from each of the proposed developments are marginal and therefore submissions seeking rejection of the Amendments should not be upheld.

### **How the Amendment should address traffic**

Mr Sellars stated that a reasonable expectation would be for both sites to make a contribution to any improvement works at the intersection of an amount commensurate with the impact on intersection performance. He estimated that the Amendment C218 site would increase the existing overall traffic volumes at the intersection during the weekday peak hours combined by 0.97 per cent and the Amendment C219 site will increase existing overall traffic volumes at the intersection during the weekday peak hours combined by 2.1 per cent.

Mr Sellars also recommended travel demand management strategies that could be implemented with the amendment sites to reduce traffic generated by any new development. These included reduced car parking provision for staff at commercial premises and residents, providing motorcycle parking, car share pods and bicycle facilities well beyond statutory requirements and preparing and managing a Green Travel Plan.

Ms Dunstan told the panel that having reviewed the material she believed that any reference in Amendment C218 to traffic works should be removed. She stated that the cost of doing the traffic studies to justify developer contributions would be more than the contribution itself.

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Ms Dunstan stated that the Amendment cannot assign responsibility for traffic to the developers. The work has effectively already been done to demonstrate that the traffic impact of development of these sites will be negligible. She stated that she was concerned about the way the IPO is currently drafted.

The Panel asked Ms Donald if she agreed with the Council's revised position that it would no longer seek a contribution from the proponents as part of the Amendments but keep open the option of requiring a traffic impact assessment at permit application stage. Ms Donald agreed with no contribution being sought but does not agree with the requirement for a traffic impact assessment. In her opinion the traffic impact is going to be small whether the developments are for offices or residential.

### **VicRoads' submission**

VicRoads' submission stated that VicRoads requires the IPO2 and DPO14 to make adequate provision for traffic assessments and necessary mitigating works to its satisfaction at the planning permit stage. VicRoads further seeks that at the planning permit stage it may request a Safety System Audit and Road Safety Audit be conducted to identify potential risks associated with Trenerry Crescent and stipulate permit conditions based on the findings from the audits and traffic impact assessments.

At the hearing Mr Rasulo was asked what is meant by the 'necessary mitigating works'. He stated it depends on the assessment at the time, with a focus on safety.

VicRoads' submission acknowledged the consistent message from all the traffic experts that it would not be equitable to request the proponent to fund installation of new traffic signals. Mr Rasulo stated at the hearing that VicRoads relinquishes the requirement that the proponents pay for works to be carried out.

VicRoads' submission concluded that it is satisfied that traffic signals at the intersection are required now under current operating conditions. It also acknowledged that the traffic pattern in the immediate road network precinct may change in the very near future due to the Hoddle Street Streamline Project, the details of which were not available to the hearing.

The Panel asked Mr Rasulo if he would support the proposals from GTA Consultants other than the traffic signal option. Mr Rasulo stated he would support those traffic measures because they would deliver improvements in safety for cyclists and improved flow of traffic.

The Panel asked Mr Rasulo who would be responsible for carrying out works to improve the intersection. Mr Rasulo stated that the intersection does not qualify as a black spot yet; there is scope for this to occur in the future but there is no guarantee of funding.

### **Council and proponent submissions**

The Panel invited a discussion among the parties on common ground on the traffic issues.

Mr Gobbo for the C218 Proponent stated that the traffic experts agree that some measures are needed at the intersection now. He suggested that Council could use a section 173 agreement to achieve proportional developer contributions to traffic improvements but it would be better dealt with outside the terms of the Amendment.



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He stated that VicRoads has not made a case for traffic signals and there is no proper basis for justifying that the proponents make a contribution to the cost of traffic signals. He stated that the C218 Proponent would prefer that the clause in IPO2 requiring a traffic impact assessment as part of the application requirements delete reference to mitigation measures or financial contributions to the satisfaction of VicRoads.

Council's representative, Mr Tobin stated that the Panel only needs to decide whether the proponents are responsible for traffic impacts and should not come to a view about whether Council or VicRoads should be required to undertake any works.

Council proposed to modify the wording for the Application Requirements in the Amendments so that a traffic impact assessment and a decision about public realm improvements could fall out of ordinary permit application process.

Council's closing submission for Amendment C218 stated that Council seeks to retain the requirement in IPO2 for the proponent to provide a traffic impact assessment as part of the permit application. It stated that the assessment may indicate limited local works, and the operation of Trenerry Crescent may change with VicRoads' broader traffic changes.

Council's closing submission for Amendment C219 stated that the Amendment should include words that call for a traffic assessment and appropriate traffic mitigation measures as part of the permit application requirements.

**3.2.3 Discussion**

The issue for the Panel is whether the amendments should require the proponents to prepare a traffic impact assessment and contribute to the cost of traffic mitigation works.

The exhibited version of the Amendments did not require the proponents to provide a traffic impact assessment as part of the permit application. Council introduced the requirement as part of the post exhibition changes in response to a submission from VicRoads and a number of local residents.

The three traffic experts agreed that the traffic volume and safety issues at the Trenerry Crescent/Johnston Street intersection during peak periods requires action now. The problems are a mixture of volume because of through traffic which causes delays during the peak periods, and safety issues because of the high volume of cyclists and pedestrians. The experts acknowledged that there had been five serious accidents in the past five years, which meets one of the thresholds of VicRoads for installing traffic signals. The experts held different views on whether the level and nature of the accidents makes the intersection inherently unsafe.

All three traffic experts agreed that the traffic impact of the developments on the Amendment sites would be negligible. Each of the experts pointed to their evidence to disprove submissions that the developments will have a significant impact on traffic problems.

VicRoads acknowledged that in light of the traffic evidence it would not be equitable to require the proponents to fund installation of new traffic signals. It withdrew its requirement that the Amendment provide for the proponents to pay for traffic mitigation works.

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The traffic experts put forward a range of options to address the traffic problems on Trenerry Crescent and at the intersection with Johnston Street. They did not agree that traffic signals are the most appropriate treatment given the nature of the traffic problems. The traffic experts supported alternative traffic management treatments in Trenerry Crescent such as restricting right turning traffic and removing car parking during peak times.

Although VicRoads was satisfied that traffic signals at the intersection are required under current operating conditions it conceded that it would not be installing traffic signals any time soon. It also concluded that the broader works it is undertaking, particularly the Hoddle Street Streamline Project, may reduce through traffic on Trenerry Crescent.

In light of the traffic evidence it is difficult to justify VicRoads' initial position. There is no expert traffic evidence to support a provision in the Amendments that the proponents provide traffic assessments and consider mitigating works and that VicRoads have the position to declare its satisfaction with the traffic impact assessment. Nor is there any evidence to support a requirement that at the planning permit stage VicRoads may request a traffic safety audit and stipulate planning permit conditions based on the findings.

No less than five of Victoria's leading traffic experts have been engaged as part of this Amendment so far. The three traffic experts who appeared before the Panel submitted and VicRoads fairly agreed that the impact of the developments on traffic would be marginal. They all agreed that it would therefore not be equitable to require the proponents to contribute to solutions for what is an existing problem. The Panel endorses VicRoads' decision to relinquish its requirement for a contribution to any mitigating works to solve a problem that exists for other reasons.

The Panel does not need to address the question of who should pay for any traffic mitigation measures in Trenerry Crescent and at the intersection with Johnston Street. That is a matter for Council and VicRoads. What is clear is that the proponents should not be held responsible.

### 3.2.4 Conclusion

There is an existing traffic problem on Trenerry Crescent and at the intersection with Johnston Street during the peak hour. That is a matter for VicRoads and Council to address. The evidence of the traffic experts indicates that traffic signals are not necessarily the solution.

The evidence of the traffic experts and VicRoads was clear that the development of the subject sites would have marginal impact on traffic. There is therefore no justification for the amendments to require the proponents to provide traffic impact assessments at planning permit stage or to potentially require them to conduct a road safety audit for the purpose of looking at and mitigating road and traffic conditions that are pre-existing. A traffic impact assessment report may be required to support a reduction in car parking provision or other reasons but that is a different matter that may not involve VicRoads.

The panel concludes that a traffic impact assessment is justified to address the safe entry and exit of vehicles from the developments and how these minimise conflicts with any pedestrian and cycle links.

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The Panel relies on the traffic experts in their assessment of traffic situations likely to arise from the development of the sites in its conclusion that the amendments should proceed and submissions calling for rejection of the amendments for traffic reasons are misplaced.

**3.2.5 Recommendation**

The Panel makes the following recommendation:

- 3. Retain the provision in Amendments C218 and C219 requiring the proponent to provide a traffic and car parking impact assessment but delete reference to it being to the satisfaction of VicRoads and the requirement for proponents to contribute to mitigation works. The Panel's preferred version of the relevant provisions are set out in Appendices C and E.**

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### **Section 2 – Issues specific to each Amendment**



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### 4 Issues specific to Amendment C218

#### 4.1 Heritage

##### 4.1.1 The heritage and urban issues

The existing buildings at 18-26 Trenerry Crescent are comprised of development from 1911 and 1924 to a later addition in 1984.

The site is graded as *Individually Significant* within precinct overlay HO337 and there are general references within the Statement of Significance to the former industrial buildings that were developed from the early 1900s, highlighting the more prominent buildings such as 112-124 Trenerry Crescent and the “Byfas” building at 8 Trenerry Crescent.

The current Statement of Significance for HO337 only refers to former industrial buildings (generally) and some of the heritage and architectural features that contribute to the streetscape.

Council would consider current and future planning permit applications against the provisions of the Heritage Overlay and heritage policy in Clause 22.02 (Design Guidelines for Sites Subject to the Heritage Overlay) of the Yarra Planning Scheme. This would not change with proposed Amendment C218.

The exhibited Incorporated Plan, as it relates to heritage issues, identifies the heritage elements that should be retained on the site (at a minimum), subject to a more detailed design proposal and a Conservation Management Plan (CMP) or detailed heritage assessment and design response. These are then subject to a statutory planning assessment, including the consideration of heritage issues, as part of the planning permit process.

Submissions 6, 8, and 14 (Collingwood Historical Society, Collingwood and Abbotsford Residents Association, and Yarra Riverkeepers Association) highlight what they submit is the lack of detail in the amendments on the design response to heritage buildings. The submitters state that all of the elements from the different development periods (1911, 1924 and 1984) are ‘contributory’ to the place, and assert that the IPO is insufficient protection for the heritage elements on the site.

Council commissioned a heritage citation for the site from consultants GJM in June 2016 which has been used to inform changes to the amendment in response to submissions on heritage issues. GJM prepared a citation for 18-62 Trenerry Crescent which identifies the 1984 additions, designed by Darryl Jackson AO, as contributing elements to the cultural and historic significance of the place.

The citation for the property needs to be referenced at clause 22.02 to be included in the planning scheme. Though this was not proposed as part of the exhibition material, legal advice obtained by Council supports this inclusion through the current amendment process. This inclusion was not opposed by any party.

Council endorsed changes to the IPO Schedule and Incorporated Plan in July 2017 that are largely informed by recommendations from GJM. The changes further reinforce the requirements of both the Heritage Overlay and the design response to the heritage fabric on

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the site. The proposed IPO Schedule would require a detailed heritage assessment as part of any future planning permit application, in addition to the current requirements of the Heritage Overlay and Clause 22.02. A heritage report would form part of any planning permit application.

Council also proposed to:

- increase the preferred minimum setback from the heritage façades to be retained from 3 metres to 6 metres, and
- require the connecting architectural element between the 1911 and 1924 buildings to be retained so that future development will sit well behind the three-dimensional architectural form of the existing heritage buildings when viewed from Trenerry Crescent and Turner Street.

### 4.1.2 Evidence and submissions

Mr Jim Gard'ner of GJM Heritage provided expert evidence for Council on heritage issues. His evidence stated:

- The 1911 building and the 1984 additions are of high integrity and are in good condition. Having undergone later additions, the 1920s structures are of lower integrity.
- The 1984 alterations and additions contribute to the significance of the place.
- 18-62 Trenerry Crescent is correctly identified in the Incorporated Document *City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8* (revised May 2017) (Appendix 8) as being of cultural heritage significance to the City of Yarra and meeting the threshold of 'Individually Significant' as defined by Clause 22.02-3 – Levels of Significance in the Yarra Planning Scheme:
- Individually significant: The place is a heritage place in its own right. Within a Heritage Overlay applying to an area each individually significant place is also Contributory.
- The complex – including the 1984 additions – is of local significance to the City of Yarra and warrants its grading of 'Individually Significant' within the Victoria Park Precinct.

In his evidence, Mr Gard'ner was critical of what he said was no consideration *to retaining the three-dimensional form of the existing early twentieth century buildings beyond an indication of the retention of some return walls on Turner Street, and the Incorporated Plan assumes the complete demolition of the 1984 additions* and provided evidence on the extent of buildings on the site which he submitted should be retained.

Mr Gard'ner was also critical that no fabric is proposed to be retained beyond the 1911 and c.1920s facades facing Trenerry Crescent and Turner Street respectively which are to be retained only subject to detailed heritage and structural advice. He called for sufficient building to be retained to avoid façadism.

Mr Gard'ner submitted the minimum extent of building *necessary to retain key public realm views and the legibility of three-dimensional form of the former factory*:

- the Trenerry Street façade and an approximately 6 metre return to the northwest (one structural bay)
- the Turner Street facades including the 1984 glazed atrium link structure
- the Yarra River façade of the 1920s building including the 1984 projecting window elements

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- the roof form of the 1911 two storey building including the lantern element to a depth of 6 metres
- the glazed roof form of the 1984 link building to a depth of 6 metres from the site boundary
- the roof form of the 1920s building facing Turner Street and the Yarra River, also to a depth of 6 metres and that the roof form of the pitched roof buildings and the 1984 glazed link building should be retained.

He also stated that an 8-10 metre separation is required between the north-western elevation of the 1911 building on Trenerry Crescent and new built form to the north on the site.

Mr Gard'ner conceded that the saw tooth roof be allowed to be demolished in its entirety but that the pitched roofs be retained to a depth of 6 metres.

The minimum extent of heritage fabric he sought to retain is shown on this extract from figure 23 in Mr Gard'ner's witness statement.



Figure 3 Mr Gard'ner's minimum extent of heritage fabric to be retained

He argued it was essential that the heritage fabric and interfaces are properly documented at Incorporated Plan stage to assist the preparation of appropriate management plans.

He recommended numerous changes be made to the Incorporated Plan Overlay to achieve the outcomes he sought.

Mr Bryce Raworth of Bryce Raworth and Associates provided heritage advice on behalf of the C218 Proponent. He asserts that the level of significance, particularly of the Darryl Jackson designed additions, is not as significant as other (more original) elements on the site. He stated that the 1984 Darryl Jackson additions are (simply) an early example of the adaptive design and re-use of a former industrial/heritage building.

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Mr Raworth referred to a decision by Heritage Victoria in 2007 to not list the building on the Victorian Heritage Register for reasons including that the *'early twentieth century factory buildings were considered to be typical, but not architecturally outstanding for their era.'*

Mr Peter Lovell of Lovell Chen gave evidence for the C218 Proponent. He stated his primary concern was the introduction of heritage requirements in the IPO which he said was adequately addressed in the heritage policy in the planning scheme.

Mr Lovell said the subject building is individually significant as stated in the planning scheme but had not been elevated until 2007 when Daryl Jackson's design works were given status on a mistaken premise.

He said:

- the building is the only building in the area recognised as significant
- the Statement of Significance in the HO337 is a good one; it addresses the precinct properly
- the 1911 building is not individually significant
- the 1920s building is not a heritage building because of the extent of subsequent modifications and the 1920s wall bears no resemblance to original
- the 1984 additions are not a good representation of Daryl Jackson's work.

Mr Lovell noted that a heritage impact statement is required for all buildings in the municipality as a result of the Heritage Overlay so anything additional such as proposed in the IPO is unnecessary. He said a Conservation Management Plan is excessive for this site.

Mr Lovell did not support the proposed decision guidelines because they are repetitive of other requirements.

Mr Lovell's evidence supported demolition of the buildings on site but committed to the retention of all the façade on the 1911 building with so much of the return on Trenerry Crescent and Turner Street as necessary to support the retained wall.

### 4.1.3 Discussion

Each of the heritage witnesses gave evidence that was thorough in its analysis of the issues and considered in the conclusions. The Panel was presented with some conflicting positions all of which arise from a detailed analysis of the issues. The Panel appreciates the manner in which the witnesses presented their opinions which are genuinely held and logically based.

Council summed up the position of the Panel when he described the task to be about how to establish controls to guide the consideration of future development proposals and not being about whether the building has heritage value.

Clause 2.0 of IPO2 as exhibited stated requirements for permit applications that included a requirement for a heritage impact statement that assesses the impact of the proposed development on the heritage values of the heritage place as well as other information to help consideration of the heritage impacts of a proposed development.

The Incorporated Plan as exhibited contained development principles to be addressed to achieve heritage outcomes.



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The Panel was presented with submissions to change the format and content of the Incorporated Plan especially to delete provisions said to be contained elsewhere in the planning scheme.

The issue for the Panel is to consider how the planning controls should be shaped to achieve the best heritage outcomes when a permit application is made.

Included here are matters about the controls in IPO2, the requirements of the Incorporated Framework Plan, the contents of an Incorporated Plan prepared on the basis of the controls plus a comprehensive heritage analysis and structural engineering advice which will determine the extent of building likely to be retained.

### 4.2 Discretionary heights

#### 4.2.1 Street wall height to Trenerry Crescent

In its submission during exhibition of Amendment C218, the C218 Proponent sought changes to the IPO Schedule that *allows a degree of discretion in height and setbacks; provides recognition of design excellence and recognises site specific characteristics*. Its submission included specific changes to the Amendment documentation.

The C218 Proponent specifically identified the street wall height of new built form on Trenerry Crescent in its submission. The C218 Proponent sought that this be changed from a mandatory to discretionary height. The exhibited Incorporated Plan in Amendment C218 depicts this as *maximum height 4 storeys (15m)*.

Council considers the mandatory street wall height proposed in Amendment C218 to be justified having regard to:

- the JSLAP and the urban design analysis that underpins it
- the heritage significance of 18-62 Trenerry Crescent; and
- the proposed application of the IPO.

Mr Gard'ner's position on the controls proposed for this site assumes a four storey street wall height, which Mr Gard'ner considers *appropriate in the context of the broader precinct*.<sup>36</sup>

#### 4.2.2 Height of new building

The C218 Proponent sought to change the wording of IPO2 to state a discretionary height control for the new building. Section 3 of this report deals with the substantive issues on the matter. Section 3.1.4 states the Panel conclusion that the Incorporated Plan to the IPO is to include a note that the revised DDO1 applies and expresses a preferred maximum 25 metre building height (not including the street wall height).

### 4.3 The heritage citation

There was common ground between the Council and the C218 Proponent for a citation for the site to be included in the LPPF. Whereas the Council supported the GJM version, the proponent urged the Panel to accept the draft statement of significance presented by Mr

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<sup>36</sup> See page 25 of Mr Gard'ner's expert witness report.

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Lovell that supported the descriptions of the buildings as stated by GJM but downplayed the significance attached by Mr Gard'ner.

The Panel notes that Council largely supported Mr Lovell's draft with the exception that he preferred Mr Gard'ner's grading. The Panel finds that Mr Lovell's draft can be supported. It states the heritage position of the building(s), ascribes heritage significance and sets a basis on which to assess future permit applications. The Panel's preferred form of the statement is at Appendix D.

The Panel notes the difference of opinion between the heritage experts for the C218 Proponent where Mr Raworth differed from Mr Lovell about the way the heritage values of the buildings should be expressed in a statement of significance. The Panel adopts Mr Lovell's draft.

### 4.4 Conclusions

The Panel concludes:

- Amendment C218 should not include a discretionary maximum building height of 26 metres and adopts the position that IPO2 contain discretionary maximum height controls in the event that DDO1 expires or is amended to remove mandatory building height controls.
- The IPO2 and the Incorporated Framework Plan should be amended to allow a future permit applicant the opportunity to justify a proposal that:
  - retains heritage features including parts of the heritage fabric of the buildings with the façade of the 1911 buildings and part of the Turner Street fabric
  - has a street wall height on the Trenerry Crescent frontage as exhibited in the Incorporated Plan in Amendment C218 that depicts '*maximum height 4 storeys (15m)*'
  - has a preferred maximum building height of 25 metres consistent with DDO1.
- The citation for 18-62 Trenerry Crescent should be the version presented by the C218 Proponent with the Lovell amendments.

### 4.5 Recommendations

The Panel makes the following recommendations:

#### 4. In Amendment C218

- a) **Adopt the form of Incorporated Plan Overlay Schedule 2 as contained at Appendix C to clarify building height controls**
- b) **Adopt the statement of significance for 18-62 Trenerry Crescent Abbotsford as presented by Mr Lovell for the C218 Proponent and included at Appendix D.**

### 4.6 Form and content of Amendment C218 and IPO

#### 4.6.1 The issue

In chapter 2 the Panel reported its position on issues about the Form and Content of each Amendment and the repetition of provisions in the associated documents. This section deals with the form and content of the controls proposed in Amendment C218.

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As reported in chapter 2.4, the authorisation for Amendment C218 required the drafting of IPO2 to be in accordance with the direction on the Form and Content of Planning Schemes. Mr Tobin for Council advised that the form of the Amendment and the IPO had been varied and now complied with the template. It is sufficient for the Panel that the planning authority will recheck the form of the amendment papers taking account of the Panel recommendations prior to adoption of the Amendment.

### 4.6.2 Evidence and submissions

Council told the Panel that Amendment C218 with the rezoning of the land to C1Z and associated documentation including the IPO had been prepared at the request of the proponents.

The C218 Proponent acknowledged the zone and the overlay controls proposed under Amendment C218 but took issue with the nature and effect of the controls in the IPO that would inhibit how it designs a redevelopment proposal. The C218 Proponent advocated changes to particular controls including the mandating of heights and setbacks to apply to the site whether through DDO1 or IPO2, change to the requirement to retain parts of the buildings which it contests have heritage values worth preserving, changes to the heritage citation covering buildings on site that is proposed to be included in the planning scheme, change to allow the datum point for measuring height to be on the Trenerry Crescent frontage and changes to the requirements for matters to be included in an Incorporated Plan.

The C218 Proponent relied on the evidence of its expert witnesses Messrs McGurn, Blades, Raworth and Lovell to support its submission for changes to the IPO so as to *allow the best planning outcome in the long term and prevent the need for a further planning scheme amendment*.<sup>37</sup>

### 4.6.3 Discussion

In chapter 3.1.3, the Panel said it would approach the issue of repetition of provisions across the controls by assessing the purpose of the repetition and the function of that repeated provision. None of that is to disregard the strength of the submissions. The Panel approach is one of balance. If the repetition serves a useful purpose and the function is of little more effect than to draw attention to a provision, the Panel is likely to allow the repeated provision.

The evidence from the witnesses about desired changes to the form of Amendment C218 was put on two main grounds: first, making the documents compliant with government directions. Second, to create a scenario where the proponent can design a development concept with flexibility arising from the discretionary application of controls in DDO1, as far as they can be discretionary, and with IPO2, and its indicative framework plan, as the guiding controls.

The Panel accepts the genuine approach of the proponent. However, the Panel also considers one of the benefits of the controls as exhibited as allowing the later drafting of a concept and its consideration without the usual level of advertising or third party

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<sup>37</sup> Document 29 para 35.



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participation. One of the reasons given by the planning authority for its advocacy of the nature of the controls was that there had been substantial notification and awareness of the type of development that may result from the controls. The Panel is not prepared to divert far from the form of the controls as exhibited and which third parties are entitled to expect will lead to an outcome that is substantially similar to that anticipated under the exhibited form of the controls.

### 4.6.4 Conclusions

The C218 Proponent sought changes to particular controls including the mandating of heights and setbacks to apply to the site whether through DDO1 or IPO2. The Panel accepts some of the changes. On the basis of submissions, the Panel has drafted its preferred version of IPO2, contained in Appendix C.

The C218 Proponent sought changes to the requirement to retain parts of the buildings. The Panel does not prescribe the extent of building to be retained but amends IPO2 to allow retention issues to be resolved as part of the planning permit stage.

The C218 Proponent sought changes to the heritage citation covering buildings on site that is proposed to be included in the planning scheme. The Panel accepts Mr Lovell's evidence that the citation as drafted by GJM can be varied without removing the requirement for a heritage report and substantiation of heritage issues at the appropriate time.

The C218 Proponent sought change to allow the datum point for measuring height to be on the Trenerry Crescent frontage. The Panel does not accept this proposition for reasons discussed in chapter 3.1.

The C218 Proponent sought changes to the requirements for matters to be included in an Incorporated Plan. The Panel accepts some of the changes. On the basis of submissions, the Panel has drafted its preferred version of the Incorporated Plan; the Panel version of the Indicative Framework Plan is contained as part of the Incorporated Plan in Appendix C.

The changes of note are to some of the terms applied in the post-exhibition form of the IPO2 and the Incorporated Plan.

In the IPO2:

- The Panel applies the term heritage impact statement instead of the descriptions Comprehensive Heritage Analysis, comprehensive impact assessment, heritage conservation and management plan and the like. The changes are made in proposed clause 1.0 with references in the Requirements for permit applications and in proposed clause 2.0 Decision Guidelines. The change adopts the term used by the C218 Proponent.
- The Panel reduces the breadth of what was to be the focus of a Traffic Impact Assessment Report in proposed clause 1.0. The Panel preferred form of the requirement focusses on addressing car parking and access to Trenerry Crescent for safety reasons. The Panel accepts that the requirement to consider traffic impacts on the intersection of Trenerry Crescent and Johnston Street and the prospect of contributions to any mitigation works can be deleted.
- The Panel removes clauses that duplicate the terms of DDO1 and clarifies that DDO1 applies. The Panel retains and enhances clauses with more specific provisions than

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DDO1 to protect the values of the Yarra River corridor adjacent to the subject sites in the Requirements and Decision Guidelines.

For the Incorporated Plan, in addition to improvements to simplify the Plan including the removal of the notes, the Panel:

- Removes requirements that duplicate the terms of DDO1 in the Development Principles and Landscape Principles in the Objectives
- Clarifies provisions that add more detailed requirements than DDO1 within the Objectives
- Amends the attached plan to specify that DDO1 applies to the subject site
- Reorganises the Objectives that address heritage issues under a new heading for 'heritage principles'
- Applies the description "preferred maximum building height" to the building area outside the DDO1 area
- Sets the street wall height on Trenerry Crescent at "15 metres preferred height"
- Removes the requirement for spacing between the retained façade on TC and new building along the street frontage and the identification of the area as the preferred vehicle entry point off Trenerry Crescent
- Reduces the depth of the minimum setback above the heritage façade to a preferred minimum of 2 metres above the heritage facade
- Identifies preferred vehicle access points on Trenerry Crescent and Turner Street
- Replaces the word façade with fabric to identify "other heritage fabric" to be considered for retention.

### 4.6.5 Recommendation

The Panel makes the following recommendation:

5. **Adopt the form of Incorporated Plan Overlay Schedule 2 as contained at Appendix C to improve form and content of the overlay and the Indicative Framework Plan.**

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### 5 Issues specific to Amendment C219

#### 5.1 Heritage and urban design

##### 5.1.1 The heritage issues

The former Austral Silk and Cotton Mills (Austral) building at 112-124 Trenerry Crescent is graded as *Individually Significant* and is part of HO337. Current and future planning permit applications would be considered against the provisions of the HO and Clause 22.02.

Advice to Council by GJM includes a new citation for the site. Although not formally part of the exhibited amendment, the citation for the property would need to be referenced at Clause 22.02 to be included in the planning scheme. Legal advice to Council supports this occurring through the current amendment process. This inclusion was not opposed by any party.

Submissions 6, 8, 13 and 14 (Collingwood Historical Society, Collingwood and Abbotsford Residents Association, a local resident and Yarra Riverkeepers Association) highlight concerns about the lack of detail in Amendment C219 in addressing the design response to the former Austral building.

In response to submissions Council sought advice from GJM. The subsequent advice highlighted the importance of this prominent heritage building with all visible façades important for the reading of the building and recommended changes to the DPO Schedule to reinforce the heritage significance of the building and to clarify the heritage requirements when submitting a Development Plan for approval and at the planning permit stage. Specifically, the report identified that the Schedule to the DPO and future Development Plan should ensure that:

- key views to the prominent heritage façades be retained
- there should be separation from new buildings
- upper level setbacks, and
- protection of views of the eastern building façade by limiting the height of any new buildings to the east.

Council proposed a number of changes to the DPO Schedule to reflect GJM's advice including:

- changes to the Vision section to ensure development maintains views to the heritage building from Trenerry Crescent
- changing the requirements for the Development Plan to ensure that development responds to a future Conservation Management Plan or similar analysis
- modifying the Indicative Framework Plan within the Schedule to the DPO to reinforce the heritage significance of the building and key view lines to the prominent façades
- altering the decision guidelines.

Council proposed to modify the Indicative Framework Plan and design guidelines within DPO14 to reinforce the heritage significance of the building and key view lines to the prominent façades.

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Council commissioned a heritage citation from GJM as part of the Amendment process and seeks to have the citation listed as a reference document at Clause 22.02-8. Council stated that referring to the heritage citations within clause 22.02-8 would be consistent with the existing treatment and structure of heritage documents within the Scheme.

Mr Townsend for the C219 Proponent made substantive submissions on heritage matters through presentations and cross examination of Mr Gard'ner. Those submissions took issue with some aspects of the heritage information and controls particularly affecting the ability to develop the northern part of the site, with the protection of view lines to the Austral building from off-site vantage points including the requirement for a 20 metre setback distance for new building on the northern land as well as the requirement for a public link through the site from Trenerry Crescent to the River corridor.

The proposed statement of significance presented by Mr Gard'ner was accepted by the C219 Proponent but the proponent sought changes to the heritage provisions in DPO14.

### 5.1.2 Evidence and submissions

Mr Gard'ner provided expert evidence to substantiate the level of heritage control in DPO14 and the Indicative Framework Plan. Mr Gard'ner distinguished the AEU building on the northern part of the site at 126-142 Trenerry Crescent which he stated *was constructed in the 1980s in a Post-modern style and it is my opinion that it does not have any heritage significance in its own right nor as part of the Victoria Park Precinct* from the Austral site at 112-124 Trenerry Crescent which he said *was of local historical and aesthetic significance to the City of Yarra and which was of cultural heritage significance to the City of Yarra and meets the threshold of 'Individually Significant' as defined by Clause 22.02-3 – Levels of Significance in the Yarra Planning Scheme.*

Mr Bruce Trethowan prepared evidence on heritage matters for the C219 which was submitted to the hearing. Mr Trethowan was not called but his evidence remains for consideration.

Mr Trethowan supported the significance of the Austral building. His evidence was:

*Given the greater understanding of the history and development of the site and its importance within the area, all remaining industrial structures on the subject site dating from the interwar period should be retained. These structures comprise:*

- *the 1927 Building*
- *the addition to the south of the 1927 Building*
- *the substation building*
- *the remnant walls*

He stated that *These structures should be scheduled (under Schedule 14) and their location identified on the IDF.*<sup>38</sup>

Mr Trethowan's submission went on to state that any new building extension to the Austral building should be limited to one storey in nominated locations, should have a street wall

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<sup>38</sup> Document 11 paras 51 and 52.

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height of 8 metres to Trenerry Crescent and an appropriate separation of the 1927 Austral building from new construction.<sup>39</sup>

### 5.2 Discussion

The C219 Proponent's position did not focus on heritage issues per se save for arguing that the shared link was not supported on heritage grounds. Instead, the C219 Proponent argued that heritage issues arising from the exhibited form of the amendment should be left to play out at the appropriate stage as there is no current redevelopment proposal.

There are implications for the heritage buildings on the AEU land as a result of evidence from Mr Sheppard, for example the issue of the pedestrian and cycling link, but none that effect the form of the controls.

#### 5.2.1 Conclusions

The Panel concludes there are no heritage issues to warrant changes to the Amendment.

The Panel adopts the heritage citation as proposed by Mr Gard'ner without amendment.

#### 5.2.2 Recommendations

The Panel makes the following recommendations:

6. **Adopt the heritage citation for the former Austral Silk and Cotton Mills warehouse and factory complex as prepared by GJM Heritage for inclusion as a reference document at Clause 22.02-8.**

### 5.3 Form and content of Amendment C219 and DPO

#### 5.3.1 The issue

The purpose of this part of the report is to address matters unique to Amendment C219 and DPO14. The Panel does not repeat what has been said previously in the report about compliance with relevant Ministerial Directions. Here the Panel addresses the submissions from the C219 Proponent about the drafting of the controls and the repetition of requirements across documents as the main issues. The Panel also notes that it is sufficient that the planning authority will recheck the form of the amendment papers taking account of the Panel recommendations prior to adoption of the Amendment.

#### 5.3.2 Evidence and submissions

Mr Townsend for the C219 Proponent called for the deletion of what he described as additional controls in the Indicative Framework Plan in DPO14 dealing with the height of future development in view of the recent introduction of DDO1.<sup>40</sup> Mr Townsend submitted there is little strategic justification for the layers of controls requested in proposed DPO14.<sup>41</sup>

Mr Townsend relies on the evidence of Mr Glossop and Mr Sheppard. In his evidence Mr Glossop made numerous recommendations for variation of the proposed planning controls to achieve compliance with Ministerial Directions and Planning Practice Notes. If all the

<sup>39</sup> Document 11 para 54.

<sup>40</sup> Document 31 para 8.

<sup>41</sup> Document 31 para 10.



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changes were made, the documentation would be substantially reduced in size. The evidence of Mr Sheppard was that editing the documents would lead to improvements for clarity and better understanding.

### 5.3.3 Discussion

The Panel has previously outlined the approach it adopts in measuring changes sought by the proponents. In considering the many submissions for changes to the C219 documents, the Panel seeks to achieve a balance between strict compliance with Ministerial Directions and Practice Notes and practical drafting to state the outcome to be achieved under the controls of the DPO, the future Development Plan and the Indicative Framework Plan.

There is no contest that the Austral building is of heritage significance and an important example of the industrial past. Neither is there any contest that the significance of the building must be protected and appropriate controls applied for the purpose. Striking the right balance to reduce the layers of control the C219 Proponent criticises viz a vis establishing controls that allow future development, especially building on the northern part of the site at 126-142 Trenerry Crescent that is not covered by the heritage overlay and has less constraints, that respects and protects the heritage building and river corridor issues is the task for the Panel.

The C219 Proponent and witnesses sought substantial change to DPO14 and the Indicative Framework Plan. Council continued to advocate for the post exhibition version of DPO14 as amended by council at its July meeting with some tidying amendments and minor change to the Indicative Framework Plan.

The panel believes the differences between the two positions are about detail and not effect and agrees to changes that address issues raised by both parties.

### 5.3.4 Conclusions

The changes to the DPO14 are mostly 'tidy ups' as Council described them, and to improve the Indicative Framework Plan to illustrate matters to be addressed at the concept design stage and to be considered at application stage.

The Panel preferred version of DPO14 is in Appendix E.

### 5.3.5 Recommendation

The Panel makes the following recommendations:

7. **Adopt the form of Development Plan Overlay Schedule 14 as contained at Appendix E.**

## 5.4 Requirement for public shared pathway

### 5.4.1 The issue

The C219 Proponent opposed Council's requirement that it provide a 20 metre wide publicly accessible shared pedestrian and cycling path through the two properties at 112-124 and 126-142 Trenerry Crescent on the basis that it is onerous and unnecessary.

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### 5.4.2 Evidence and submissions

Council submitted that the requirement is justified on the basis that a shared pedestrian and cycling path connection was identified as an opportunity in Appendix C of the JSLAP and the connection would formalise a route already used as a short-cut. Council stated that the pathway, also called a link in the documents, would help to provide favourable community benefit from the Amendment that otherwise is limited beyond providing more housing.

Council stated that the pathway is located in an area that cannot be built on because of the building separation requirements applied for heritage reasons and because it is the only location for vehicles to access the building. In addition, he submitted that the setback requirements applying to the Yarra River mean the proponent is not able to have buildings in much of the area. Council acknowledged that the proponent could use the area as private outdoor space and that it could be a constraint to the development but regarded the requirement as not onerous.

For the C219 Proponent, Mr Trethowan opposed what he described as *an open bicycle connection between the western arm of Trenerry Crescent and the Dight's Mill carpark and bicycle track* saying it *would not be a positive initiative from a heritage perspective and is unacceptable*<sup>42</sup>. Instead, he favoured on-street improvements for vehicles, bicycles and pedestrians at and within the north-western sector of 126-142 Trenerry Crescent.

The C219 Proponent submitted that the proper time for Council to negotiate the option of a publicly accessible shared pathway with the land owner is at the planning permit stage.

Mr Glossop for the C219 Proponent characterised the Council's proposal as compulsory acquisition of land but with no opportunity for compensation for the land owner.

### 5.4.3 Discussion

Appendix C of JSLAP states it *provides a more detailed contextual analysis of Trenerry Crescent than is outlined in JSLAP, and is intended to identify opportunities that exist in terms of public access to the river corridor and the remaining development opportunities for Trenerry Crescent that should carefully respond to the natural characteristics of the river corridor*.<sup>43</sup>

It identifies three locations along Trenerry Crescent where views to the Yarra River corridor are possible and gives this as a reason to preserve the existing view lines at the AEU site and for the goal of formalising a pedestrian and cycling link to the river corridor.<sup>44</sup>

The document states that the space between the two buildings at 112-124 and 126-142 Trenerry Crescent *should be maintained to ensure that view lines to the river corridor are also maintained* and that *the opportunity exists to establish a more formalised pedestrian link between the two northern-most buildings on Trenerry Crescent through to the river and Capital City Trail*.<sup>45</sup>

<sup>42</sup> Document 11 para 69.

<sup>43</sup> Document 24 and document 16 page 3.

<sup>44</sup> Section 3.2 Appendix C JSLAP.

<sup>45</sup> Document 16 section 3.2 page 17.



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Certain design principles are proposed for new development at 126-142 Trenerry Crescent with the *consideration of existing car parking and access arrangement to allow sufficient space for car access whilst enabling a shared path that runs in line with the property boundaries*.<sup>46</sup>

The recommendations in Appendix C<sup>47</sup> are (to):

*Investigate opportunities to enhance the public realm along Turner Street and to improve existing physical links to the Capital City Trail*

*Maintain/preserve visual connections to the river corridor (spaces between buildings)*

*Investigate opportunities to create new pedestrian link to connects Trenerry Crescent to the Capital City Trail as part of an open space contribution.*

The Panel notes the gap between the two buildings at 112-124 and 126-142 Trenerry Crescent is one of the few locations along the street where views to the river corridor are possible. The Panel also notes the use of the words 'opportunity' and 'potential' to describe the goal of maintaining and formalising visual and physical links including the current informal public use of the gap between buildings by pedestrians that occurred during the accompanied inspection of the area.

The rationale for maintaining the separation of any new buildings as part of redevelopment of the two AEU properties is strong. There are heritage considerations for maintaining views to the Austral building and urban design principles to preserve viewing opportunities to the river corridor.

The issue for the Panel is whether the gap between the buildings should be set aside as a separation distance with a pedestrian and cycling link either with the land in freehold ownership or becoming public land by one means or another.

The Panel was told the distance from the current building line of the Austral building to the lot boundary was 17 metres. That is not the distance between the two buildings which is greater when the further setback of the AEU occupied building from the common boundary is considered. The separation distance is therefore more than the 20 metre wide link that the council advocated. The Panel proceeds on the basis that the link would be wholly within the property at 112-124 Trenerry Crescent but not within number 126-142. This approach differs from the concept of a shared path that runs in line with the property boundaries as imagined in the Development Guidelines for 126-142 Trenerry Crescent in Appendix C to the JSLAP but it is consistent with the approach at the hearing.

Though Council advocated a 20 metre wide link none of the descriptions in JSLAP or Appendix C prescribe a width. In answer to a question from by Mr Townsend for the C219 Proponent, Mr Gard'ner replied that he was not concerned with a separation distance of 20 metres or 22 metres or 18 metres or less, provided the width achieved the same heritage objectives. Mr Sheppard's evidence was that the 20 metre dimension was *a somewhat*

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<sup>46</sup> Document 16 section 4.6 page 25.

<sup>47</sup> Document 16 section 5.0 page 26.

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*arbitrary distance and the northern edge of the separation should be defined by the boundary, if this is considered sufficient for heritage purposes.*<sup>48</sup>

Mr Sheppard's evidence was that he broadly supported the idea of enhanced access to the river corridor but there is *marginal public benefit in such a link, given that it effectively duplicates the existing path around the northern edge of the subject land and does not align with any particular desire line*. His further issue is that upon arrival at the top of the river embankment, *the slope of the embankment precludes any opportunity to directly access the Main Yarra Trail.*<sup>49</sup>

Mr Sheppard preferred the Indicative Framework Plan concept of improvements at the north-west corner of the property at 126-142 Trenerry Crescent as well as on-street improvements.

Mr Sheppard's recommendation was to change the reference to a 'public shared link opportunity' to an opportunity that should be explored if possible. His recommendation was based on his conclusion that *it is inappropriate to impose a link on development of the subject land. However, it should be encouraged provided it is practical.*<sup>50</sup>

The notion that the idea be explored is consistent with the opportunity noted on figure 11, Development Opportunities and Principles in Appendix C to the JSLAP, which reads *Maintain and formalise through link and visual connection to Capital City Trail (in consultation with property owner)*.

As a principle, the Panel prefers a consultative approach especially where there is no specificity to the land to be set aside, there is no development proposal afoot to identify an area of land and no programme to achieve the objective.

That pedestrians use the space between the buildings now as a short cut is insufficient justification to set aside an area for continued use as a public walkway. The landowner can stop that activity by the erection of fencing to prevent access.

On the other hand, the existing visual link between the two buildings will remain because of the separation of any new construction on either of 112-124 or 126-142 Trenerry Crescent. Given the landowner has no plan to develop either property, maintaining the visual link in the short term is moot. Further, the Panel accepts that in the future there will necessarily be a separation of any additions to the Austral building and building on the northern site so a visual link to the river corridor will remain.

Ms Donald's evidence that the travel distance is similar around the property as it is through it and that improvements will make for safer use of the footpath adds to Mr Sheppard's evidence; the Panel accepts the evidence of both experts.

### 5.4.4 Conclusions

The street wall façade along the length of Trenerry Crescent is a strong physical element and feature of the area. So too is the existing built form that mixes older heritage buildings with

<sup>48</sup> Document 13 para 32.

<sup>49</sup> Document 13 para 34.

<sup>50</sup> Document 13 para 36.

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newer contemporary buildings. The formation of buildings and the almost continuous line of building along Trenerry Crescent means the presence of the Yarra River corridor is not obvious from the street. JSLAP, the more detailed Appendix C and the evidence to the Panel all confirm these circumstances to provide the Panel with a context within which to draw its conclusions.

The Panel accepts that the gap between the buildings at 112-124 and 126-142 Trenerry Crescent provides the best of few opportunities to view the river corridor from the street. However, the Panel does not accept the gap should be preserved forever as it is today.

The purpose of Amendment C219 is to establish controls to guide the future development of the AEU land. The landowner will be able to develop the site or sites for whatever form of development a permit allows. By definition, the gap as it is today is likely to change. The principle direction of DDO1 is to set controls to protect the Yarra River environs from adverse impacts from development. The principle direction of DPO14 is to set the controls to guide development concepts shaped in the context of the river controls. The Panel accepts the merit of utilising the gap between buildings on the site(s) to allow view lines to the river corridor but does not support the pedestrian and cycling link on the property at 112-124 Trenerry Crescent as an essential element in achieving a better experience in accessing the river corridor.

The Panel has amended the Indicative Framework Plan to identify a view corridor but has deleted the requirement for the link.

The Panel does not rule out the prospect that Council consulting with the property owner may lead to the JSLAP goal of a pedestrian and cycling link being achieved. The Panel can preserve that opportunity by recommending a suitable form of controls over future development in DPO14 and the Indicative Framework Plan. The Panel has amended the wording on the Indicative Framework Plan to read Potential public link opportunity to be negotiated with the owner.

The Panel endorses the identification of on-street improvements adjacent to the north-west corner of 126-142 Trenerry Crescent as a requirement of the Indicative Framework Plan notwithstanding the works are unspecified. The Panel agrees with Ms Donald that the actual changes would be best determined through a detailed review of the area including how any changes will impact existing parking within number 126-142<sup>51</sup> assuming land within the site is taken for the improvements.

The changes adopt submissions by the council as well as the C219 Proponent including through the witnesses. The changes apply to each of the proposed clauses in DPO14 for consistent use of terms and for clarity. They have the effect of ensuring respect for the heritage building and features of the land; to simplify the Indicative Framework Plan while at the same time providing direction on matters to be considered at relevant stages of the development process, and to ensure DDO1 is applied.

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<sup>51</sup> Document 34 section 10.2.

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In the DPO14:

- The Panel applies the term heritage impact statement instead of other descriptions such as comprehensive heritage analysis, comprehensive impact assessment, conservation management plan and the like.
- The Panel reduces the breadth of a Traffic Management Report in proposed clause 3.0 to address car parking and access to Trenerry Crescent for safety reasons. The Panel accepts that the requirement to consider traffic impacts on the intersection of Trenerry Crescent and Johnston Street and the prospect of contributions to any mitigation works can be deleted.
- The Panel removes clauses that duplicate or seek to paraphrase the terms of DDO1 and clarifies that DDO1 applies in Requirements. The Panel retains and enhances clauses with more detailed or specific provisions than DDO1 to protect the values of the Yarra River corridor adjacent to the subject sites.
- The Panel removes the requirement for the Development Plan to provide details of known contamination as it duplicates other planning requirements for an environmental audit, which may follow the Development Plan rather than precede it.
- The Panel removes the requirement for the site plan in the Development Plan to show the location and alignment of a publicly accessible pedestrian/pathway link but leaves the option for a link.
- The Panel removes the Decision Guidelines section as it is not consistent with Ministerial Direction on Form and Content. The requirements are already covered in the Conditions and Requirements for Permits and in the Decision Guidelines in DDO1.

For the Indicative Framework Plan, with the aim to improve and simplify the Plan, the Panel:

- Notes DDO1 applies within the site area by adding words to the legend
- Applies the description “preferred 25 metres maximum height” to the building area on the northern part of the site
- Identifies a maximum wall height of 8 metres on the Trenerry Crescent frontage of the northern part of the site
- Amends the requirement for the publicly accessible shared path by amending the note to read Potential public link opportunity to be negotiated with the owner
- Varies the description of the note about maintaining views to the heritage building to read Maintain views to upper levels of heritage façade / development to respect the heritage building
- Includes additional locations as key view to the heritage building from near Maugie Street and at the Eastern Freeway near the Dights Falls car park
- Deletes the landscape setback area
- Deletes reference to a sensitive river interface
- Deletes the requirement to maintain separation between buildings (min 20 metres)
- Deletes the identification of the location for taller buildings
- Deletes the note about the interface with the Eastern Freeway and replaces it with a note to Enhance interface with public realm.

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### 5.4.5 Recommendation

The Panel makes the following recommendations:

8. **Delete the requirement for the publicly accessible shared path shown on the Indicative Framework Plan and adopt the wording on the Panel preferred form of the Indicative Plan at Appendix E.**

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### Appendix A Submitters to the Amendments

| No. | Submitter   |
|-----|---|
| 1   | Andy Hine   |
| 2   | Alexander & Chantal Marks   |
| 3   | Andrew White  |
| 4   | Alistair Riddell  |
| 5   | Judith Braniska   |
| 6   | Collingwood Historical Society  |
| 7   | Christine Parrott   |
| 8   | Collingwood and Abbotsford Residents' Association Inc                                     |
| 9   | Simon Hoeksma   |
| 10  | Melbourne Water   |
| 11  | City of Boroondara  |
| 12  | Proponent - SJB Planning for C218 and AEU for C219  |
| 13  | Chapman and Bailey architects for Johnston Street (for C218) and Peter Virgona (for C219) |
| 14  | Riverkeepers Association  |
| 15  | Owners Committee 80-84 Trenerry Crescent  |
| 16  | VicRoads  |

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## Appendix B Document list

| No. | Date  | Description  | Tabled by  |
|-----|-------|--|--|
| 1   | 2 Aug | Part A submission for Yarra City Council   | Tessa D'Abbs, Harwood Andrews  |
| 2   | 4 Aug | Expert urban design evidence for Joval PL  | Brodie Blades, David Lock Associates                                       |
| 3   | 4 Aug | Expert witness statement on conservation urban design for Joval PL   | Bryce Raworth, Conservation Consultant/Architectural Historian             |
| 4   | 4 Aug | Assessment of the potential traffic engineering impacts for Joval PL   | Charmaine Dunstan, Traffic Group, Traffic Engineers and Transport Planners |
| 5   | 4 Aug | Landscaping considerations for Joval PL  | John Patrick Landscape Architects Pty Ltd                                  |
| 6   | 4 Aug | Heritage evidence for Joval PL   | Peter Lovell, Lovell Chen Pty Ltd, Architects and Heritage Consultants     |
| 7   | 4 Aug | Statement of town planning evidence for Joval PL   | Stuart McGurn, Urbis Pty Ltd   |
| 8   | 4 Aug | Expert witness report, Traffic impact and transport, for Yarra City Council  | Jason Sellars, GTA consultants   |
| 9   | 4 Aug | Expert witness report, Heritage evidence, for Yarra City Council   | Jim Gardner, GJM consultants   |
| 10  | 7 Aug | Expert witness report, Traffic evidence, for Australian Education Union  | Deborah Donald, O'Brien Traffic  |
| 11  | 7 Aug | Expert witness report, Heritage evidence, for Australian Education Union   | Bruce Trethowan, Trethowan Architecture                                    |
| 12  | 7 Aug | Expert witness report, Planning evidence, for Australian Education Union   | John Glossop, Director Glossop Town Planning Pty Ltd                       |
| 13  | 7 Aug | Expert urban design evidence for Australian Education Union  | Mark Sheppard, David Lock Associates                                       |
| 14  | 7 Aug | Late submission to Panel; Collingwood Historical Society submission to Council meeting 4 July 2017   | Collingwood Historical Society Inc   |
| 15  | 9 Aug | Council officers' report for C219 for Council meeting 4 July 2017, Agenda paper 418 (to replace report for C218 erroneously included in original folder) | Yarra City Council   |
| 16  | 9 Aug | Folder of documents including track  | Yarra City Council   |

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|    |        |   |   |
|----|--------|---|---|
|    |        | changes version of post exhibition<br>modified version of Amendments C218<br>and C219   |   |
| 17 | 9 Aug  | Part B submission   | City of Yarra   |
| 18 | 10 Aug | Amcor Site, Heidelberg Road, Alphington,<br>Schedule 11 to the Development Plan<br>Overlay, Yarra Planning Scheme                   | City of Yarra   |
| 19 | 10 Aug | Channel 9 site, Bendigo Street, East<br>Richmond, Schedule 5 to the<br>Development Plan Overlay, Yarra<br>Planning Scheme           | City of Yarra   |
| 20 | 10 Aug | Kinnears Precinct, Footscray, Schedule 14<br>to the Development Plan Overlay,<br>Maribyrnong Planning Scheme                        | City of Yarra   |
| 21 | 10 Aug | Melbourne Planning Scheme C240 Bourke<br>Hill   | City of Yarra   |
| 22 | 10 Aug | VicRoads submission to Planning Panel   | Andrew Rasulo, VicRoads                                   |
| 23 | 11 Aug | Enlarged version of Figure 3, Mr Brodie's<br>urban design expert report   | Brodie Blades, Urban Design<br>Expert report for Joval PL |
| 24 | 11 Aug | Enlarged version of App C of Mr Brodie's<br>urban design expert report showing<br>building heights on Trenerry Cres (from<br>JSLAP) | Brodie Blades, Urban Design<br>Expert report for Joval PL |
| 25 | 11 Aug | Enlarged version of Figure 10 of Mr<br>Brodie's Urban Design Expert report  | Brodie Blades, Urban Design<br>Expert report for Joval PL |
| 26 | 11 Aug | Enlarged version of Figure 12 of Mr<br>Brodie's Urban Design Expert report  | Brodie Blades, Urban Design<br>Expert report for Joval PL |
| 27 | 15 Aug | Joval PL drafts on heritage provisions in<br>IPO Schedule 2 and Incorporated Plan,<br>Yarra Amendment C218                          | City of Yarra   |
| 28 | 15 Aug | Email from VicRoads confirming that<br>information on Hoddle St project will not<br>be available during the Panel                   | City of Yarra   |
| 29 | 16 Aug | Submission on behalf of Joval Pty Ltd   | Jeremy Gobbo and Ms Nicola<br>Collingwood for Joval PL    |
| 30 | 16 Aug | Closing submission City of Yarra  | Greg Tobin for City of Yarra                              |
| 31 | 17 Aug | Opening submission on behalf of<br>Australian Education Union   | Matthew Townsend for<br>Australian Education Union        |
| 32 | 17 Aug | Statement by AEU branch secretary   | Matthew Townsend for<br>Australian Education Union        |
| 33 | 17 Aug | PowerPoint presentation on urban design   | Mark Sheppard, David Locke                                |

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|    |        | expert evidence   | Associates   |
|----|--------|---|--|
| 34 | 17 Aug | Pedestrians walking speed reference document  | Deborah Donald for Australian Education Union                |
| 35 | 18 Aug | Letter sent by email on behalf of C219 Proponent attaching: (a) tracked changes version of C219 Proponent's suggested changes to DPO14 and (b) Ministerial Direction of Form and Content of Planning Schemes dated 9 April 2017 (Gazetted 24 May 2017). | Nick Sissons, Holding Redlich for Australian Education Union |
| 36 | 18 Aug | Photos of C219 site   | John Glossop, expert for Australian Education Union          |
| 37 | 18 Aug | Practice Note of Incorporated Plan and Development Plan Overlays, PPN   | John Glossop, expert for Australian Education Union          |
| 38 | 18 Aug | Planning Practice Note 10, Writing schedules  | John Glossop, expert for Australian Education Union          |
| 39 | 18 Aug | Ministerial Direction, The Form and Content of Planning Schemes, previous version.  | John Glossop, expert for Australian Education Union          |
| 40 | 18 Aug | Submission on behalf of AEU   | Matthew Townsend for Australian Education Union              |
| 41 | 18 Aug | Closing submission on behalf of Yarra City Council  | Greg Tobin for Yarra City Council                            |
| 42 | 18 Aug | PI 34, Transformation of Amendment, VPRS Guide to Planning Panels   | Greg Tobin for Yarra City Council                            |
| 43 | 18 Aug | Email with attachment showing C218 Proponent's proposed revisions to Incorporated Plan in IPO2  | Romy Davidov, Best Hooper lawyers for Joval Pty Ltd          |
| 44 | 25 Aug | AEU version of a revised Indicative Framework Plan for DPO14 as discussed during the AEU evidence and submissions   | Nick Sissons, Holding Redlich for Australian Education Union |
| 45 | 31 Aug | Email clarifying C218 Proponent position on the heritage issues, with attachments showing proposed revisions to IPO2 and the Incorporated Plan  | Romy Davidov, Best Hooper lawyers for Joval Pty Ltd          |

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### Appendix C Panel preferred version of IPO2

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#### SCHEDULE 2 TO THE INCORPORATED PLAN OVERLAY

Shown on the planning scheme map as **IPO2**.

**18-62 Trenerry Crescent, Abbotsford November 2016**

#### 1.0

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C218

#### Requirements for permit applications

An application to construct a building on the site that includes multiple residential dwellings must allocate a minimum leasable floor area\* of 20 % of its net floor area\*\* for office/retail/commercial or other employment generating uses, to the satisfaction of the responsible authority.

**\*Leasable floor area** - That part of any floor area able to be leased. It does not include public or common tenancy areas, such as malls, verandahs, or public conveniences.

**\*\*Net floor area** - The total floor area of all floors of all buildings on a site. It includes half the width of any party wall and the full width of all other walls. It does not include the area of stairs, loading bays, accessways, or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply or lifts.

In addition to requirements in other provisions of the scheme particularly Schedule 1 to the Design and Development Overlay, Yarra (Birrarung) River Corridor Protection, an application to construct a building on the site must include a site analysis and design response to the satisfaction of the responsible authority. The application is to contain the following:

- A design response that:
  - describes how the building respects and addresses the interface with Trenerry Crescent, Turner Street and the former industrial interface to the Yarra River Corridor;
  - addresses the sensitive river corridor environs in terms of materials and the suitable design and articulation of facades in order to minimise visual impacts when viewed from the river corridor and Yarra Bend Park; and
  - provides safe and efficient pedestrian and vehicle access to the building.
- A heritage impact statement prepared by a suitably qualified professional that assesses the impact of the proposed development on the heritage values of the heritage place.
- A visual impact assessment, to the specifications of the responsible authority, that provides for the following:
  - A 3D model of the development and its surrounds in conformity with the Department of Environment, Land, Water and Planning Infrastructure *Advisory Note – 3D Digital Modelling*. Where substantial modifications are made to the proposed building envelope, a revised 3D digital model must be submitted to the Responsible Authority;
  - Site line analysis and 3D modelling of the proposed development from key view points in the public realm to enable an assessment of the visual impact of the development on heritage places; and
  - Perspectives showing the visual prominence of the development from public vantage points along the Yarra River corridor (including Capital City Trail, Dights Falls and Yarra Bend Park).
- A car parking and traffic impact assessment that considers:

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- the safe entry and exit of vehicles and how these minimise conflicts with any existing pedestrian and cycle links;
- the means proposed to promote reduced car use and promote sustainable travel including opportunities for the provision of a car share system and Green Travel Plan initiatives that promote sustainable transport options including the provision of on-site bicycle storage and end-of-trip facilities;
- the provision of car parking, circulation and layout of car parking, and the recommended bicycle parking provision rates.
- A landscape scheme that considers the suitability of existing vegetation on the site and measures to protect and enhance vegetation along the banks of the Yarra River (immediately east of the site) including a revegetation program and protection of the existing trees in Trenerry Crescent and Turner Streets.

### 2.0 Decision guidelines

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In addition to requirements in other provisions of the scheme, particularly Schedule 1 to the Design and Development Overlay, Yarra (Birrarung) River Corridor Protection, before deciding on an application the responsible authority must consider, as appropriate:

- How the proposed development responds to the purpose and objectives of the Incorporated Plan and accords with the 18-62 Trenerry Crescent Framework Plan;
- How the proposed development responds to the Yarra River Corridor Strategy which seeks to protect the natural characteristics of the Yarra River corridor;
- How the proposed development responds to the land use and built form guidelines and principles in Part 4 of the Johnston Street Local Area Plan, 2015;
- The impact of the height, bulk, design and appearance of the building or works on the character and amenity of the surrounding area;
- The scale and design of new development and its transition to the adjoining building at 64 Trenerry Crescent;
- The impacts of overshadowing on windows to habitable rooms in the existing building to the south and southern side footpath on Turner Street, caused by upper levels of new development, between 9am and 3pm on September 22 (equinox);
- How the proposed development has regard to the heritage significance of the place;
- The relationship of any new buildings to the street including entrances that provide opportunities for active or visual engagement and whether new buildings provide an attractive and engaging edge to the street environment through landscaping and/or architectural design features;
- The design of any car park area including how it relates visually to the street environment and the extent of activation of the frontage at street level;
- The impact of development on the surrounding road network, including the intersection of Trenerry Crescent and Johnston Street;
- The extent to which the design of any building and the materials used, minimises the visual impacts of built form when viewed from the Yarra River corridor and Yarra Bend Park;
- The extent to which the design of sustainable travel options are provided as part of the development, in accordance with a Green Travel Plan;
- The extent to which screening of mechanical plant equipment is achieved.

### 3.0 Requirements for incorporated plan

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The incorporated plan must include:

- Objectives for the future use and development of the site.
- A plan showing:

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- Relevant building heights and setbacks across the site;
- Building height in metres or RLs;
- Heritage features to be retained;
- Other heritage features;
- Vehicle entry and exit points for the site;
- Visual connections to the Yarra River Corridor;
- Areas of landscaping to minimise the visual intrusion of development in the Yarra River Corridor.

### Reference Documents (Policy Reference)

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*Johnston Street Local Area Plan – December, 2015*

*City of Yarra, Yarra River Corridor Strategy, Planisphere, 2015*

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### 18-62 Trenerry Crescent, Abbotsford (Incorporated Plan)

#### 1.0 The Plan

The 18-62 Trenerry Crescent, Abbotsford Plan consists of this ordinance and the 18-62 Trenerry Crescent Framework Plan

#### 2.0 Purpose

To facilitate the use and development of the land at 18-62 Trenerry Crescent for a mixed use development including dwellings, retail premises and office uses that will provide jobs and business activity for the local area.

To encourage new development that respects the sensitive Yarra River corridor interface, the heritage values of the site and former industrial character of Trenerry Crescent.

To require new developments to apply the provisions and requirements of Schedule 1 to the Design and Development Overlay, Yarra (Birrarung) River Corridor Protection.

#### 3.0 Objectives

##### *Use principles*

- Encourage and support a mix of retail, office and accommodation uses that complement the location and bring life to the area.
- Retain employment generating land uses on the site, whilst permitting residential uses and encouraging mixed use activities consistent with the character of the area.
- Encourage offices, retail uses such as cafes and restaurants at the lower levels of any development that support local residential and commercial uses on the site and nearby.

##### *Development principles*

- Ensure that built form at the river corridor interface is well designed and articulated in order to break up the building mass and provide suitable setbacks to the Yarra River corridor.
- Locate taller built form towards the Trenerry Crescent interface (away from the river corridor) and set back upper levels from the street wall façade.
- Ensure that the form of development reflects high quality architecture, urban design and landscaping.
- Respect and seek to improve the public realm along the Turner Street frontage as a key pedestrian and cycling link to the Yarra River corridor.
- Provide separate entries for different land uses.

##### *Landscape principles*

- Encourage the use of sustainable practices in vegetation selection, stormwater runoff, removal of weeds, vegetation and revegetation of the Yarra River bank (between the title boundary and the Capital City Trail) with local indigenous species.
- Protect the street trees in Trenerry Crescent and Turner Street which provide a distinct landscape character and physically connect the urban environment with the Capital City Trail and the Yarra River.
- Seek to improve the streetscape in Turner Street with footpath upgrades and the introduction of Water Sensitive Urban Design initiatives.

##### *Sustainable Transport Principles*

- Provide adequate and convenient on-site parking to cater for the needs of any mixed use development whilst acknowledging the provision of public transport in close proximity to the site and sustainable transport principles.

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- Provide adequate bicycle facilities (bicycle storage spaces and end-of-trip facilities) for future residents and workers on the site to reduce the need for car parking spaces and consequently, reliance on motor vehicles.

### *Heritage principles*

- Facilitate development that responds to the robust former industrial buildings along the east side of Trenerry Crescent, acknowledging the change that has occurred along Trenerry Crescent and having regard to the built form expectations outlined in the Johnston Street Local Area Plan 2015.
- Retain the identified heritage façades shown on the 18-62 Trenerry Crescent Framework Plan in Figure 1 and where appropriate, other elements of the heritage fabric to provide a contextual link to the historical industrial uses along Trenerry Crescent.
- Maintain a visual connection to the retained heritage elements on the site when viewed from Trenerry Crescent and Turner Street.
- Provide an appropriate separation and/or transition between the street wall façade height of new development and the façade of the existing heritage building, as viewed along Trenerry Crescent.
- Provide appropriate setbacks and/or transitions from Trenerry Crescent and Turner Street at upper levels beyond the street wall height to minimise visual dominance of upper levels in the street, as well as the potential for overshadowing the property to the south.
- Ensure that upper level development is sufficiently setback and/or transitioned from the retained heritage façades to enable them to be understood as having three dimensional form and appreciated as separate from the new development above and/or behind.
- Provide an appropriate design response to the heritage building on the site in accordance with a Heritage Impact Statement.

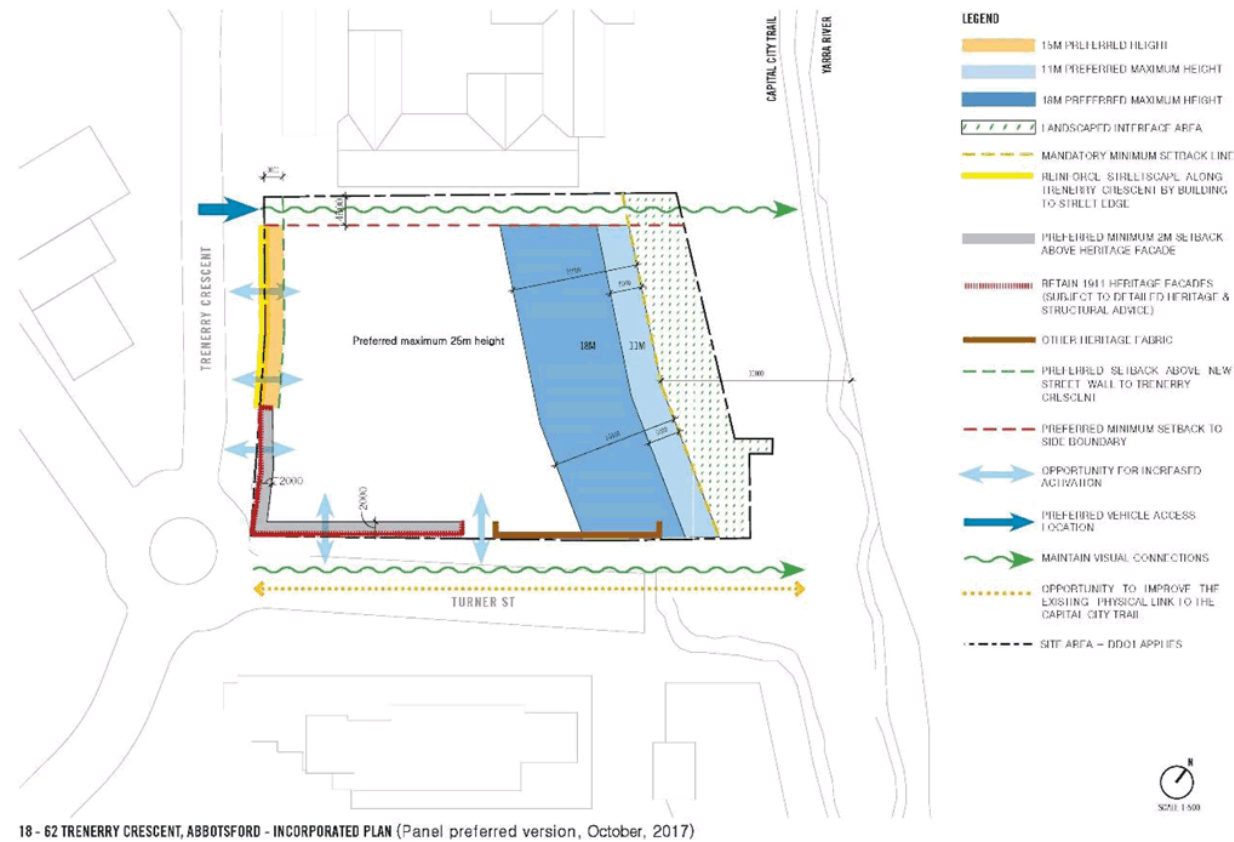
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## Appendix D Panel preferred version of citation for the C218 land at 18-62 Trenerry Crescent Abbotsford

### W. Saunders & Son Factory/Warehouse Complex (later Esprit de Corps offices)

**Address:** 20-60 Trenerry Crescent, Abbotsford

**Prepared by:** GJM Heritage and as amended by P Lovell

**Survey Date:** 25

July 2016

|   |  |
|---|--|
| <b>Place type:</b> Factory/warehouse  | <b>Architect:</b> No known (1911, 1920s), Daryl Jackson (1984 alterations) |
| <b>Grading:</b> Individually Significant  | <b>Builder:</b> Not known  |
| <b>Integrity:</b> Moderate-High (1911); Low (1920s); High (1984)  | <b>Construction Date:</b> 1911, 1920s, 1984                                |
| <b>Status:</b> Included in the Heritage Overlay (HO337 - Victoria Park Precinct, Abbotsford)<br>No external paint, internal alteration or tree controls apply to Precinct | <b>Extent of Overlay:</b> As existing, refer to plan                       |



Figure 1. 20-60 Trenerry Crescent, Abbotsford: the facade of the 1911 building.

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**Figure 2.** The north-west elevation of the 1911 building (right) with its gabled third-storey, the 1984 glazed walkway and the modified 1920s brick office building (left).



**Figure 3.** The 1920s factory building (right) and 1984 two-storey glazed structure that links the 1920s and 1911 buildings.



**Figure 4.** The subject site (red) and the existing boundary of HO337 Victoria Park Precinct (pink) (2016).

### Historical Context

The following historical context is taken from the HO337 Victoria Park Precinct citation<sup>1</sup>, unless otherwise cited.

The area surrounding Victoria Park to the Yarra River includes parts of Crown Portions 78, 79 and 88, which had been surveyed by Robert Hoddle and sold in 1839 to R Dacre, J D L Campbell (a pastoralist) and J Dight, respectively. John Dight built Yarra House (later the Shelmerdine residence) and a mill on his allotment, and Campbell built his house, Campbellfield House (later owned by architect and MLA William Pitt as Mikado) on his land overlooking the Yarra River.

In 1878, Edwin Trenerry, a shareholder in a deep lead mining company, subdivided Crown

<sup>1</sup> Victorian Heritage Database (VHD), City of Yarra citation for 'Victoria Park Heritage Precinct', accessed July 2016.

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Portions 78, 79 and 88 for residential development, creating the existing street pattern. The design recalled the earlier Darling Gardens development at Clifton Hill, with Victoria Park intended as an ornamental garden square, surrounded by residential properties with 33' frontages to the park. By 1879 much of the land had been sold to David Abbott, with some lots sold to James and John Kelly in the next year. By 1885, all the lots had been sold, and development of many of them had begun.

Trenerry Crescent followed the line of the Yarra River and separated the larger riverside allotments from the smaller residential subdivisions to the west. By the turn of the century, the river frontage allotments along Trenerry Crescent were undergoing a transformation from gentlemen's farms to industrial uses. The Melbourne Flour Milling Company operated at the old Dight's Mill site on the Yarra from 1891, at the north end of Trenerry Crescent, with the Shelmerdine's Yarra Hat Works and a quarry located further to the south, both since redeveloped.

Abbotsford emerged as a centre for the textile industry during the interwar period, with much of the vacant land between Johnson Street, Trenerry Crescent and the Yarra River developed with textile mills.<sup>2</sup> The massive Austral Silk and Cotton Mills complex was built at the north end of Trenerry Crescent in 1927 and the Yarra Falls Spinning Mills had also expanded in the area during the early 20th century. Their administrative complex was built in 1919 facing Johnston Street and the landmark 1930s Byfas building was built, facing Trenerry Crescent, to produce textiles during World War Two. The combination of these extensive industrial complexes has a strong built character that is evident from within the Heritage Overlay Area and from distant views down the Yarra River and the Eastern Freeway.

In the last two decades of the 20th century, these large industrial and mill buildings have gradually been decommissioned and recycled for light industrial, commercial or residential uses.

### Place History

The complex at 20-60 Trenerry Crescent comprises four buildings (six structures in total) constructed between 1911 and the mid-1980s.

From July 1890 Arthur and Isabella Hope owned eight lots on the north side of Trenerry Crescent, which comprised what became Turner Street, and lots to the west. Following the death of both, the lots were transferred to George Hope and William MacLennan in 1900, who on-sold the lots individually from 1906.<sup>3</sup>

The 1901 Melbourne Metropolitan Board of Works Detail Plan (No. 1230) indicates that the subject site was vacant at this date. In September 1909, the Abbotsford Manufacturing Company Pty Ltd purchased the lot on the north-west corner of Trenerry Crescent and Turner Street, with a frontage of 20.1 metres (60ft) to Trenerry Crescent.<sup>4</sup> In July 1911, William Stone, clerk, and William Saunders the Younger, malt extract manufacturer of Vauluse Street, Richmond, purchased the lot.<sup>5</sup>

The factory building located on the front title boundary was built in 1911 for W. Saunders & Son, manufacturers of malt extract and cod liver oil. The industrial building to the rear, adjoining Turner Street, is believed to have been built in the 1920s for an engineering works.<sup>6</sup>

On 24 May 1919, William Stone became the surviving proprietor, however, on the same date the property was transferred to W. Saunders & Son Pty Ltd, of Trenerry Crescent, Abbotsford.<sup>7</sup> From the 1910s, the lot to the west was also under the same ownership, on separate titles.<sup>8</sup> W. Saunders & Son Pty Ltd was described as 'Pure Malt extract and cod liver oil and Maltocrete manufacturers, agents for Zeestos' in 1920,

<sup>2</sup> Gary Vines & Matthew Churchward (1992) 'Northern Suburbs Factory Study', Part One: 63.

<sup>3</sup> Land Victoria (LV), Certificate of Title V:2279/ F669.

<sup>4</sup> LV, Certificate of Title, V:3384/F680.

<sup>5</sup> LV, Certificate of Title, V:3384/F680.

<sup>6</sup> Heritage Victoria (HV) assessment of 'Esprit De Corps Complex, 40 Turner Street & 40-60 Trenerry Crescent, Abbotsford', accessed via Hermes 13 Jul 2016.

<sup>7</sup> LV, Certificate of Title, V:3384/ F680.

<sup>8</sup> LV, Certificates of Title, V:3694/ F664.



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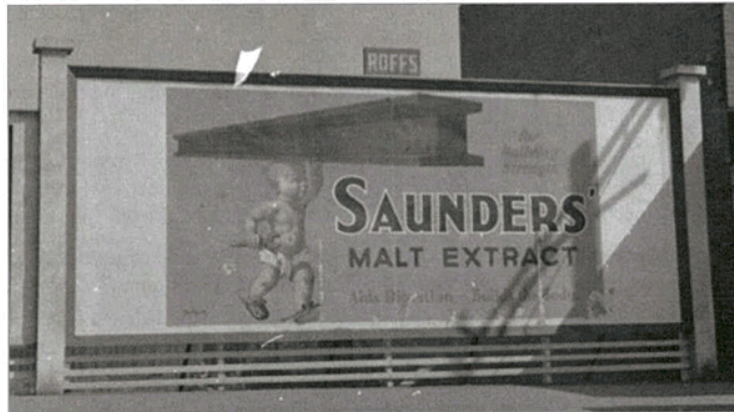
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while billboards advertised 'Saunders' Malt Extract in 1930 (Figure 5).<sup>9</sup>

Aerial photos dating to 1966 show the saw-tooth roof of the 1911 building on the corner of Turner Street, and the parallel gabled-roofs of the 1920s building adjacent to the river. Other buildings are visible on the site at this date, including a tower adjacent to the 1920s building (since removed) (Figures 6 & 7).

In October 1966, Mauri Brothers and Thomson (Aust.) Pty Ltd became joint proprietors of the site, before it was sold to Anco Plastics Pty Ltd, of 18 Trenerry Crescent, in August 1970. The property was subsequently owned by Trenjohn Pty Ltd from 1972, and Bracebridge Pty Ltd from 1981.<sup>10</sup> In May 1982, Bracebridge Pty Ltd consolidated the lots to form a 41.45 metre frontage to Trenerry Crescent (the current 20-60 Trenerry Crescent).<sup>11</sup>

In 1984, architect Daryl Jackson AO designed works to accommodate the reuse of the place by the Esprit de Corps clothing company. The development adapted the three early twentieth century buildings which underwent some alterations, while the new structures comprised glazed links and a new warehouse/workroom building on the north-east corner of the site. Jackson's design integrated a stylised industrial theme appropriate to the site's history and received a citation as a finalist in the Royal Australian Institute of Architects Presidents Award in 1985.<sup>12</sup> In January 1988 the portion of land next to the river was subdivided off. The property was owned by various companies after this date, and is currently under a 30 year lease to Citipower Pty (from 1999).<sup>13</sup>



**Figure 5.** A c 1930s billboard in Sydney for 'Saunders Malt Extract'  
(Source: State Library of NSW, 'Billboard advertising Saunders', No. 29837).

<sup>9</sup> Vines & Churchward (1992) 'Northern Suburbs Factory Study', Part Two: 246.

<sup>10</sup> LV, Certificate of Title, V:3384/ F680.

<sup>11</sup> LV, Certificate of Title, V:9464/ F422.

<sup>12</sup> HV assessment of 'Esprit De Corps Complex, 40 Turner Street & 40-60 Trenerry Crescent, Abbotsford', accessed via Hermes 13 Jul 2016.

<sup>13</sup> LV, Certificate of Title, V:9464/ F422.

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**Figure 6.** A detail of a 1966 aerial of Trenerry Crescent, showing the subject site (Source: COYL, ID. CL PIC 105).



**Figure 7.** Detail of a second 1966 aerial of Trenerry Crescent and Yarra Falls (Source: COYL, ID. YL CL Pic 104).

This place is associated with the following themes from the *City of Yarra Heritage Review Thematic History* (July 1998):

- 4.0 Developing Local Economies
- 4.2 Secondary Industry

#### Description

The site is occupied by a complex of industrial and office buildings dating from 1911 and the 1920s. In 1984 architect Darryl Jackson AO designed additions and made alterations to the existing buildings to accommodate the site's re-use by the Esprit de Corps clothing company.

The 1911 building presents as a single-storey building fronting Trenerry Street (located on the Trenerry Crescent and Turner Street title boundaries), but extends to three-storeys in height at the rear as the building responds to the topography of the site as it slopes down towards the Yarra River. The brick building retains a saw-tooth roof which is hidden behind parapets on the three main elevations. The facade and parapet is rendered and overpainted. The parapet is defined by string moulds at its top and base.

Subtle Classical details are expressed in engaged pilasters that break the facade into five bays and extend above the parapet at the entrance and corners. The central entrance (with a modern aluminum framed door) has a later cantilevered steel porch. Either side of the entrance are pairs of timber-framed casement windows of various sizes. The side elevations are face-brick with rows of single timber-framed casement windows with segmental-arches. Some sills have been replaced (probably during the 1984 development). Vents at ground level on the Turner Street elevation are also later additions dating from the 1980s. The building terminates at the rear with a third-storey with a gabled roof and circular vents to the gabled-ends.

To the rear of the site is the original 1920s red-brick engineering works survives as a fragment as now largely overbuilt in the 1984 works. This building approximates its original form and scale (see Figures 6 & 7) but the brickwork shows multiple stages of alterations, particularly fronting Turner Street. The windows and sills, the entrance off Turner Street, and a large second-storey glazed addition to the rear of the building date from the 1984 development of the site.

The 1984 works include a the adapted 1920s red-brick building on the northern boundary of the site, the glazed walkway between this building and the 1911 building, a two-storey glazed link between the 1911 and

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1920s buildings to the east and a glazed warehouse/workroom building to the rear of the site constructed on an exposed off-form reinforced concrete base.



Figure 8. An aerial of the site dating to 2010 (Source: Planning Maps Online, 2016)

### Condition and Integrity

The 1911, 1920s and 1984 buildings have been well maintained and are all in good condition.

The 1911 building retains a moderate to high level of integrity. The 1920s building has a lower level of integrity due to various stages of alterations, most probably dating to the 1980s redevelopment of the site. The 1984 structures retain a high level of integrity.

### Comparative Analysis

This comparative analysis focuses on the 1911 building fronting Trenerry Street which is the earliest and most intact pre- World War II building on the site. The analysis has been informed by a search of the Hermes database and includes places that are individually significant within a precinct-based Heritage Overlay within the City of Yarra.

The following places are comparable in historic use, construction date or architectural style or form:

**Braun, C J & Co, Shoe Manufactures Factory/Warehouse (former), later Blue Laser Jean Company, 92-94 Easey Street, Collingwood (Individually Significant within HO321)**

This brick and render factory was built in 1933 in the Moderne style, with distinctive details such as the sunburst 'keystone', stepped parapet and string mould. The former factory has now undergone a conversion to flats but the facade remains predominantly intact.

Although the W. Saunders & Son Factory/Warehouse Complex was constructed during an earlier period, the 1911 building is comparable to the Easey Street factory in construction materials, the form and scale of the symmetrical facade, both with stepped parapets defined by string moulds and central entrances with flanking windows. The subject site is much grander in scale with a more dominant presence along two streets, in comparison to the more modest Easey Street factory.

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Figure 9. 92-94 Easey Street, Collingwood following the conversion to flats © realestate.com

### Former Factory at 40 Reid Street, Fitzroy North (Individually Significant within Precinct HO327)

Constructed between 1900 and 1915, the former factory is a single-storey red-brick construction with a parapet, distinctive parapeted gable and single windows. Pilasters define entrances on the facade. The factory has now been converted to apartments, with additions constructed above the saw-tooth roof level and windows on the side elevations altered. With additions and alterations, the Edwardian fabric retains a moderate level of integrity.

The W. Saunders & Son Factory/Warehouse Complex is a similar red-brick construction and has a comparable application of architectural treatment, albeit in a slightly different expression. The subject site retains a higher degree of integrity as it retains its original profile and roof form.



Figure 10. 40 Reid Street, Fitzroy North (© Google)

### Former factory at the rear of 16 Arnold Street, Princes Hill (Individually significant within Precinct HO329)

This former factory, constructed between 1900 and 1915, is a two-storey, face-brick construction with a hipped roof, addressing two streets. It retains a high level of integrity. The factory occupies a similar footprint to the 1911 building at the W. Saunders & Son Factory/Warehouse Complex. While their roof forms differ, they are comparable in terms of the unadorned red-brick elevations with repetitive rows of single window placement. The W. Saunders & Son Factory/Warehouse Complex building has more elaborate architectural treatment and detail to the facade in comparison, but is less intact due to alterations to the windows and sills.

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**Figure 11.** Rear of 16 Arnold Street, Princes Hill (©Google)

### Conclusion

The W. Saunders & Son Factory/Warehouse Complex has a modestly-scaled facade fronting Trenerry Crescent but a dominant and increasing presence along Turner Street as the buildings respond to the topography as it slopes down towards the Yarra River. Architecturally, the 1911 former factory is typical of factories constructed during the Edwardian period with subtle Classical expression to the Trenerry Crescent facade.

The 1984 additions to the complex by Daryl Jackson AO for the Esprit de Corps company are a well resolved contextual design response to the 1911 and 1920s buildings. This design still provides an effective integration of the various buildings on the site and is a successful example of adaptive reuse of former industrial buildings.

### Assessment Against Criteria

Following is an assessment of the place against the heritage criteria set out in Planning Practice Note 1: Applying the Heritage Overlay (July 2015).

**Criterion A:** *Importance to the course or pattern of our cultural or natural history (historical significance).*

The place is one of the remaining examples of industrial development in Abbotsford, and particularly on Trenerry Crescent along the Yarra River, where industrial development began from the turn of the century. The 1911 building is of historical value as an example of an Edwardian-era factory, built for W. Saunders & Son, who were manufacturers of malt extract and cod liver oil. The place is of historical interest as evidencing subsequent stages of development on an industrial site, including the 1920s building which is believed to have been built for an engineering works and the 1984 additions designed by architect Daryl Jackson for the Esprit de Corps company.

**6 Criterion E:** *Importance in exhibiting particular aesthetic characteristics (aesthetic significance).*

The Edwardian building is of aesthetic significance for its architectural presence within the early twentieth century industrial streetscape of Trenerry Crescent and within the riverscape of the Yarra River. The 1911 building has subtle Classical details to the facade, and respond to the topography of the site by increasing in height and presence as the land slopes towards the Yarra River.

The new structures designed by architect Daryl Jackson AO in 1984 are of architectural interest, as an example of the innovative adaptive re-use of a set of former factory buildings that respected the forms, materials and architectural language of the early twentieth century industrial context.

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### Statement of Significance

#### *What is significant?*

The W. Saunders & Son Factory/Warehouse Complex at 20-60 Trenerry Crescent, Abbotsford.

The 1911 Edwardian building is of primary significance to the site. The 1984 new and adapted structures designed by architect Darryl Jackson AO are of contributory significance to the site. Alterations and additions that have occurred since 1984 are not significant.

#### *How is it significant?*

The W. Saunders & Son Factory/Warehouse Complex is of local historical and aesthetic significance to the City of Yarra.

#### *Why is it significant?*

The W. Saunders & Son Factory/Warehouse Complex is of historical significance as one of the remaining examples of the industrial development in Abbotsford, and particularly on Trenerry Crescent along the Yarra River, where industrial development began from the turn of the century. The 1911 building is of historical value as an externally intact example of an Edwardian-era food processing factory, built for W. Saunders & Son, who were manufacturers of malt extract and cod liver oil. The place is of historical interest for its ability to demonstrate subsequent stages of development on an industrial site, including the 1920s building which is believed to have been built for an engineering works and the 1984 additions designed by architect Daryl Jackson for the Esprit de Corps company. (Criterion A)

The Edwardian building is of aesthetic significance for its architectural presence within the early twentieth century industrial streetscape of Trenerry Crescent and within the riverscape of the Yarra River. The 1911 building has subtle Classical details to the facade, and responds to the topography of the site by increasing in height and presence as the land slopes towards the Yarra River. (Criterion E)

The works designed by architect Darryl Jackson in 1984 are of aesthetic interest, as an example of an innovative adaptive re-use of former factory buildings that respects the forms, materials and architectural language of the early twentieth century industrial context. These include the adapted red-brick building on the northern boundary of the site, a glazed walkway between this and the 1911 building the two-storey glazed link between the 1911 and 1920s buildings and a glazed warehouse building to the rear of the site. The design integrated a stylised industrial theme in consideration of the site's Edwardian and Interwar buildings. (Criterion E)

### Grading and Recommendations

It is recommended that the place continue to be included in the Heritage Overlay of the Yarra Planning Scheme as an individually significant place within the Victoria Park Precinct, Abbotsford (HO337).

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in the Yarra Planning Scheme:

|   |                     |
|---|---------------------|
| External Paint Controls?                                | No                  |
| Internal Alteration Controls?                           | No                  |
| Tree Controls?  | No                  |
| Outbuildings or Fences not exempt under Clause 43.01-3? | No                  |
| Prohibited Uses Permitted?                              | No                  |
| Incorporated Plan?                                      | HO337 Precinct: Yes |
| Aboriginal Heritage Place?                              | Not assessed        |

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**Identified by:**

Andrew C. Ward & Associates (May 1995), 'Collingwood Conservation Study Review'.

**References:**

Andrew Ward C. & Associates (May 1995), 'Collingwood Conservation Study Review'.

City of Yarra Library (COYL) Catalogue, <<http://www.yarracity.vic.gov.au/Libraries/Search-the-catalogue/>>, accessed July 2016.

Graeme Butler and Associates (2007), 'City of Yarra Review of Heritage Overlay Areas, Appendix 8'.

Land Victoria, Certificates of Title.

Melbourne Metropolitan Board of Works Detail Plans

State Library of NSW, online Manuscripts, oral history & pictures collection, <<http://archival-classic.sl.nsw.gov.au/>>, accessed July 2016.

Victorian Heritage Database (VHD), City of Yarra citation for 'Victoria Park Heritage Precinct', accessed July 2016.

Heritage Victoria (HV) assessment of 'Esprit De Corps Complex, 40 Turner Street & 40-60 Trenerry Crescent, Abbotsford', accessed via Hermes 13 Jul 2016.

Vines, Gary & Matthew Churchward (1992) 'Northern Suburbs Factory Study'.

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## Appendix E Panel preferred version of Amendment C219

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YY  
C219

**SCHEDULE 14 TO THE DEVELOPMENT PLAN OVERLAY**

Shown on the planning scheme map as **DPO14**.

### 112-124 & 126-142 Trenerry Crescent, Abbotsford

This schedule applies to land generally known as:

- 112-124 Trenerry Crescent, Abbotsford
- 126-142 Trenerry Crescent, Abbotsford

#### 1.0 Requirement before a permit is granted

DD/MM/YY  
YY  
C219

A permit may be granted before a development plan has been approved to allow

- The use of an existing building.
- Minor buildings and works to existing buildings.
- Subdivision of land, provided that the subdivision is the result of a consolidation of all or parts of the site or the re-subdivision of the land and the number of lots is not increased.
- Removal or creation of easements or restrictions.
- Buildings or works associated with the remediation of the land in accordance with or for the purpose of obtaining a Certificate or Statement of Environmental Audit under the Environment Protection Act 1970.

Before any planning permit is granted the responsible authority must be satisfied that the permit will not prejudice the future use and development of the land in an integrated manner and will contribute to the vision of the site.

#### 2.0 Conditions and Requirements for Permits

DD/MM/YY  
YY  
C219

Except for a permit issued as provided for under Clause 1.0, a permit must contain conditions or requirements which give effect to the provisions and requirements of the approved Development Plan.

In addition to any requirements in other provisions of the scheme, particularly Schedule 1 to the Design and Development Overlay – Yarra (Birrarung) River Corridor Protection, an application must be accompanied by the following information (as appropriate):

- The proposed uses of each building and estimated floor area for each use;
- The number of proposed dwellings, where relevant, including the mix of residential development densities and dwelling types;
- A design response that describes how the development responds to the vision for the site and the design guidelines in the approved development plan;
- A visual impact assessment that provides the following:
  - A 3D model of the development and its surrounds in conformity with the Department of Environment, Land, Water and Planning Infrastructure Technical *Advisory Note – 3D Digital Modelling*. Where substantial modifications are made to the proposed building envelope, a revised 3D digital model must be submitted to the Responsible Authority
  - Site line analysis and 3D modelling of the proposed development from key view points (such as the Yarra River corridor and Dights Falls) in the public realm to enable an assessment of the visual impact of the development on the heritage values of the former Austral Silk and Cotton Mills building and substation at 112-124 Trenerry Crescent

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- Perspectives showing the visual prominence of the development from public vantage points along the Yarra River corridor (including Capital City Trail, Dights Falls and Yarra Bend Park), and to the specifications of the responsible authority;
- A Heritage Impact Statement prepared by a suitably qualified heritage consultant, which outlines how the proposed development has regard to heritage values of the former Austral Silk and Cotton Mills building and substation at 112-124 Trenerry Crescent, along with relevant citations and studies;
- A car parking and traffic impact assessment that considers:
  - the safe entry and exit of vehicles and how these minimise conflicts with any existing pedestrian and cycle links
  - the means proposed to promote reduced car use and promote sustainable travel including opportunities for the provision of a car share system and Green Travel Plan initiatives that promote sustainable transport options including the provision of on-site bicycle storage and end-of-trip facilities
  - the provision of car parking, circulation and layout of car parking, and the recommended bicycle parking provision rates;
- A Landscape Plan;
- An acoustic report (with a particular focus on the interface with the freeway) prepared by a suitably qualified acoustic engineer assessing, as appropriate, how the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, sleep disturbance criteria and relevant Australian Standards will be met and must prescribe the form of acoustic treatment taking into consideration the agent of change principle.

### 3.0 Requirements for Development Plan

DD/MM/YY  
YY C219

The Development Plan must be consistent with the following Vision for the site, and be generally in accordance with the *Indicative Framework Plan* as shown in Figure 1 to the satisfaction of the responsible authority. In addition the Development Plan must be consistent with any requirements in other provisions of the scheme, particularly Schedule 1 to the Design and Development Overlay – Yarra (Birrarung) River Corridor Protection.

The development plan may be prepared in stages if the responsible authority is satisfied this will not prejudice the preparation of the development plan.

The Development Plan for any part of the development area or for any stage of development may be amended from time to time to the satisfaction of the responsible authority.

#### Vision

The development will:

- support employment generating land uses whilst permitting residential uses and encouraging mixed use activities reflective of the character of the area;
- provide a high quality architectural design, built form and landscaping response which acknowledges the site's prominent location adjoining the Yarra River and the Eastern Freeway, and minimise the visual impact of new buildings when viewed from the Yarra River and adjacent public open space, bicycle and shared paths and bridge crossings;
- utilise materials that are respectful of the natural characteristics of the river corridor and respond to the former industrial character of Trenerry Crescent;
- sensitively adapt and reuse the former Austral Silk and Cotton Mills warehouse and factory complex and substation at 114-124 Trenerry Crescent to maintain its heritage value and robust industrial character;

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- not dominate views to the former Austral Silk and Cotton Mills complex from the Yarra River corridor;
- maintain key views to Yarra River corridor and to the western facade and appropriate views of the upper levels of the former Austral Silk and Cotton Mills complex when viewed from Trenerry Crescent;
- Provide appropriate opportunities for the improvement of the safety of pedestrian and cyclist movements at the north western corner of the site.

### Components

The Development Plan must include the following to the satisfaction of the responsible authority:

#### Existing Conditions Analysis

- A site context analysis that identifies the key attributes of the land, including:
  - topography;
  - existing vegetation;
  - location of existing buildings and significant trees and vegetation;
  - existing or proposed uses and buildings on adjoining land;
  - the contextual relationship of the site and proposed built form to the Yarra River Corridor, the Eastern Freeway and surrounding road network walking and cycling connections, and public transport;
  - key view-lines to the site from the Yarra River corridor (including Capital City Trail, Dights Falls and Yarra Bend Park) and the Eastern Freeway;
  - views through the site from Trenerry Crescent to the Yarra River Corridor; and
  - key views to the former Austral Silk and Cotton Mills warehouse and factory complex and substation at 114-124 Trenerry Crescent from Trenerry Crescent.
- An arboricultural assessment of any significant vegetation on the land, including advice on the long term health and retention value of such vegetation.

#### Plans and Reports

- A site plan(s) which shows:
  - the existing heritage building with any extensions and alterations;
  - the indicative siting and orientation of other proposed building(s) on the site and the relationship to buildings on adjoining land;
  - the indicative location of car and bicycle parking areas;
  - the vehicle and pedestrian access locations;
  - the location of any areas of public open space; and
  - the anticipated uses of each building.
- Plans showing:
  - Indicative building envelopes and massing diagrams for new buildings including street wall heights, maximum building heights, the separation distances between buildings, the setback from the street frontage, and how the development addresses the street;
  - The principles for the proposed built form interface to – the Yarra River Corridor (eastern interface), Trenerry Crescent (western interface), the Eastern Freeway (northern interface) and the interface with existing pedestrian/cycle links (including Capital City Trail);
  - Shadow diagrams of the proposed building envelopes shown in the proposed Development Plan between 11:00am and 2:00pm on 22 June.
  - A Landscape Plan that includes:

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- the location of landscape areas on all interfaces as appropriate, including the Yarra River Corridor;
- guidelines for landscape and fencing treatments with the Yarra River Corridor and how this enhances the bushland character of the river corridor and protects and integrates with existing vegetation and planting;
- details on the management of landscaped areas, including sustainable irrigation treatments such as water sensitive urban design opportunities.
- Proposed staging plan (if relevant).
- A Heritage Impact Assessment prepared for the former Austral Silk and Cotton Mills building and substation at 112-124 Trenerry Crescent by a suitably qualified heritage consultant, that:
  - articulates the significance of the heritage place, its component parts, and its setting (including in relation to the Yarra River corridor);
  - describes the relationship between the heritage place and any neighbouring or adjacent heritage place/s; and
  - establishes principles for managing the significance of the heritage place and its relationship with its surroundings.
- A Traffic Management Report identifying:
  - the safe entry and exit of vehicles and how these minimise conflicts any existing pedestrian and cycle links;
  - the means proposed to promote reduced car use and promote sustainable travel including opportunities for the provision of a car share system and Green Travel Plan initiatives;
  - the recommended car parking and bicycle parking provision rates.

### Design Guidelines

- Design guidelines for the entire site, including but not limited to:
  - The treatments of key interface areas that reflect the principles for each interface and respond to key views;
  - Building materials, treatments, including reflectivity details and architectural styles through the site;
  - The treatments for communal open space;
  - The response of the development to the heritage former Austral Silk and Cotton Mills building and substation at 112-124 Trenerry Crescent as identified in a heritage impact assessment prepared for the place;
  - The treatment of building services, including roof top services/elements, should be screened from the public realm.

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Figure 1 Indicative Framework Plan



### LEGEND

- |  |   |
|--|---|
| SITE AREA - DDO1 APPLIES   | EXPLORE IMPROVEMENTS TO CORNER FOR PEDESTRIANS AND CYCLISTS THROUGH NEGOTIATIONS WITH LANDOWNER                 |
| EXISTING PEDESTRIAN / BICYCLE LINKS AND CAPITAL CITY TRAIL                                       | HERITAGE SUBSTATION   |
| MAINTAIN VIEWS TO HERITAGE BUILDING FACADES  | WELL DESIGNED AND ARTICULATED BUILT FORM (THE PROVISIONS OF DDO1 AND SLO1 RELATING TO HEIGHT AND SETBACK APPLY) |
| KEY VIEWS TO HERITAGE BUILDING   | POTENTIAL PUBLIC LINK OPPORTUNITY TO BE NEGOTIATED WITH LANDOWNER   |
| MAINTAIN VIEWS TO UPPER LEVELS OF HERITAGE FACADE / DEVELOPMENT TO RESPECT THE HERITAGE BUILDING | RETAIN VISUAL CONNECTION TO YARRA RIVER CORRIDOR THROUGH NEGOTIATION WITH LANDOWNER                             |
| PREFERRED MAXIMUM 18M STREET WALL HEIGHT / 5M SETBACK TO UPPER LEVELS                            |   |
| ENHANCE INTERFACE WITH PUBLIC REALM  |   |

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## Attachment 3 - Amendment C218 IPO Schedule and Plan for Adoption

DD/MM/Y  
YYY  
C218

**SCHEDULE 2 TO THE INCORPORATED PLAN OVERLAY**  
Shown on the planning scheme map as **IPO2**.

**18-62 Trenerry Crescent, Abbotsford November 2016**

### 1.0 Requirements for permit applications

DD/MM/Y  
YYY  
C218

An application to construct a building on the site that includes multiple residential dwellings must allocate a minimum leasable floor area\* of 20 % of its net floor area\*\* for office/retail/commercial or other employment generating uses, to the satisfaction of the responsible authority.

**\*Leasable floor area** - That part of any floor area able to be leased. It does not include public or common tenancy areas, such as malls, verandahs, or public conveniences.

**\*\*Net floor area** - The total floor area of all floors of all buildings on a site. It includes half the width of any party wall and the full width of all other walls. It does not include the area of stairs, loading bays, accessways, or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply or lifts.

In addition to requirements in other provisions of the scheme particularly Schedule 1 to the Design and Development Overlay, Yarra (Birrarrung) River Corridor Protection, an application to construct a building on the site must include a site analysis and design response to the satisfaction of the responsible authority. The application is to contain the following:

- A design response that:
  - describes how the building respects and addresses the interface with Trenerry Crescent, Turner Street and the former industrial interface to the Yarra River Corridor;
  - addresses the sensitive river corridor environs in terms of materials and the suitable design and articulation of facades in order to minimise visual impacts when viewed from the river corridor and Yarra Bend Park; and
  - provides safe and efficient pedestrian and vehicle access to the building.
- A heritage impact statement prepared by a suitably qualified professional that assesses the impact of the proposed development on the heritage values of the heritage place.
- A visual impact assessment, to the specifications of the responsible authority, that provides for the following:
  - A 3D model of the development and its surrounds in conformity with the Department of Environment, Land, Water and Planning Infrastructure *Advisory Note – 3D Digital Modelling*. Where substantial modifications are made to the proposed building envelope, a revised 3D digital model must be submitted to the Responsible Authority;
  - Site line analysis and 3D modelling of the proposed development from key view points in the public realm to enable an assessment of the visual impact of the development on heritage places; and
  - Perspectives showing the visual prominence of the development from public vantage points along the Yarra River corridor (including Capital City Trail, Dights Falls and Yarra Bend Park).
- A car parking and traffic impact assessment that considers:
  - the safe entry and exit of vehicles and how these minimise conflicts with any existing pedestrian and cycle links;
  - the means proposed to promote reduced car use and promote sustainable travel including opportunities for the provision of a car share system and Green Travel Plan initiatives that promote sustainable transport options including the provision of on-site bicycle storage and end-of-trip facilities;

## Attachment 3 - Amendment C218 IPO Schedule and Plan for Adoption

- the provision of car parking, circulation and layout of car parking, and the recommended bicycle parking provision rates;
- the impact of any additional traffic on the surrounding road network, and how any necessary mitigation measures should be addressed;

Comment [BE1]: Change 1.

- A landscape scheme that considers the suitability of existing vegetation on the site and measures to protect and enhance vegetation along the banks of the Yarra River (immediately east of the site) including a revegetation program and protection of the existing trees in Trenerry Crescent and Turner Streets.

### 2.0 Decision guidelines

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C218

In addition to requirements in other provisions of the scheme, particularly Schedule 1 to the Design and Development Overlay, Yarra (Birrarung) River Corridor Protection, before deciding on an application the responsible authority must consider, as appropriate:

- How the proposed development responds to the purpose and objectives of the Incorporated Plan and accords with the 18-62 Trenerry Crescent Framework Plan;
- How the proposed development responds to the Yarra River Corridor Strategy which seeks to protect the natural characteristics of the Yarra River corridor;
- How the proposed development responds to the land use and built form guidelines and principles in Part 4 of the Johnston Street Local Area Plan, 2015;
- The impact of the height, bulk, design and appearance of the building or works on the character and amenity of the surrounding area;
- The scale and design of new development and its transition to the adjoining building at 64 Trenerry Crescent;
- The impacts of overshadowing on windows to habitable rooms in the existing building to the south and southern side footpath on Turner Street, caused by upper levels of new development, between 9am and 3pm on September 22 (equinox);
- How the proposed development has regard to the heritage significance of the place;
- The relationship of any new buildings to the street including entrances that provide opportunities for active or visual engagement and whether new buildings provide an attractive and engaging edge to the street environment through landscaping and/or architectural design features;
- The design of any car park area including how it relates visually to the street environment and the extent of activation of the frontage at street level;
- The impact of development on the surrounding road network, including the intersection of Trenerry Crescent and Johnston Street;
- The extent to which the design of any building and the materials used, minimises the visual impacts of built form when viewed from the Yarra River corridor and Yarra Bend Park;
- The extent to which the design of sustainable travel options are provided as part of the development, in accordance with a Green Travel Plan;
- The extent to which screening of mechanical plant equipment is achieved.

### 3.0 Requirements for incorporated plan

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C218

The incorporated plan must include:

- Objectives for the future use and development of the site.
- A plan showing:
  - Relevant building heights and setbacks across the site;
  - Building height in metres or RLs;
  - Heritage features to be retained;
  - Other heritage features/fabric;



### Attachment 3 - Amendment C218 IPO Schedule and Plan for Adoption

- Vehicle entry and exit points for the site;
- Visual connections to the Yarra River Corridor;
- Areas of landscaping to minimise the visual intrusion of development in the Yarra River Corridor.

#### Reference Documents (Policy Reference)

DD/MM/Y  
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C218

*Johnston Street Local Area Plan – December, 2015*

*City of Yarra, Yarra River Corridor Strategy, Planisphere, 2015*

DRAFT

## Attachment 3 - Amendment C218 IPO Schedule and Plan for Adoption

### 18-62 Trenerry Crescent, Abbotsford (Incorporated Plan)

#### 1.0 The Plan

The 18-62 Trenerry Crescent, Abbotsford Plan consists of this ordinance and the 18-62 Trenerry Crescent Framework Plan

#### 2.0 Purpose

To facilitate the use and development of the land at 18-62 Trenerry Crescent for a mixed use development including dwellings, retail premises and office uses that will provide jobs and business activity for the local area.

To encourage new development that respects the sensitive Yarra River corridor interface, the heritage values of the site and former industrial character of Trenerry Crescent.

To require new developments to apply the provisions and requirements of Schedule 1 to the Design and Development Overlay, Yarra (Birrarung) River Corridor Protection.

#### 3.0 Objectives

##### *Use principles*

- Encourage and support a mix of retail, office and accommodation uses that complement the location and bring life to the area.
- Retain employment generating land uses on the site, whilst permitting residential uses and encouraging mixed use activities consistent with the character of the area.
- Encourage offices, retail uses such as cafes and restaurants at the lower levels of any development that support local residential and commercial uses on the site and nearby.

##### *Development principles*

- Ensure that built form at the river corridor interface is well designed and articulated in order to break up the building mass and provide suitable setbacks to the Yarra River corridor.
- Locate taller built form towards the Trenerry Crescent interface (away from the river corridor) and set back upper levels from the street wall façade.
- Ensure that the form of development reflects high quality architecture, urban design and landscaping.
- Respect and seek to improve the public realm along the Turner Street frontage as a key pedestrian and cycling link to the Yarra River corridor.
- Provide separate entries for different land uses.

##### *Landscape principles*

- Improve the streetscape along Trenerry Crescent with footpath upgrades, street furniture and bicycle facilities, where appropriate.
- Improve the streetscape in Turner Street with footpath upgrades, way-finding signage, bicycle facilities and the introduction of Water Sensitive Urban Design initiatives.
- Encourage the use of sustainable practices in vegetation selection, stormwater runoff, removal of weeds, vegetation and revegetation of the Yarra River bank (between the title boundary and the Capital City Trail) with local indigenous species.
- Protect the street trees in Trenerry Crescent and Turner Street which provide a distinct landscape character and physically connect the urban environment with the Capital City Trail and the Yarra River.
- Provide for opportunities to either screen or improve the appearance of any retaining wall on the eastern property boundary (facing the river corridor), through discussion with Council and the relevant land owners/managers.

## Attachment 3 - Amendment C218 IPO Schedule and Plan for Adoption

### *Sustainable Transport Principles*

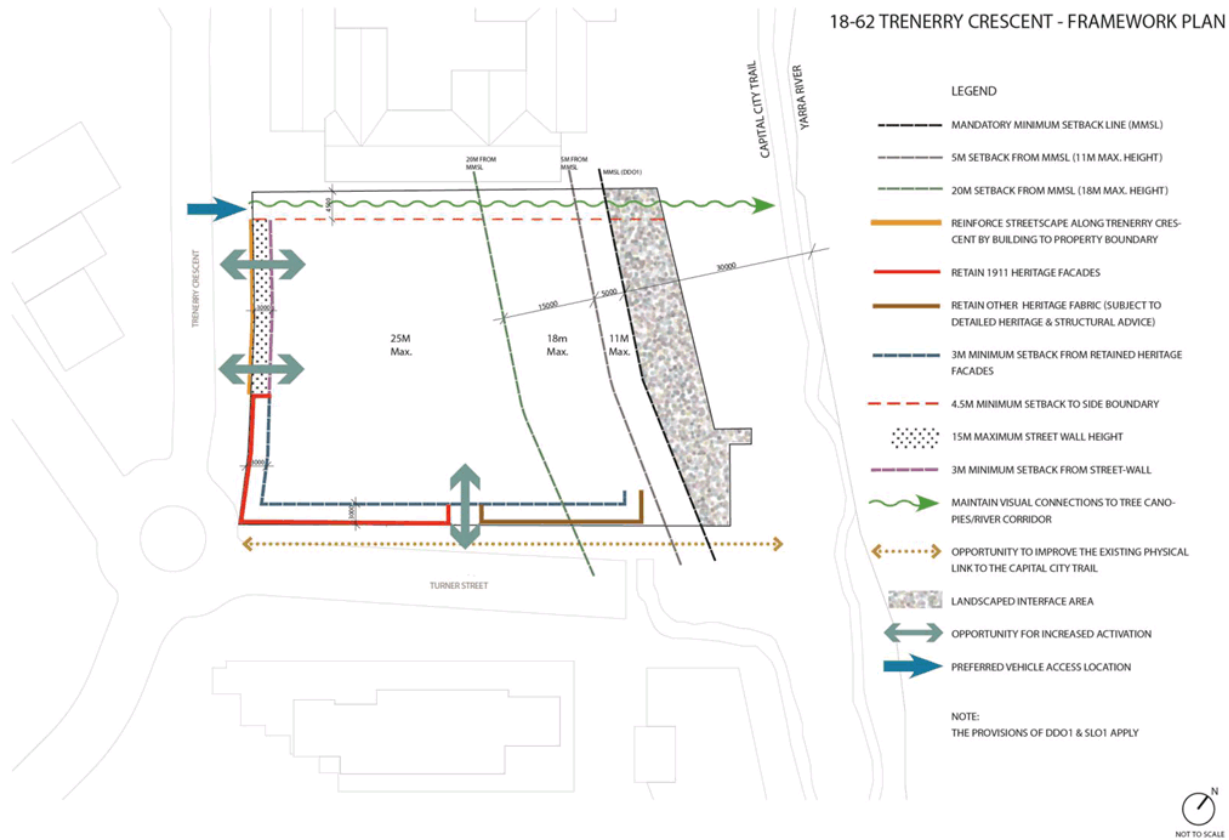
- Provide adequate and convenient on-site parking to cater for the needs of any mixed use development whilst acknowledging the provision of public transport in close proximity to the site and sustainable transport principles.
- Provide adequate bicycle facilities (bicycle storage spaces and end-of-trip facilities) for future residents and workers on the site to reduce the need for car parking spaces and consequently, reliance on motor vehicles.

### *Heritage principles*

- Facilitate development that responds to the robust former industrial buildings along the east side of Trenerry Crescent, acknowledging the change that has occurred along Trenerry Crescent and having regard to the built form expectations outlined in the Johnston Street Local Area Plan 2015.
- Retain the identified heritage façades shown on the 18-62 Trenerry Crescent Framework Plan in Figure 1 and encourage the retention of where appropriate, other elements of the heritage fabric to provide a contextual link to the historical industrial uses along Trenerry Crescent.
- Maintain a visual connection to the retained heritage elements on the site when viewed from Trenerry Crescent and Turner Street.
- Provide an appropriate separation and/or transition between the street wall façade height of new development and the façade of the existing heritage building, as viewed along Trenerry Crescent.
- Provide appropriate setbacks and/or transitions from Trenerry Crescent and Turner Street at upper levels beyond the street wall height to minimise visual dominance of upper levels in the street, as well as the potential for overshadowing the property to the south.
- Ensure that upper level development is sufficiently setback and/or transitioned from the retained heritage façades to enable them to be understood as having three dimensional form and appreciated as separate from the new development above and/or behind.
- Provide an appropriate design response to the heritage building on the site in accordance with a Heritage Impact Statement.
- Provide opportunities for incorporation of signage and/or interpretive elements in a publicly accessible location which explain or display the history of the site.

Comment [BE2]: Change 2

# Attachment 3 - Amendment C218 IPO Schedule and Plan for Adoption



## Attachment 4 - C218 Post Panel Heritage Citation (GJM)



## Heritage Citation

### W. Saunders & Son Factory/Warehouse Complex (later Esprit de Corps offices)

**Address:** 20-60 Trenerry Crescent, Abbotsford

**Prepared by:** GJM Heritage

**Survey Date:** 25 July 2016

|   |  |
|---|--|
| <b>Place type:</b> Factory/warehouse  | <b>Architect:</b> No known (1911, 1920s), Daryl Jackson (1984 alterations) |
| <b>Grading:</b> Individually Significant  | <b>Builder:</b> Not known  |
| <b>Integrity:</b> Moderate-High (1911); Moderate (1920s); High (1984)   | <b>Construction Date:</b> 1911, 1920s, 1984                                |
| <b>Status:</b> Included in the Heritage Overlay (HO337 - Victoria Park Precinct, Abbotsford)<br>No external paint, internal alteration or tree controls apply to Precinct | <b>Extent of Overlay:</b> As existing, refer to plan                       |



Figure 1. 20-60 Trenerry Crescent, Abbotsford: the facade of the 1911 building.

## Attachment 4 - C218 Post Panel Heritage Citation (GJM)



**Figure 2.** The north-west elevation of the 1911 building (right) with its gabled third-storey, the 1984 glazed walkway and the modified 1920s brick office building (left).



**Figure 3.** The 1920s factory building (right) and 1984 two-storey glazed structure that links the 1920s and 1911 buildings.



**Figure 4.** The subject site (red) and the existing boundary of HO337 Victoria Park Precinct (pink) (2016).

### Historical Context

The following historical context is taken from the HO337 Victoria Park Precinct citation<sup>6</sup>, unless otherwise cited.

The area surrounding Victoria Park to the Yarra River includes parts of Crown Portions 78, 79 and 88, which had been surveyed by Robert Hoddle and sold in 1839 to R Dacre, J D L Campbell (a pastoralist) and J Dight, respectively. John Dight built Yarra House (later the Shelmerdine residence) and a mill on his allotment, and

<sup>6</sup> Victorian Heritage Database (VHD), City of Yarra citation for 'Victoria Park Heritage Precinct', accessed July 2016.



## Attachment 4 - C218 Post Panel Heritage Citation (GJM)

Campbell built his house, Campbellfield House (later owned by architect and MLA William Pitt as Mikado) on his land overlooking the Yarra River.

In 1878, Edwin Trenerry, a shareholder in a deep lead mining company, subdivided Crown Portions 78, 79 and 88 for residential development, creating the existing street pattern. The design recalled the earlier Darling Gardens development at Clifton Hill, with Victoria Park intended as an ornamental garden square, surrounded by residential properties with 33' frontages to the park. By 1879 much of the land had been sold to David Abbott, with some lots sold to James and John Kelly in the next year. By 1885, all the lots had been sold, and development of many of them had begun.

Trenerry Crescent followed the line of the Yarra River and separated the larger riverside allotments from the smaller residential subdivisions to the west. By the turn of the century, the river frontage allotments along Trenerry Crescent were undergoing a transformation from gentlemen's farms to industrial uses. The Melbourne Flour Milling Company operated at the old Dight's Mill site on the Yarra from 1891, at the north end of Trenerry Crescent, with the Shelmerdine's Yarra Hat Works and a quarry located further to the south, both since redeveloped.

Abbotsford emerged as a centre for the textile industry during the interwar period, with much of the vacant land between Johnson Street, Trenerry Crescent and the Yarra River developed with textile mills.<sup>7</sup> The massive Austral Silk and Cotton Mills complex was built at the north end of Trenerry Crescent in 1927 and the Yarra Falls Spinning Mills had also expanded in the area during the early 20th century. Their administrative complex was built in 1919 facing Johnston Street and the landmark 1930s Byfas building was built, facing Trenerry Crescent, to produce textiles during World War Two. The combination of these extensive industrial complexes has a strong built character that is evident from within the Heritage Overlay Area and from distant views down the Yarra River and the Eastern Freeway.

In the last two decades of the 20th century, these large industrial and mill buildings have gradually been decommissioned and recycled for light industrial, commercial or residential uses.

### Place History

The complex at 20-60 Trenerry Crescent comprises four buildings (six structures in total) constructed between 1911 and the mid-1980s: the 1911 building, 1920s building, 1984 building towards the Yarra River, the extensively remodelled 1920s building to the north and the 1984 entrance and linking elements.

From July 1890 Arthur and Isabella Hope owned eight lots on the north side of Trenerry Crescent, which comprised what became Turner Street, and lots to the west. Following the death of both, the lots were transferred to George Hope and William MacLennan in 1900, who on-sold the lots individually from 1906.<sup>8</sup>

The 1901 Melbourne Metropolitan Board of Works Detail Plan (No.1230) indicates that the subject site was vacant at this date. In September 1909, the Abbotsford Manufacturing Company Pty Ltd purchased the lot on the north-west corner of Trenerry Crescent and Turner Street, with a frontage of 20.1 metres (60ft) to Trenerry Crescent.<sup>9</sup> In July 1911, William Stone, clerk, and William Saunders the Younger, malt extract manufacturer of Vaucluse Street, Richmond, purchased the lot.<sup>10</sup>

<sup>7</sup> Gary Vines & Matthew Churchward (1992) 'Northern Suburbs Factory Study', Part One: 63.

<sup>8</sup> Land Victoria (LV), Certificate of Title V:2279/F669.

<sup>9</sup> LV, Certificate of Title, V:3384/F680.

<sup>10</sup> LV, Certificate of Title, V:3384/F680.

## Attachment 4 - C218 Post Panel Heritage Citation (GJM)

The factory building located on the front title boundary was built in 1911 for W. Saunders & Son, manufacturers of malt extract and cod liver oil. The industrial building to the rear, adjoining Turner Street, is believed to have been built in the 1920s for an engineering works.<sup>11</sup>

On 24 May 1919, William Stone became the surviving proprietor, however, on the same date the property was transferred to W. Saunders & Son Pty Ltd, of Trenerry Crescent, Abbotsford.<sup>12</sup> From the 1910s, the lot to the west was also under the same ownership, on separate titles.<sup>13</sup> W. Saunders & Son Pty Ltd was described as 'Pure Malt extract and cod liver oil and Maltocrete manufacturers, agents for Zeestos' in 1920, while billboards advertised 'Saunders' Malt Extract in 1930 (Figure 5).<sup>14</sup>

Aerial photos dating to 1966 show the saw-tooth roof of the 1911 building on the corner of Turner Street, and the parallel gabled-roofs of the 1920s building adjacent to the river. Other buildings are visible on the site at this date, including a tower adjacent to the 1920s building (since removed) (Figures 6 & 7).

In October 1966, Mauri Brothers and Thomson (Aust.) Pty Ltd became joint proprietors of the site, before it was sold to Anco Plastics Pty Ltd, of 18 Trenerry Crescent, in August 1970. The property was subsequently owned by Trenjohn Pty Ltd from 1972, and Bracebridge Pty Ltd from 1981.<sup>15</sup> In May 1982, Bracebridge Pty Ltd consolidated the lots to form a 41.45 metre frontage to Trenerry Crescent (the current 20-60 Trenerry Crescent).<sup>16</sup>

In 1984, architect Daryl Jackson AO designed works to accommodate the reuse of the place by the Esprit de Corps clothing company. The development adapted the three early twentieth century buildings (the 1920s building on the corner of Trenerry Crescent and Turner Street, the 1911 building on Turner Street and the 1920s building to the north) which underwent some alterations, while the new structures comprised glazed links and a new warehouse/workroom building on the north-east corner of the site. Jackson's design integrated a stylised industrial theme appropriate to the site's history and received a citation as a finalist in the Royal Australian Institute of Architects Presidents Award in 1985.<sup>17</sup> In January 1988 the portion of land next to the river was subdivided off. The property was owned by various companies after this date, and is currently under a 30 year lease to Citipower Pty (from 1999).<sup>18</sup>

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<sup>11</sup> Heritage Victoria (HV) assessment of 'Esprit De Corps Complex, 40 Turner Street & 40-60 Trenerry Crescent, Abbotsford', accessed via Hermes 13 Jul 2016.

<sup>12</sup> LV, Certificate of Title, V:3384/F680.

<sup>13</sup> LV, Certificates of Title, V:3694/F664.

<sup>14</sup> Vines & Churchward (1992) 'Northern Suburbs Factory Study', Part Two: 246.

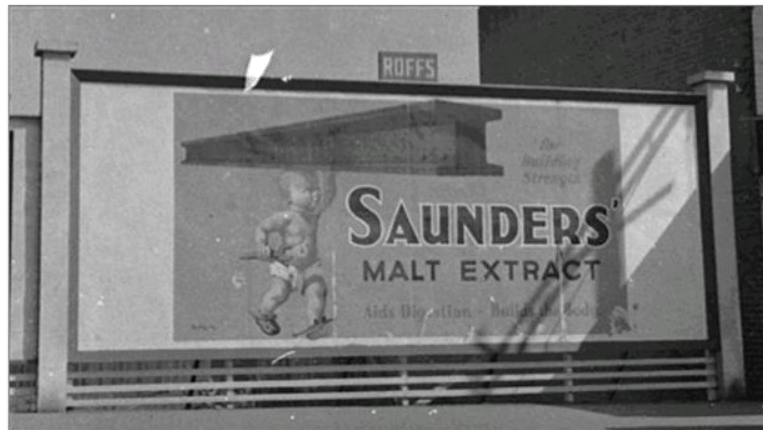
<sup>15</sup> LV, Certificate of Title, V:3384/F680.

<sup>16</sup> LV, Certificate of Title, V:9464/F422.

<sup>17</sup> HV assessment of 'Esprit De Corps Complex, 40 Turner Street & 40-60 Trenerry Crescent, Abbotsford', accessed via Hermes 13 Jul 2016.

<sup>18</sup> LV, Certificate of Title, V:9464/F422.

## Attachment 4 - C218 Post Panel Heritage Citation (GJM)



**Figure 5.** A c1930s billboard in Sydney for 'Saunders Malt Extract' (Source: State Library of NSW, 'Billboard advertising Saunders', No. 29837).



**Figure 6.** A detail of a 1966 aerial of Trenerry Crescent, showing the subject site (Source: COYL, ID. CL PIC 105).



**Figure 7.** Detail of a second 1966 aerial of Trenerry Crescent and Yarra Falls (Source: COYL, ID. YL CL Pic 104).

This place is associated with the following themes from the *City of Yarra Heritage Review Thematic History* (July 1998):

- 4.0 Developing Local Economies
- 4.2 Secondary Industry

## Attachment 4 - C218 Post Panel Heritage Citation (GJM)

### Description

The site is occupied by a complex of industrial and office buildings dating from 1911 and the 1920s. In 1984 architect Darryl Jackson AO designed additions and made alterations to the existing buildings to accommodate the site's re-use by the Esprit de Corps clothing company.

The 1911 building presents as a single-storey building fronting Trenerry Street (located on the Trenerry Crescent and Turner Street title boundaries), but extends to three-storeys in height at the rear as the building responds to the topography of the site as it slopes down towards the Yarra River. The brick building retains a saw-tooth roof which is hidden behind parapets on the three main elevations. The façade and parapet is rendered and overpainted. The parapet is defined by string moulds at its top and base. Subtle Classical details are expressed in engaged pilasters that break the façade into five bays and extend above the parapet at the entrance and corners. The central entrance (with a modern aluminum framed door) has a later cantilevered steel porch. Either side of the entrance are pairs of timber-framed casement windows of various sizes. The side elevations are face-brick with rows of single timber-framed casement windows with segmental-arches. Some sills have been replaced (probably during the 1984 development). Vents at ground level on the Turner Street elevation are also later additions dating from the 1980s. The building terminates at the rear with a third-storey with a gabled roof and circular vents to the gabled-ends.

To the rear of the site the original 1920s red-brick engineering works survives as a fragment now largely overbuilt in the 1984 works. This building approximates its original form and scale (see Figures 6 & 7) but the brickwork shows multiple stages of alterations, particularly fronting Turner Street. The windows and sills, the entrance off Turner Street and a large second-storey glazed addition to the rear of the building date from the 1984 development of the site.

The 1984 works include the adapted 1920s red-brick building on northern boundary of the site, the glazed walkway between this building and the 1911 building, a two-storey glazed link between the 1911 and 1920s buildings to the east and a glazed warehouse/workroom building to the rear of the site constructed on an exposed off-form reinforced concrete base.

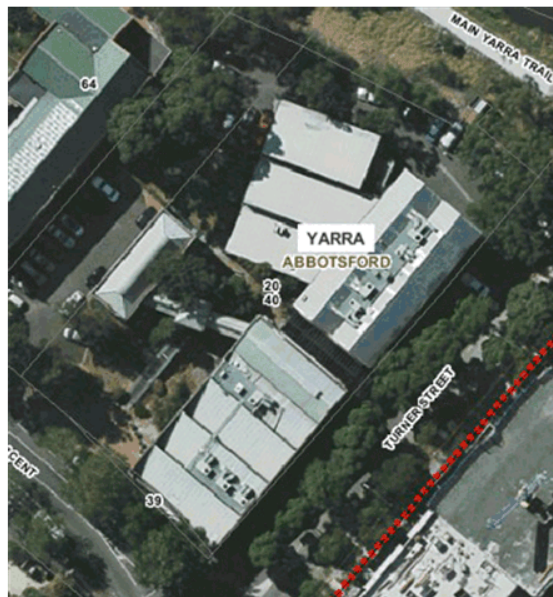


Figure 8. An aerial of the site dating to 2010 (Source: Planning Maps Online, 2016)



## Attachment 4 - C218 Post Panel Heritage Citation (GJM)

### Condition and Integrity

The 1911, 1920s and 1984 buildings have been well maintained and are all in good condition.

The 1911 building retains a moderate to high level of integrity. The 1920s building has a lower level of integrity due to various stages of alterations, most probably dating to the 1980s redevelopment of the site. The 1984 structures retain a high level of integrity.

### Comparative Analysis

This comparative analysis focuses on the 1911 building fronting Trenerry Street which is the earliest and most intact pre- World War II building on the site. The analysis has been informed by a search of the Hermes database and includes places that are individually significant within a precinct-based Heritage Overlay within the City of Yarra.

The following places are comparable in historic use, construction date or architectural style or form:

**Braun, C J & Co, Shoe Manufactures Factory/Warehouse (former), later Blue Laser Jean Company, 92-94 Easey Street, Collingwood (Individually Significant within HO321)**

This brick and render factory was built in 1933 in the Moderne style, with distinctive details such as the sunburst 'keystone', stepped parapet and string mould. The former factory has now undergone a conversion to flats but the façade remains predominantly intact.

Although the W. Saunders & Son Factory/Warehouse Complex was constructed during an earlier period, the 1911 building is comparable to the Easey Street factory in construction materials, the form and scale of the symmetrical façade, both with stepped parapets defined by string moulds and central entrances with flanking windows. The subject site is much grander in scale with a more dominant presence along two streets, in comparison to the more modest Easey Street factory.



Figure 9. 92-94 Easey Street, Collingwood following the conversion to flats © realestate.com

### Former Factory at 40 Reid Street, Fitzroy North (Individually Significant within Precinct HO327)

Constructed between 1900 and 1915, the former factory is a single-storey red-brick construction with a parapet, distinctive parapeted gable and single windows. Pilasters define entrances on the façade. The factory has now been converted to apartments, with additions constructed above the saw-tooth roof level and windows on the side elevations altered. With additions and alterations, the Edwardian fabric retains a moderate level of integrity.

## Attachment 4 - C218 Post Panel Heritage Citation (GJM)

The W. Saunders & Son Factory/Warehouse Complex is a similar red-brick construction and has a comparable application of architectural treatment, albeit in a slightly different expression. The subject site retains a higher degree of integrity as it retains its original profile and roof form.



**Figure 10.** 40 Reid Street, Fitzroy North (@Google)

### **Former factory at the rear of 16 Arnold Street, Princes Hill (Individually significant within Precinct HO329)**

This former factory, constructed between 1900 and 1915, is a two-storey, face-brick construction with a hipped roof, addressing two streets. It retains a high level of integrity. The factory occupies a similar footprint to the 1911 building at the W. Saunders & Son Factory/Warehouse Complex. While their roof forms differ, they are comparable in terms of the unadorned red-brick elevations with repetitive rows of single window placement. The W. Saunders & Son Factory/Warehouse Complex building has more elaborate architectural treatment and detail to the façade in comparison, but is less intact due to alterations to the windows and sills.



**Figure 11.** Rear of 16 Arnold Street, Princes Hill (@Google)

### **Conclusion**

The W. Saunders & Son Factory/Warehouse Complex has a modestly-scaled façade fronting Trenerry Crescent but a dominant and increasing presence along Turner Street as the buildings respond to the topography as it slopes down towards the Yarra River. Architecturally, the 1911 former factory is typical of factories constructed during the Edwardian period with subtle Classical expression to the Trenerry Crescent façade. The 1984 additions to the complex by Daryl Jackson AO for the Esprit de Corps company are a well resolved contextual design response to the 1911 and 1920s buildings. This design still provides an effective integration of the various buildings on the site and is a successful example of adaptive reuse of former industrial buildings.



## Attachment 4 - C218 Post Panel Heritage Citation (GJM)

### Assessment Against Criteria

Following is an assessment of the place against the heritage criteria set out in *Planning Practice Note 1: Applying the Heritage Overlay* (July 2015).

**Criterion A:** *Importance to the course or pattern of our cultural or natural history (historical significance).*

The place is one of the remaining examples of industrial development in Abbotsford, and particularly on Trenerry Crescent along the Yarra River, where industrial development began from the turn of the century. The 1911 building is of historical value as an example of an Edwardian-era factory, built for W. Saunders & Son, who were manufacturers of malt extract and cod liver oil. The place is of historical value as evidencing subsequent stages of development on an industrial site, including the 1920s building which is believed to have been built for an engineering works and the 1984 additions designed by architect Daryl Jackson for the Esprit de Corps company.

**Criterion E:** *Importance in exhibiting particular aesthetic characteristics (aesthetic significance).*

The Edwardian building is of aesthetic significance for its architectural presence within the early twentieth century industrial streetscape of Trenerry Crescent and within the riverscape of the Yarra River. The building has subtle Classical details to the façade and responds to the topography of the site by increasing in height and presence as the land slopes towards the Yarra River.

The new structures designed by architect Daryl Jackson AO in 1984 are of architectural value, as an example of the innovative adaptive re-use of a set of former factory buildings that respected the forms, materials and architectural language of the early twentieth century industrial context.

### Statement of Significance

*What is significant?*

The W. Saunders & Son Factory/Warehouse Complex at 20-60 Trenerry Crescent, Abbotsford.

The Edwardian building is of primary significance to the site. The new 1984 structures and the 1984 adaption of the 1920s buildings designed by architect Darryl Jackson AO are of contributory significance to the site. Alterations and additions that have occurred since 1984 are not significant.

*How is it significant?*

The W. Saunders & Son Factory/Warehouse Complex is of local historical and aesthetic significance to the City of Yarra.

*Why is it significant?*

The W. Saunders & Son Factory/Warehouse Complex is of historical significance as one of the remaining examples of the industrial development in Abbotsford, and particularly on Trenerry Crescent along the Yarra River, where industrial development began from the turn of the century. The 1911 building is of historical significance as an externally intact example of an Edwardian-era food processing factory, built for W. Saunders & Son, who were manufacturers of malt extract and cod liver oil. The place is of historical value for its ability to demonstrate subsequent stages of development on an industrial site, including the 1920s building which is believed to have been built for an engineering works and the 1984 additions designed by architect Daryl Jackson for the Esprit de Corps company. (Criterion A)

The Edwardian building is of aesthetic significance for its architectural presence within the early twentieth century industrial streetscape of Trenerry Crescent and within the riverscape of the Yarra River. The 1911 building has subtle Classical details to the façade and responds to the topography of the site by increasing in height and presence as the land slopes towards the Yarra River. (Criterion E)

## Attachment 4 - C218 Post Panel Heritage Citation (GJM)

The works designed by architect Darryl Jackson in 1984 are of aesthetic **significance**, as an example of an innovative adaptive re-use of former factory buildings that respects the forms, materials and architectural language of the early twentieth century industrial context. These include the adapted red-brick building on the northern boundary of the site, the glazed walkway between this and the 1911 building, the two-storey glazed link between the 1911 and 1920s buildings and a glazed warehouse building to the rear of the site. The design integrated a stylised industrial theme in consideration of the site's Edwardian and Interwar buildings. (Criterion E)

### Grading and Recommendations

It is recommended that the place continue to be included in the Heritage Overlay of the Yarra Planning Scheme as an individually significant place within the Victoria Park Precinct, Abbotsford (HO337).

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in the Yarra Planning Scheme:

|  |                     |
|--|---------------------|
| <b>External Paint Controls?</b>                                | No                  |
| <b>Internal Alteration Controls?</b>                           | No                  |
| <b>Tree Controls?</b>  | No                  |
| <b>Outbuildings or Fences not exempt under Clause 43.01-3?</b> | No                  |
| <b>Prohibited Uses Permitted?</b>                              | No                  |
| <b>Incorporated Plan?</b>                                      | HO337 Precinct: Yes |
| <b>Aboriginal Heritage Place?</b>                              | Not assessed        |

### Identified by:

Andrew C. Ward & Associates (May 1995), 'Collingwood Conservation Study Review'.

### References:

Andrew Ward C. & Associates (May 1995), 'Collingwood Conservation Study Review'.

City of Yarra Library (COYL) Catalogue, <<http://www.yarracity.vic.gov.au/Libraries/Search-the-catalogue/>>, accessed July 2016.

Graeme Butler and Associates (2007), 'City of Yarra Review of Heritage Overlay Areas, Appendix 8'.

Land Victoria, Certificates of Title.

Melbourne Metropolitan Board of Works Detail Plans

State Library of NSW, online Manuscripts, oral history & pictures collection, <<http://archival-classic.sl.nsw.gov.au/>>, accessed July 2016.

Victorian Heritage Database (VHD), City of Yarra citation for 'Victoria Park Heritage Precinct', accessed July 2016.

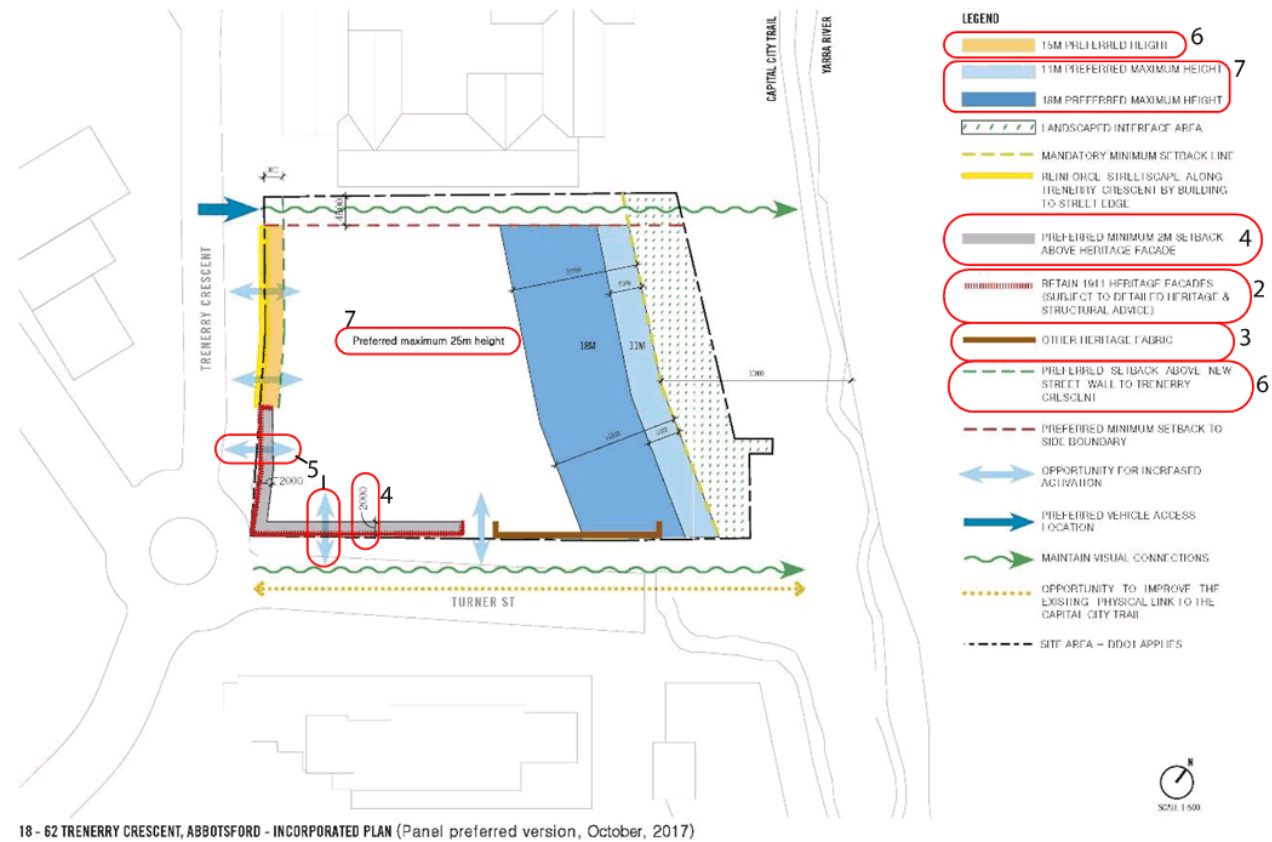
Heritage Victoria (HV) assessment of 'Esprit De Corps Complex, 40 Turner Street & 40-60 Trenerry Crescent, Abbotsford', accessed via Hermes 13 Jul 2016.

Vines, Gary & Matthew Churchward (1992) 'Northern Suburbs Factory Study'.

## Attachment 5 - Yarra C218 Panel Recommended Plan (Officer Changes)

Yarra Planning Scheme Amendments C218 and C219 Panel Report 25 October 2017

Planning Panel Recommended Plan (Council's changes numbered - refer to Council report)



Appendices

## Attachment 6 - Municipal Strategic Statement Clause 21.11 - Amendment C218 - Reference Documents

### YARRA PLANNING SCHEME

#### 21.11 REFERENCE DOCUMENTS

19/10/2017  
C21835

##### General

*Council Plan 2005-2009.*  
*Inner Melbourne Action Plan (October 2005).*  
*Yarra City Council Access and Inclusion Policy (November 2004)*  
*City of Yarra Access and Inclusion strategy 2004-2009*  
*Disability Action Plan 2001—2004*

##### Land Use

*Yarra Residential Interface Study 2001 (City of Yarra, 2001)*

##### Accommodation and housing

*Inner Regional Housing Statement (January 2006)*  
*Retail, entertainment and the arts*  
*Yarra City Council Arts and Cultural Plan, 2005-2009*  
*Inner City Entertainment Precincts Taskforce "A Good Night for All"*

##### Industry, office and commercial

*Yarra Economic Development Strategy 2001-2004*  
*Yarra Industrial and Business Land Strategy Review (Hansen Partnerships & Charter, Keck, Cramer, September 2004).*

##### Parks, gardens and public open space

*Yarra City Council Recreation Strategy Plan 2003/2008*

##### Built Form

##### Heritage

[Heritage Citation: 20-60 Trenerry Crescent, Abbotsford. GJM Heritage, July 2016.](#)  
*Heritage Gap Study: Review of 17 Precincts Stage 2 Report August 2014, Revised 16 October 2016 (Context Pty Ltd)*  
*Heritage Review of Predefined Areas In Abbotsford & Collingwood Stage 2 Report July 2015 (Context Pty Ltd).*  
*Heritage Gap Study: Review of Central Richmond, Stage 2 Final Report, November 2014 (Context Pty Ltd).*  
*City of Yarra Heritage Gaps Study July 2014 – Smith Street South (Anthemion Consultancies)*  
*City of Yarra Heritage Gaps Review One 2013 [Appendix A and B includes Statements of Significance] Incorporated Plan under the provisions of clause 43.01 Heritage Overlay - methodology report, July 2014*  
*City of Yarra Heritage Gaps Review Two 2013*  
*City of Yarra Heritage Gaps Study October 2012 – 233-251 Victoria Street, Abbotsford (Anthemion Consultancies)*  
*World Heritage Environs Area Strategy Plan: Royal Exhibition Building and Carlton Gardens (Department of Planning and Community Development, 2009)*

## Attachment 6 - Municipal Strategic Statement Clause 21.11 - Amendment C218 - Reference Documents

### YARRA PLANNING SCHEME

*City of Yarra Review of Heritage Overlay Areas 2007 (Graeme Butler and Associates)*  
*[Appendix 7 includes Statements of Significance]*  
*Yarra Heritage Database 2007 including photos*  
*Development Guidelines for Heritage Places (City of Yarra, 1999)*  
*"City of Yarra Heritage Review", Allom Lovell and Associates, 1998.*  
*"City of Yarra Heritage Review", Building Citations Volume 2 Part I and II, Allom Lovell and Associates*  
*"Protecting Archaeological Sites in Victoria", Heritage Victoria, 1998.*  
*The Australian ICOMOS Charter for the Conservation of Places of Cultural Significance*  
*"Fitzroy Urban Conservation Study Review", Allom Lovell and Associates, 1992.*  
*"Collingwood Conservation Study", Andrew Ward and Associates, 1989.*  
*"Richmond Conservation Study", J and T O'Connor and Coleman and Wright Architects, 1985.*  
*"Carlton, North Carlton and Princes Hill Conservation Study", Nigel Lewis and Associates, 1984.*  
*"City of Northcote Urban Conservation Study", Graeme Butler Architect, 1982.*  
*"South Fitzroy Conservation Study", Jacob Lewis Vines Architects, 1979.*  
*"North Fitzroy Conservation Study", Jacob Lewis Vines Architects, 1978.*

### **Built form character**

*Urban Design Guidelines for the Yarra River Corridor (City of Yarra, 1998), as amended April 2004*  
*City of Yarra Built Form Review 2003*

### **Transport**

*Yarra Strategic Transport Statement City of Yarra 2006*  
*Encouraging and increasing walking strategy, City of Yarra 2005*

### **Environmental Sustainability**

*The Yarra Environment Strategy: Our Sustainable Future (City of Yarra, November 2000).*  
*Review of Policies and Controls for the Yarra River Corridor: Punt Road to Burke Road: Consultant Report (Planisphere and Jones & Whitehead, June 2005).*  
*Middle Yarra Concept Plan (Dept. of Planning and Urban Growth, Dept. of Conservation and Environment, 1990)*  
*Lower Yarra (Punt Road to Dights Falls) Concept Plan (Ministry for Planning and Environment, 1986)*  
*Lower Darebin Creek Concept Plan (Darebin Creek Co-ordinating Committee, 1995)*  
*Merri Creek Management Plan (Merri Creek Management Committee, 1997)*  
*Merri Creek Concept Plan (Draft) (Merri Creek Management Committee, 1997)*  
*Yarra River Corridor Strategy (City of Yarra, 1999)*  
*Yarra Catchment Action Plan (YarraCare, 1996)*  
*Port Phillip and Western Port Regional Catchment Strategy 2004 – 2009 (Port Phillip and Westernport Catchment Management Authority 2004)*  
*Herring Island Enhancement Plan (Acer Wargon Chapman and EDAW AUST, 1995)*  
*Environmental Guidelines for Major Construction Sites (Environment Protection Authority, 1996)*  
*Yarra Bend Park Strategy Plan (Parks Victoria, 1998)*

## Attachment 6 - Municipal Strategic Statement Clause 21.11 - Amendment C218 - Reference Documents

### YARRA PLANNING SCHEME

*Yarra Bend Park Environmental Action Plan (Parks Victoria, April 2000)*

*Yarra Bend / Fairfield Area: Development Opportunities (Chris Dance Land Design and Fulcrum Town Planners, 1997)*

*City of Yarra Stormwater Management Plan (AWT, December 2000)*

### **Neighbourhood Plans**

*Smith / Wellington Streets Mixed Use Precinct Urban Design Framework, March 2005*

*Victoria Street Activity Precinct Urban Design Framework, July 2004;*

*Victoria Street East Precinct, Richmond, Urban Design Framework prepared for the City of Yarra 16 November 2005 (mgs in association with Jones and Whitehead Pty Ltd)*



## Attachment 7 - Local Planning Policy Schedule 22.02 - Amendment C218 - Development Guidelines for sites subject to the Heritage Overlay

### YARRA PLANNING SCHEME

#### 22.02

19/10/2017  
C21835

#### DEVELOPMENT GUIDELINES FOR SITES SUBJECT TO THE HERITAGE OVERLAY

This policy applies to all land within a Heritage Overlay.

#### 22.02-1

30/09/2010  
C85

##### Policy Basis

The MSS highlights the importance of heritage to the identity and character of the municipality and one of its objectives is to protect and enhance the City's heritage places.

This policy provides guidance for the protection and enhancement of the City's identified places of cultural and natural heritage significance.

#### 22.02-2

30/09/2010  
C85

##### Definitions of Words used in this Policy

- Adaptation: modifying a place to suit the existing use or a proposed use.
- Architectural integrity: the quality of closely reflecting the architecture of the period in which a building was created.
- Conservation: the process of looking after a place so as to retain its cultural significance.
- Cultural significance: aesthetic, historic, scientific, social or spiritual value for past, present or future generations.
- Fabric: all the physical material of the place including components and fixtures, and can include building interiors.
- Heritage place: anything subject to the Heritage Overlay and can include a site, area, land, landscape, tree, building or other work, or group of buildings of heritage significance, and may include components or spaces. When used in the context of a building graded individually significant, the heritage place is initially the individually significant building and then the broader heritage area. When used in the context of a contributory building, the heritage place is the broader heritage area.
- Maintenance: the continuous protective care of the fabric and setting of a place. It is distinguished from repair which involves restoration and reconstruction.
- Preservation: maintaining the fabric of a place in its existing state and retarding deterioration.
- Reconstruction: returning a place to a known earlier state and is distinguished from restoration by the introduction of new material into the fabric.
- Restoration: returning the existing fabric of a place to a known earlier state and is distinguished from reconstruction by no introduction of new material into the fabric (note a permit is only required for works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials).

#### 22.02-3

19/10/2017  
C235

##### Levels of Significance

Every building of cultural significance has been assessed and graded according to its heritage contribution. The levels of significance used are:

- Individually significant: The place is a heritage place in its own right. Within a Heritage Overlay applying to an area each individually significant place is also Contributory.
- Contributory: The place is a contributory element within a larger heritage place. A contributory element could include a building, building groups and works, as well as building or landscape parts such as chimneys, verandahs, wall openings, rooflines and paving.

## Attachment 7 - Local Planning Policy Schedule 22.02 - Amendment C218 - Development Guidelines for sites subject to the Heritage Overlay

### YARRA PLANNING SCHEME

- Not contributory: The place is not individually significant and not contributory within the heritage place.

The level of significance of every building is identified in the incorporated document, *City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8* (as updated from time to time). Details of methodology used to determine levels of significance can be found in *City of Yarra Review of Heritage Overlay Areas 2007 (Graeme Butler and Associates)*, *City of Yarra Heritage Gaps Review Two 2013*, *City of Yarra Heritage Gaps Study July, 2014 – Smith Street South (Anthemion)*, and *Heritage Gap Study: Review of Central Richmond, Stage 2 Final Report, November 2014*.

#### 22.02-4 Objectives

30/09/2010  
C85

- To conserve Yarra's natural and cultural heritage.
- To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.
- To retain significant view lines to, and vistas of, heritage places.
- To preserve the scale and pattern of streetscapes in heritage places.
- To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places.
- To ensure the adaptation of heritage places is consistent with the principles of good conservation practice.
- To ensure that additions and new works to a heritage place respect the significance of the place.
- To encourage the retention of 'individually significant' and 'contributory' heritage places.
- To protect archaeological sites of cultural heritage significance.

#### 22.02-5 Policy

19/10/2017  
C235

It is policy to:

#### 22.02-5.1 Demolition

19/10/2017  
C235

##### Full Demolition or Removal of a Building

Generally encourage the retention of a building in a heritage place, unless

- The building is identified as being not contributory.
- The building is identified as a contributory building, and
  - new evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document, *City of Yarra Review of Heritage Areas 2007 Appendix 8* (as updated from time to time) and
  - the building does not form part of a group of similar buildings.

*Note: The poor condition of a heritage place should not, in itself, be a reason for permitting demolition.*

Encourage the retention of original street furniture and bluestone road or laneway materials and details (where relevant).

An application for demolition is to be accompanied by an application for new development.

##### Removal of Part of a Heritage Place or Contributory Elements

Encourage the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place.

Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:

## Attachment 7 - Local Planning Policy Schedule 22.02 - Amendment C218 - Development Guidelines for sites subject to the Heritage Overlay

### YARRA PLANNING SCHEME

- That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).
- For a contributory building:
  - that part is not visible from the street frontage (other than a laneway), abutting park or public open space, and the main building form including roof form is maintained; or
  - the removal of the part would not adversely affect the contribution of the building to the heritage place.
- For individually significant building or works, it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place.

#### 22.02-5.2 Original Location

30/09/2010  
C85

Encourage the retention of a heritage place or a contributory element to a heritage place in its original location unless:

- The location is not an important component of the cultural significance of the heritage place.
- It can be shown that the relocation is the only reasonable means of ensuring the survival of the heritage place.

#### 22.02-5.3 Reconstruction and Restoration

30/09/2010  
C85

Encourage restoration of a heritage place or contributory element if evidence exists to support its accuracy.

Encourage the reconstruction of a building or works which previously existed in a heritage place if:

- The reconstruction will enhance the heritage significance of the heritage place
- Evidence exists to support the accuracy of the reconstruction.

Encourage the reconstruction of original or contributory elements where they have been removed. These elements include, but are not limited to, chimneys, fences, verandahs, roofs and roof elements, wall openings and fitting (including windows and doors), shopfronts and other architectural details and features.

#### 22.02-5.4 Painting and Surface Treatments

30/09/2010  
C85

Encourage the removal of paint from originally unpainted masonry surfaces.

Encourage the retention of historic painted signs.

Discourage the sand blasting of render, masonry or timber surfaces; and the painting of unpainted surfaces.

Encourage paint colours to be consistent with the period of the heritage place.

#### 22.02-5.5 Culturally Significant Trees

30/09/2010  
C85

Encourage the retention of culturally significant trees in a heritage place unless:

- The trees are to be removed as part of a maintenance program to manage loss of trees due to deterioration caused by old age or disease.
- The trees are causing structural damage to an existing structure and remedial measures (such as root barriers and pruning) cannot be implemented.

Ensure additions and new works respect culturally significant trees (and where possible, significant garden layouts) by siting proposed new development at a distance that ensures the ongoing health of the tree.

## Attachment 7 - Local Planning Policy Schedule 22.02 - Amendment C218 - Development Guidelines for sites subject to the Heritage Overlay

### YARRA PLANNING SCHEME

#### 22.02-5.6 Subdivision

30/09/2010  
C85

Support the subdivision of sites which do not detract from the heritage value of the place or contributory element.

Where appropriate, use a building envelope plan to protect the heritage values of the place. The building envelope plans should:

- Reflect the original rhythm of the streetscape.
- Allow sufficient space surrounding the heritage place or contributory element to a heritage place to retain its significance or contribution.

#### 22.02-5.7 New Development, Alterations or Additions

30/09/2010  
C85

##### 22.02-5.7.1 General

30/09/2010  
C85

Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:

- Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.
- Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.
- Be visually recessive and not dominate the heritage place.
- Be distinguishable from the original historic fabric.
- Not remove, cover, damage or change original historic fabric.
- Not obscure views of principle façades.
- Consider the architectural integrity and context of the heritage place or contributory element.

Encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.

Encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height.

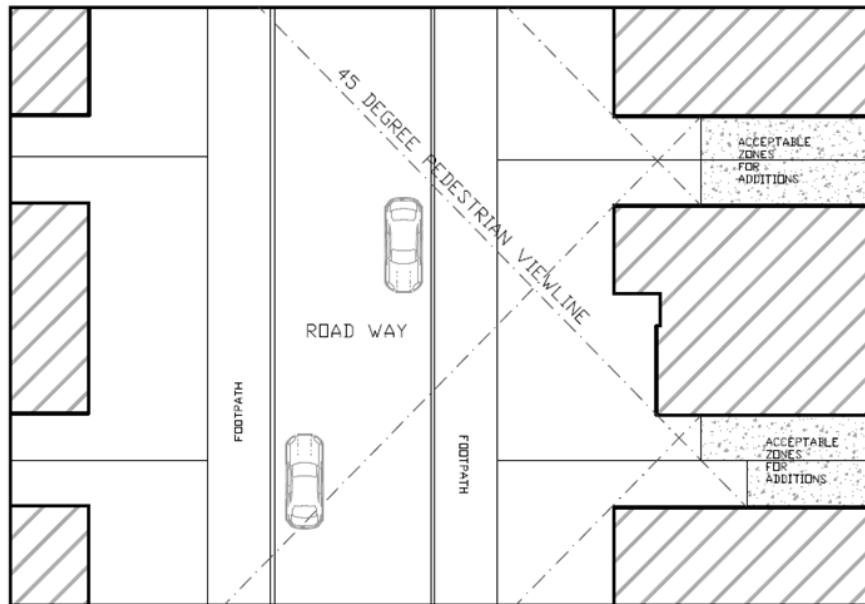
Minimise the visibility of new additions by:

- Locating ground level additions and any higher elements towards the rear of the site.
- Encouraging ground level additions to contributory buildings to be sited within the 'envelope' created by projected sight lines (see Figure 1)
- Encouraging upper level additions to heritage places to be sited within the 'envelope' created by projected sight lines (for Contributory buildings refer to Figure 2 and for Individually significant buildings refer to Figure 3).
- Encouraging additions to individually significant places to, as far as possible, be concealed by existing heritage fabric when viewed from the front street and to read as secondary elements when viewed from any other adjoining street.

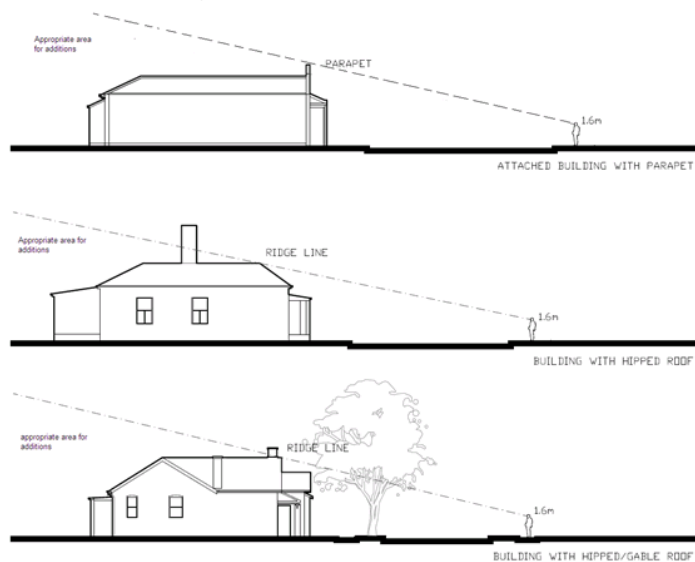
Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.

# **Attachment 7 - Local Planning Policy Schedule 22.02 - Amendment C218 - Development Guidelines for sites subject to the Heritage Overlay**

## YARRA PLANNING SCHEME



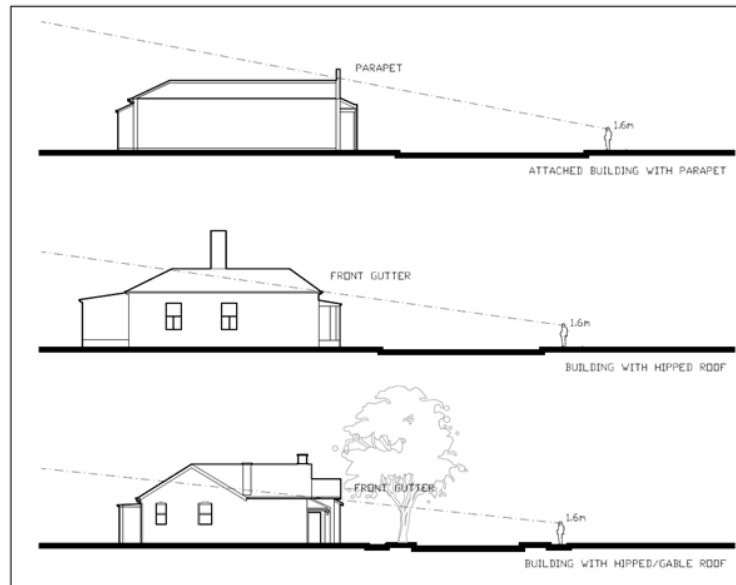
**Figure 1** acceptable areas for ground level additions are sited within the area created by drawing a 45 degree view line from the opposite footpath through the front corner of the subject building and the corners of adjacent buildings.



**Figure 2** – appropriate areas for upper level additions to contributory buildings are sited within the ‘envelope’ created by projecting a sight line from 1.6 metres above ground level (eye level of average adult person) from the footpath on the opposite side of the street through the top of the front parapet or the ridge line of the principal roof form.

## Attachment 7 - Local Planning Policy Schedule 22.02 - Amendment C218 - Development Guidelines for sites subject to the Heritage Overlay

### YARRA PLANNING SCHEME



**Figure 3** – appropriate areas for upper level additions to individually significant buildings are sited within the ‘envelope’ created by projecting a sight line from 1.6 metres above ground level (eye level of average adult person) from the footpath on the opposite side of the street through the top of the front parapet or the gutter line of the principal roof form.

#### 22.02-5.7.2 Specific Requirements (where there is a conflict or inconsistency between the general and specific requirements, the specific requirements prevail)

30/09/2010  
C85

##### Corner Sites and Sites with Dual Frontages

Encourage new building and additions on a site with frontages to two streets, being either a corner site or a site with dual street frontages, to respect the built form and character of the heritage place and adjoining or adjacent contributory elements to the heritage place.

Encourage new buildings on corner sites to reflect the setbacks of buildings that occupy other corners of the intersection.

##### Residential Upper Storey Additions

Encourage new upper storey additions to residential heritage places or contributory elements to heritage places to:

- Preserve the existing roof line, chimney(s) and contributory architectural features that are essential components of the architectural character of the heritage place or contributory elements to the heritage place.
- Respect the scale and form of the heritage place or contributory elements in the heritage place by stepping down in height and setting back from the lower built forms.

Sightlines should be provided to indicate the ‘envelope’ from the street of proposed upper storey additions (refer to the sightline diagrams in 22.02-5.7.1).

##### Industrial, Commercial and Retail Heritage Place or Contributory Elements

Encourage new upper level additions and works to:

- Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form



## Attachment 7 - Local Planning Policy Schedule 22.02 - Amendment C218 - Development Guidelines for sites subject to the Heritage Overlay

### YARRA PLANNING SCHEME

elements. Each higher element should be set further back from lower heritage built forms.

- Incorporate treatments which make them less apparent.

#### **Carports, Car Spaces, Garages, and Outbuildings**

Encourage carports, car spaces, garages and outbuildings to be set back behind the front building line (excluding verandahs, porches, bay windows or similar projecting features) of the heritage place or contributory element or to be reasonably obscured. New works should be sited within the 'envelope' shown in Figure 1 of 22.02-5.7.1.

Discourage:

- new vehicle crossovers in streets with few or no crossovers
- high fencing, doors and boundary treatments associated with car parking that are unrelated to the historic character of the area
- new vehicle crossovers in excess of 3 metres wide in residential streets.

#### **Front Fences and Gates**

Encourage front fences and gates to be designed to

- allow views to heritage places or contributory elements from surrounding streets
- be a maximum of 1.2 metres high if solid or 1.5 metres high if more than 50% transparent (excluding fence posts)
- be consistent with the architectural period of the heritage place or contributory element to the heritage place.

#### **Ancillaries and Services**

Encourage ancillaries or services such as satellite dishes, shade canopies and sails, access ladders, air conditioning plants, wall and roof top mounted lighting, roof top gardens and their associated planting, water meters, and as far as practical aerials, to contributory or significant buildings, to be concealed when viewed from street frontage.

Where there is no reasonable alternative location, ancillaries and services which will reduce green house gas emissions or reduce water consumption, such as solar panels or water storage tanks, or provide universal access (such as wheel chair ramps), may be visible but should be sensitively designed.

Encourage ancillaries or services in new development to be concealed or incorporated into the design of the building.

Encourage ancillaries or services to be installed in a manner whereby they can be removed without damaging heritage fabric.

#### **22.02-6 Archaeological Sites**

30/09/2010  
C85

Encourage applicants to consult with Heritage Victoria where any proposed buildings or works may affect archaeological relics to facilitate compliance with Part 6 of the *Heritage Act 1995* (Protection of Archaeological Places).

#### **22.02-7 Decision Guidelines**

30/09/2010  
C85

Before deciding on an application the responsible authority will consider:

- Whether there should be an archival recording of the original building or fabric on the site.
- The heritage significance of the place or element as cited in the relevant Statement of Significance or Building Citation.

## Attachment 7 - Local Planning Policy Schedule 22.02 - Amendment C218 - Development Guidelines for sites subject to the Heritage Overlay

### YARRA PLANNING SCHEME

#### 22.02-8

#### References

19/10/2017  
C218<sup>35</sup>

[Heritage Citation: 20-60 Trenerry Crescent, Abbotsford. GJM Heritage, July 2016.](#)

Heritage Gap Study: Review of 17 Precincts Stage 2 Report August 2014, Revised 16 October 2016 (Context Pty Ltd)

Heritage Review of Predefined Areas In Abbotsford & Collingwood Stage 2 Report July 2015 (Context Pty Ltd).

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City of Yarra Heritage Gaps Study October 2012 – 233-251 Victoria Street, Abbotsford (Anthemion Consultancies)

City of Yarra Review of Heritage Overlay Areas 2007 (Graeme Butler and Associates) [Appendix 7 includes Statements of Significance]

Yarra Heritage Database 2007 including photos

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“Protecting Archaeological Sites in Victoria”, Heritage Victoria, 1998.

The Australian ICOMOS Charter for the Conservation of Places of Cultural Significance

“Fitzroy Urban Conservation Study Review”, Allom Lovell and Associates, 1992.

“Collingwood Conservation Study”, Andrew Ward and Associates, 1989.

“Richmond Conservation Study”, J and T O’Connor and Coleman and Wright Architects, 1985.

“Carlton, North Carlton and Princes Hill Conservation Study”, Nigel Lewis and Associates, 1984.

“City of Northcote Urban Conservation Study”, Graeme Butler Architect, 1982.

“South Fitzroy Conservation Study”, Jacob Lewis Vines Architects, 1979.

“North Fitzroy Conservation Study”, Jacob Lewis Vines Architects, 1978.

## Attachment 8 - (C218) Letter with Public Realm Concept Plan



Attn: Councillors  
City of Yarra  
PO Box 168  
RICHMOND VIC 3121

[by email]

12 February 2018

**Public-Realm Works  
18-62 Trenerry Crescent, Abbotsford (Amendment C128)**

Dear Councillors,

I write regarding our site, 18-62 Trenerry Crescent, Abbotsford and Amendment C218 to the Yarra Planning Scheme which is currently before Council.

A key objective going into this process was, and remains, working closely with Council to **improve the amenity of the precinct** surrounding the site. These improvements are important to us, as future occupiers, as well as to the community in which we will be living and working. To that end, we have engaged Tract Consultants to produce a concept plan for upgrading the public realm adjacent to the site. The **Tract Public Realm Concept Plan** (attached) takes in Trenerry Crescent, Turner Street and the banks of the Yarra River. It addresses pedestrian amenity, pavement treatments, street trees, car and bike parking, revegetation and embankment stabilisation to the river. Throughout, it relies on **environmentally sustainable design principles**, including water-sensitive urban design.

Our family has been a long-term supporter of Australian art and emerging Australian artists. As an additional part of our proposal, we are very excited to share with you that we will be funding a **significant art installation**, with a **stipend of \$50,000** being awarded to the successful artist. In selecting the artist, we will of course work to the goals outlined in your Public Art Policy 2015-2020.

Additionally, we undertake to create a publicly accessible **site history installation**, similar to that provided in the Jacques development in Coppin St, Richmond.

Whilst we can offer a firm commitment around some elements of our proposal (such as funding for an art installation), it is not possible to commit to a precise level of detail around other elements prior to a development application being formalised. Numerous authorities will have to be consulted, which can only occur once a design is approaching finalisation. In turn, the **design can only be finalised once the planning controls are settled**.

We nonetheless **offer this commitment**: to upgrade the public realm adjacent to the site to a scope and detail to be determined in consultation with Council and generally in accordance with the Tract Public Realm Concept plan.

We are, of course, happy to discuss this undertaking at your convenience.

Yours sincerely

A handwritten signature in black ink, appearing to read "John Valmorbida".

John Valmorbida  
Joval Pty Ltd

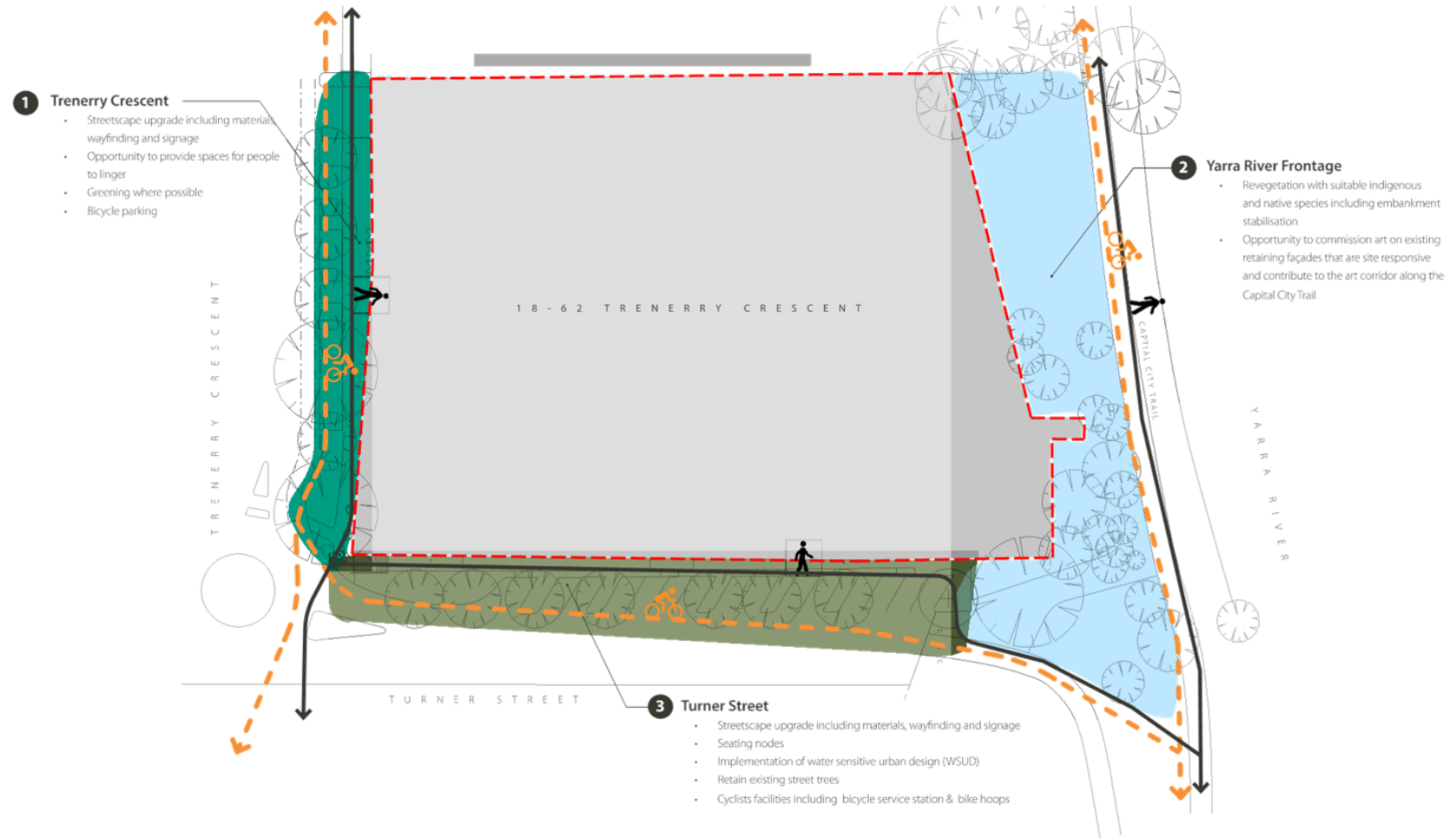
Level 3, 436 Johnston Street, Abbotsford, Vic, 3067  
P 8413 8300

**Attachment 8 - (C218) Letter with Public Realm Concept Plan**

Tract

## Attachment 8 - (C218) Letter with Public Realm Concept Plan

### 18-62 Trenerry Crescent | Public Realm Opportunities



## Attachment 8 - (C218) Letter with Public Realm Concept Plan

### 1 Trenerry Crescent

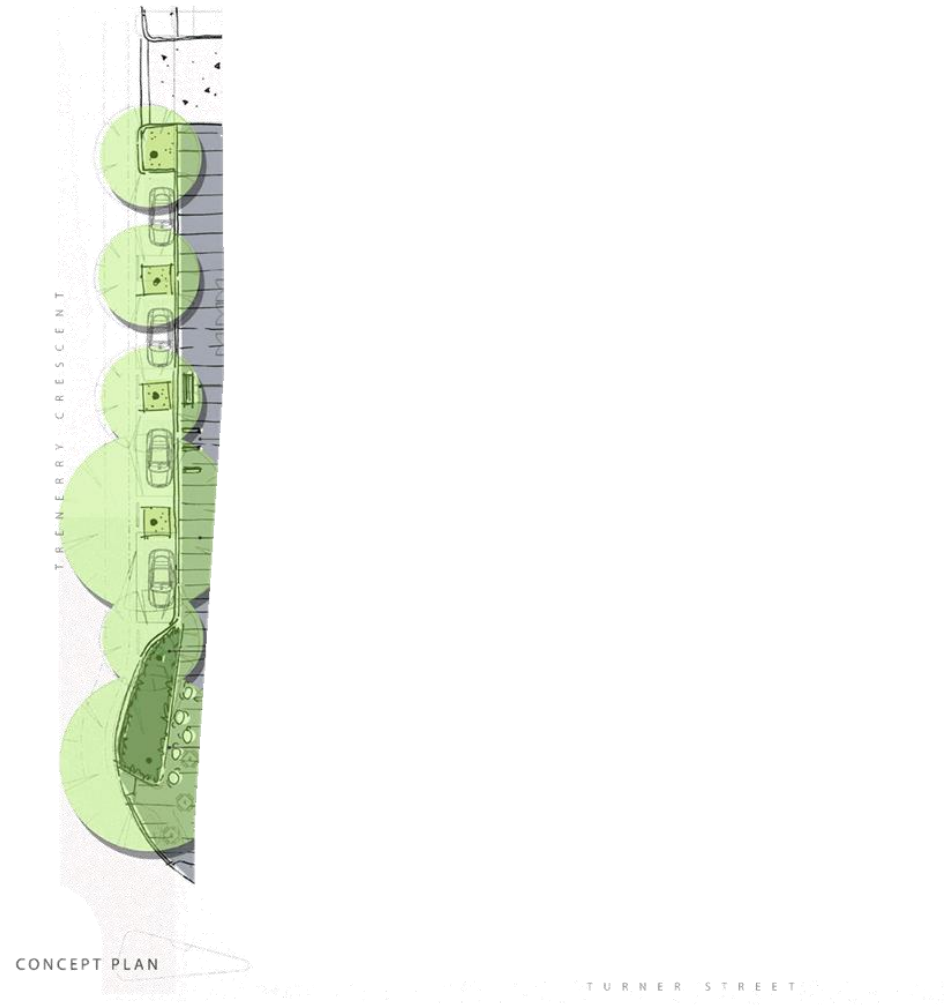
#### EXISTING CONDITIONS

- Dilapidated materials & uneven surfaces
- Potential to activate streetscapes



#### PUBLIC REALM OPPORTUNITIES

- Upgrade paving and achieve DDA where possible
- Retain existing street trees and revitalise planting
- Provide spaces for people stop and sit with street furniture
- opportunity for activation with a 'cafe corner'





## Attachment 8 - (C218) Letter with Public Realm Concept Plan

### 2 Yarra River Frontage

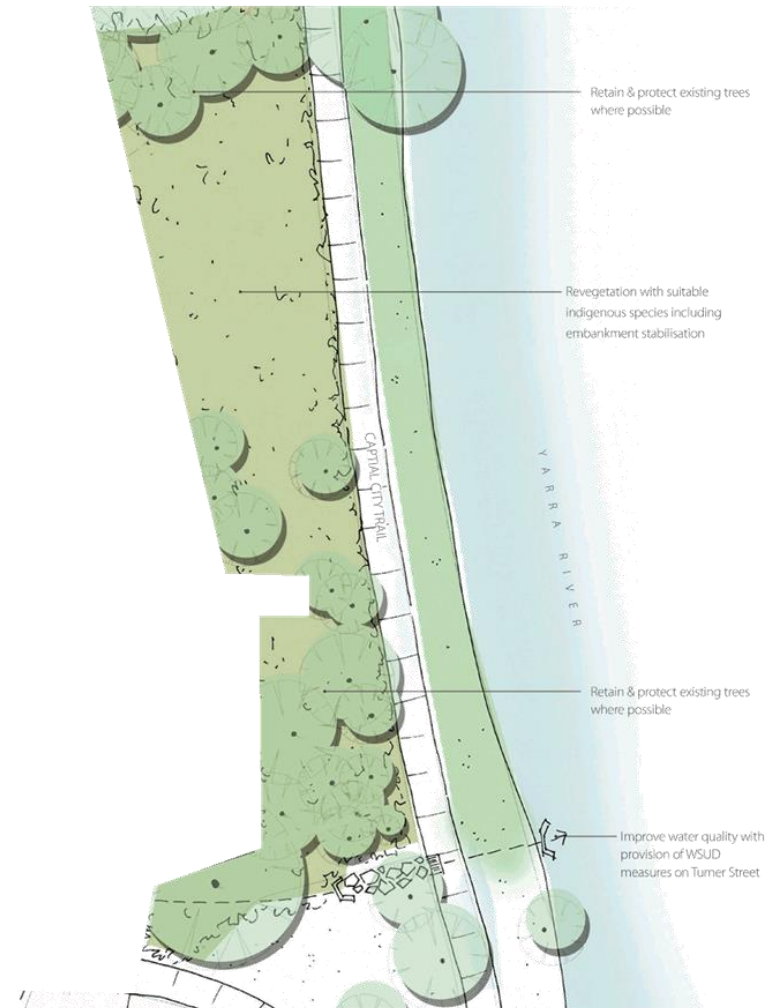
#### EXISTING CONDITIONS

- Exposed retaining walls with graffiti
- Extensive weed infestations



#### PUBLIC REALM OPPORTUNITIES

- Re-vegetate with suitable indigenous and native species
- Embankment stabilisation where required
- Opportunity for habitat creation with bird hides
- Opportunity for public art on exposed retaining walls



CONCEPT PLAN

## Attachment 8 - (C218) Letter with Public Realm Concept Plan

### 3 Turner Street

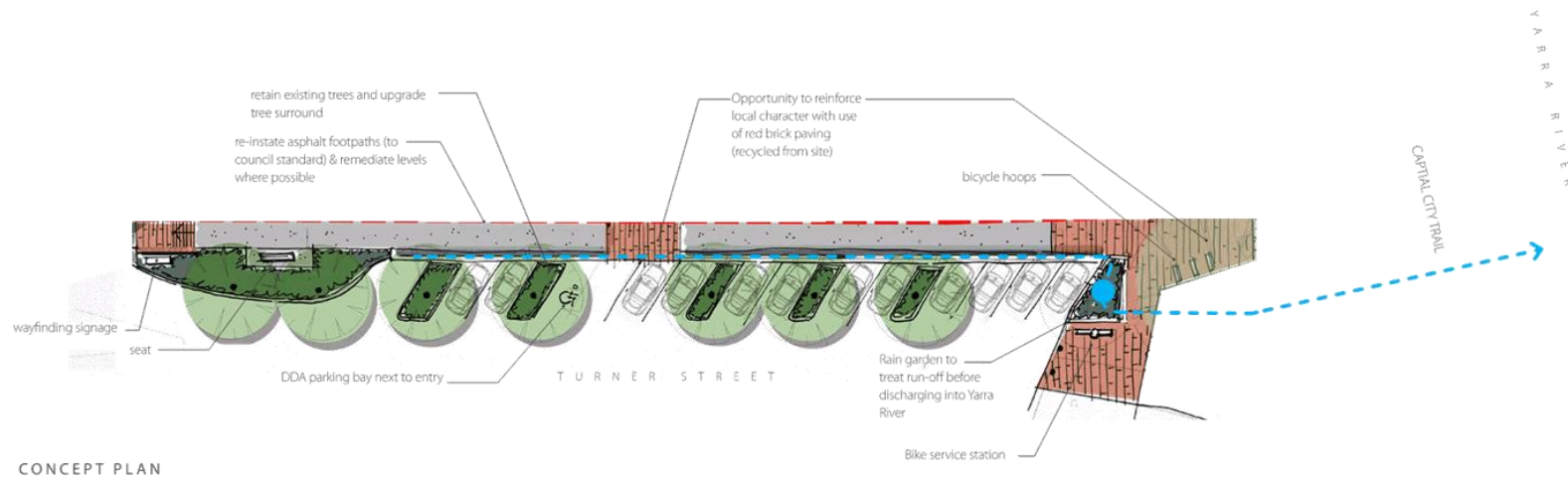
#### EXISTING CONDITIONS

- Poor pedestrian amenity
- poorly signed connection to the Capital City Trail



#### PUBLIC REALM OPPORTUNITIES

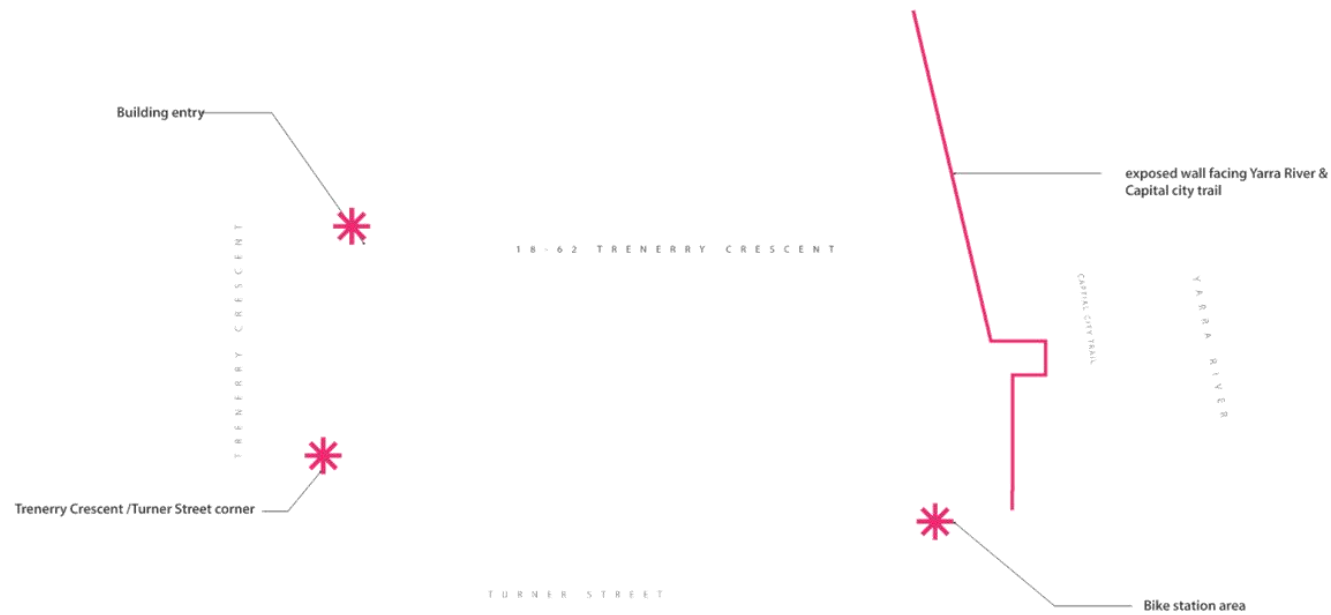
- Streetscape upgrade including materials, wayfinding and signage
- Cyclist facilities
- Run-off filtration into landscape feature



CONCEPT PLAN

## Attachment 8 - (C218) Letter with Public Realm Concept Plan

### Public Art Opportunities



Sculpture



Urban furniture



Wall murals



## 11.2 Amendment C219 (Trenerry Crescent) Consideration of Panel Report

Trim Record Number: D18/20571

Responsible Officer: Senior Coordinator Strategic Planning

### Purpose

1. The purpose of this report is:
  - (a) to provide Councillors with an overview of the key recommendations of the independent Planning Panel that considered Amendments C218 and C219 at a joint Planning Panel hearing that occurred in August 2017; and
  - (b) to recommend an alternate version of Amendment C219 for adoption for the reasons outlined in this report.
2. Council must decide whether to:
  - (a) adopt the amendment as recommended by the Panel Report and submit it to the Minister for Planning for final approval in accordance with the relevant provisions of the Planning and Environment Act 1987; or
  - (b) adopt the Amendment in the form recommended in this report which includes an alternate version of the amendment based for reasons outlined in the report, and submit it to the Minister; or
  - (c) adopt the Amendment as exhibited and submit it to the Minister; or
  - (d) abandon the Amendment and advise the Minister that Council has abandoned it.
3. In accordance with Section 27 of the *Planning and Environment Act 1987 (the Act)*, a Planning Authority (Council) must consider the Panel's recommendations before adopting an amendment and must justify any variations to the Panel's recommendations.

### Background

4. Amendment C219 proposes to rezone land at 112–124 and 126-142 Trenerry Crescent from Commercial 2 Zone to Mixed Use Zone and apply a Development Plan Overlay and an Environmental Audit Overlay.
5. The Amendment facilitates urban renewal of underutilised commercial land, and supports the achievement of Council's preferred vision for the subject sites, as articulated in the adopted Johnston Street Local Area Plan, 2015.
6. Conditional authorisation was received for the Amendment on 8 November 2016 which stated that:
  - (a) *"The Amendment must be consistent (with) the Yarra River controls currently being prepared by DELWP prior to submission for approval to the Minister for Planning under Section 35 of the P & E Act 1987."*
7. The Amendment was exhibited from 24 November to 24 December 2016 and received 16 submissions, of which 14 were by the same people or organisation. Most of the submissions covered similar issues.
8. On 4 July 2017 Council resolved to seek the appointment of a Planning Panel in accordance with Section 23 of the Act as there were a number of issues raised in submissions that could not be resolved through changes to the Amendment.
9. At that meeting, Council endorsed the Amendment with a number of changes in response to submissions (Attachment 1). Particular issues relating to traffic, heritage and building heights were addressed in the revised amendment submitted to the Panel.
10. A joint Panel hearing was conducted in August 2017, with appearances made by: proponents and their legal representatives; VicRoads; and a representative of the Collingwood Historical Society.

11. A number of issues were common to both amendments and these were outlined in the Panel report.
12. Council had legal representation, which called on expert witnesses for heritage and traffic.

### **Submissions and Issues considered by the Panel**

13. Across the 16 submissions received for the Amendment, the following key issues of concern were expressed at the Panel hearing:
  - (a) traffic impacts;
  - (b) building heights and setbacks (which was sometimes related to consistency with DDO1);
  - (c) protection of heritage buildings;
  - (d) increased population and infrastructure requirements;
  - (e) character and amenity;
  - (f) removal of third party notice and review rights; and
  - (g) visual impact of new development (on the Yarra River corridor).
14. Some of the issues raised in submissions could not be addressed through changes to the Amendment and often had broader implications. These included the following issues:
  - (a) traffic volumes throughout the local area; and
  - (b) a growing population resulting in pressure on existing infrastructure and amenity of the local area.

### **Panel Report and Recommendations**

15. The Panel report was received by Council officers on 25 October 2017 and the Panel's recommended changes (the Panel preferred version of the Amendments) are in the Appendices of the Panel report (Attachment 2).

### **Officer Recommended Changes**

16. The version of the Amendment (Schedule 14 to the DPO) being recommended for adoption is found as Attachment 3 to this report.

### **Issues Common to Both Amendments**

17. In addressing Amendments C218 and C219 (as a combined Panel hearing) the Panel considered the following issues that were common to both Amendments:
  - (a) Duplication of provisions in the Design and Development Overlay Schedule 1(DDO1) Yarra (Birrarung) River Corridor Protection; and
  - (b) Traffic (conditions and impacts from new development).

Duplication of provisions in DDO1 (Amendment C219)
18. The Panel considered whether the Schedule 14 to the DPO should duplicate the provisions of DDO1. DDO1 was revised in February 2017 to introduce mandatory maximum height controls that were previously discretionary. The DDO1 control expires in January 2021 but is expected to become permanent at some stage.
19. Experts for the proponent presented evidence to the Panel that favoured including an additional discretionary building height control - expressed as a 'preferred maximum 25 metres' - on the Indicative Framework Plan within the DPO14 schedule. The Panel considered that it would be consistent with the building height limits envisioned in the JSLAP and the mandatory controls in DDO1, and would only apply if DDO1 is amended or expires in 2021 without being extended.
20. **The Panel made the recommendation to delete any duplication of the DDO1 provisions in the Development Plan Overlay Schedule but include a reference to applicable DDO1 requirements and retain specific provisions that add to DDO1.**

Officer Response

21. Officers agree with the changes recommended by the Panel to refine the content of the Schedule to the DPO. Council officers however, disagree with the Panel's view to include reference to a 'preferred' maximum height as the Minister's authorisation to prepare and exhibit the Amendment required it to be consistent with any future changes to the planning controls for the Yarra River. DDO1 was revised and gazetted on 24 February, 2017 and contained mandatory height and setback provisions.
22. The proponent emphasised that DDO1 is interim (or temporary) and could therefore change in the future. Officers, however, consider that it can be assumed - due to the ongoing work and collaboration with DELWP towards the protection of the state significant Yarra River corridor from inappropriate development - that DDO1 will become permanent in some form. The mandatory heights and setbacks provisions contained in DDO1 reflect the community's (and Council's) strong desire for certainty in planning controls.
23. Council agreed during the Panel that duplication of (the general) provisions of DDO1 in the Schedule to the DPO is not absolutely necessary and some elements of the schedule can be deleted provided that the 25 metre building height control is inserted, as exhibited.

Traffic

24. The issue considered by the Panel was whether the potential development outcomes under Amendment C219 would have a significant impact on traffic in the local area and whether the proponents should be required to conduct traffic impact assessments and make a proportional contribution to traffic mitigation works – in particular, a signalised intersection at Johnston Street.
25. The Panel considered the issue of traffic for Amendments C218 and C219 simultaneously.
26. For Amendments C218 and C219, the evidence provided by Council's expert (GTA Consultants) and the experts engaged by both sets of proponents, concluded that the impact of future development on the overall traffic volumes would be minimal and that it was unreasonable to impose the cost of a signalised intersection on either one or both sets of proponents.
27. Based on their traffic modelling, GTA Consultants estimated that the additional traffic added to the network by assumed development outcomes for Amendments C218 and C219 is approximately 3% for the two combined amendments.
28. The VicRoads representative acknowledged that in light of the traffic evidence it would not be equitable to require the proponents to fund installation of new traffic signals. VicRoads relinquished the requirement that the proponents pay for works to be carried out for a signalised intersection.
29. **The Panel made the following recommendation:**
  - (a) ***Retain the provision in Amendments C218 and C219 requiring the proponent to provide a traffic and car parking impact assessment but delete reference to it being to the satisfaction of VicRoads and the requirement for proponents to contribute to mitigation works.***

Officer Response

30. Council officers acknowledge the Panel's advice and commentary in response to the evidence presented on traffic. It is clear that there is an existing traffic issue which occurs mainly during peak periods and that a signalised intersection is, in the view of Council's expert, needed now. However, it was concluded that it is not the direct responsibility of either proponent.
31. The amendments may have some impact on the local road network and as such a future permit application should consider those impacts and whether any mitigation measures should be introduced as a result.



32. The changes to the Schedule to the DPO in Attachment 3, which are recommended for adoption by Council, include the following changes in response to the Panel recommendation:

| Panel Recommendation   | Officer Recommended Change for Adoption   |
|--|---|
| Retain the provision requiring the proponent to provide a traffic and car parking impact assessment but delete reference to it being to the satisfaction of VicRoads and the requirement for proponents to contribute to mitigation works. | <p>The following wording has been inserted into the schedule (DPO14) which officers believe is acceptable in relation to varying the Panel's recommendation:</p> <ul style="list-style-type: none"> <li><i>the impact of any additional traffic on the surrounding road network, and how any necessary mitigation measures should be addressed. (<b>Change 1</b> – found in the schedule to the DPO)</i></li> </ul> <p>The following additional dot point has also been inserted in the Schedule to the DPO:<br/>(A Traffic Management Report identifying)</p> <ul style="list-style-type: none"> <li><i>other mitigation measures identified through a traffic and car parking report. (<b>Change 1a</b>)</i></li> </ul> |

#### Traffic Further Actions/Council Projects

33. On January 17, 2018, VicRoads announced via their web site, funding for traffic lights at the Abbotsford Convent. This follows several years of advocacy to the State Government by Council.
34. These lights are in addition to lights already in operation at Paterson Street in Abbotsford, (85m to the east of Trenerry Crescent) and Nicholson Street (325m to the west). This means there will be 3 signalised intersections along Johnston Street within a length of around 400m.
35. The combination of lights would have the cumulative effect of calming traffic along Johnston Street, but not necessarily ease traffic conditions for Trenerry Crescent, where the key concern is pedestrian and cyclist safety.
36. A further traffic study to determine the broad network conditions relating to traffic originating from (or travelling through) Clifton Hill towards (and from) Johnston Street is recommended and this would take the form of a future or updated Local Area Place Management Plan (LAPM).

#### **Issues Specific to Amendment C219**

37. Issues specified to Amendment C219 are:
- Heritage;
  - Height;
  - Form and content of Amendment C219 and DPO; and
  - Requirement for public shared pathway.
38. The officer recommended changes that are discussed in this report are numbered (as changes) within the Schedule to the DPO and on the Panel recommended version of the Indicative Framework Plan (Attachment 3 and 6 respectively).

#### Heritage

39. The Panel has recommended that Council adopt the citation (Statement of Significance) for 112-124 Trenerry Crescent, as provided by GJM Heritage and submitted to the Panel by Council officers. In order to give the Statement of Significance effect, it needs to be referenced in in clauses 21.11 and 22.02 in the Planning Scheme, as set out in attachments 7 and 8.

40. The former Austral Silk and Cotton Mills (Austral) building at 112-124 Trenerry Crescent is graded as *Individually Significant* and is part of HO337.
41. The Panel, having regard to the expert evidence report submitted by the proponent, recommended the following change to the Indicative Framework Plan that affects the heritage elements of the site at 112-124 Trenerry Crescent:
  - (a) the addition (or wrap-around) of a building envelope along the northern façade of the heritage building based on the proponent's heritage expert report; and
  - (b) removal of reference to an 8m height limit for any building envelopes surrounding the heritage building.
42. The Panel also recommended removing from the Schedule, the need for a Conservation Management Plan, as a Heritage Impact Statement is the standard report to produce for a permit application involving a heritage building.
43. It should be noted that an expert report was submitted to the Panel but the proponent's expert was not called to give evidence or allowed to be cross examined by Council's legal representative. Therefore the views contained within the report were not open to questioning during the planning Panel process, which was a point made to the Panel by Council.
44. The expert's view relates to the wrap-around building envelope. The expert report justified the additional building envelope by noting that there were (at some previous time) industrial/warehouse buildings to the north of the current heritage building and in fact, the two sites were almost completely occupied with warehouse buildings from varying periods.

Officer Response

45. Officers agree that a requirement for a Conservation Management Plan is unnecessary as a Heritage Impact Statement is more appropriate and agree to the changes to the Schedule to the DPO as proposed by the Panel.
46. Officers however, disagree with a number of graphic changes to the Indicative Framework Plan that relate to the heritage building. Further independent heritage advice was sought in relation to the recommendations. The independent advice supports Council officers proposed variations to the Panel's recommendations (found as Attachment 6).
47. The post-Panel advice received from GJM Heritage comments on the negative impacts of both the potential for built form at the northern side of the heritage building and the removal of the 8m height limit at the eastern interface:
  - (a) *It is our view that a development constructed to the north of the heritage building in accordance with the recommended Indicative Framework Plan is unacceptable in heritage terms; and*
  - (b) *a discretionary height control of 8m is necessary to ensure that the height of any new development east of the former Austral Silk and Cotton Mills Factory/Warehouse does not reduce its landmark qualities and visual prominence when viewed from key public vantage points along the Yarra River.*
48. The DPO Schedule recommended by officers for adoption by Council includes the following changes:

| Panel Recommendation  | Officer Recommended Change for Adoption  |
|---|--|
| <p>Insert an additional key view-point on the Indicative Framework Plan at Freeway edge</p> <p>Identify a future building envelope (in addition to the one already at the rear) at the northern edge of the heritage building</p> <p>Remove reference to an 8m height limit on the pink building envelope in the legend</p> | <p>Delete added view point as it cannot be achieved if the site at 126-142 Trenerry is developed (of minor consequence to the plan) <b>(Change 2)</b></p> <p>Remove added/extended building envelope as conflicts with the objective to retain a view corridor through the site as well as the heritage advice from GJM heritage. <b>(Change 3)</b></p> <p>Expert evidence by the proponent noted that the southernmost part of the heritage building has a façade facing Trenerry Crescent. Views of this facade should be protected. Council's expert agreed with this and as such the Schedule DPO has been amended to protect views to southernmost part of the heritage building <b>(Change 4)</b>.</p> <p>Reinstate 8m height limit in legend <b>(Change 5)</b> in accordance with the advice received from GJM Heritage in relation to a suitable built form response at the eastern side of the heritage building.</p> |

#### Maximum Heights

49. The Panel accepted a revised version of the Schedule to the DPO, submitted by the proponent that has a significantly modified the Indicative Framework Plan, including a preferred 25m maximum height (not including the street wall height).

#### Officer Response

50. The Panel's version of the plan allows for 25m across the entire site, because it removes the setback lines that were previously on the Plan to illustrate the transition in maximum heights across the site. This is inconsistent with DDO1 which includes setbacks and transitional heights towards the river. The Panel's version does not comply with the conditional authorisation as it is inconsistent with DDO1. Indeed the transition in building heights towards the Yarra River were part of the previous DDO 1.
51. The post-exhibition version of Amendment C219 expresses a maximum height of 25m for the two affected sites, which was drafted and amended in accordance with DDO1, as specified in the conditional authorisation letter to Council.
52. The change to the hatching across the site now confuses where it should apply and what it means for built form on the site. It is simpler to remove the hatching, reinstate the setback lines, and combine wording in the legend relating to the provisions of DDO1 and SLO1 with the general built form aspirations for the site (Change 8 – Attachment 6).
53. The heights, setbacks and other elements on the Indicative Framework Plan do not need to be expressed as either preferred or mandatory because of how the Development Plan Overlay operates.
54. The Schedule to the Development Plan Overlay states the following requirement:
- (a) *The development plan must be generally in accordance with the Indicative Framework Plan as shown in Figure 1 to the satisfaction of the responsible authority.*
55. In addition the parent clause (43.04) to the DPO states:
- (a) *A permit granted must:*
- (i) *be generally in accordance with the development plan; and*
- (ii) *include any conditions or requirements specified in a schedule to this overlay.*

56. Simply labelling the maximum heights on the plan is sufficient, and as stated previously, DDO1 applies already.
57. The Panel also included wording in the schedule that refers to the need to consider DDO1 – again, this removes the need to identify a preferred maximum height on the Indicative Framework Plan.
58. The DPO Schedule recommended by officers for adoption by Council includes the following changes:

| Panel Recommendation   | Officer Recommended Change for Adoption   |
|--|---|
| Label maximum height as preferred 25m                                  | Remove reference to “preferred” 25m height limit as it is inconsistent with DDO1 and non-compliant with conditional authorisation – label as 25m maximum. <b>(Change 6)</b> |
| Label street wall height as preferred (northern site)                  | Remove word “preferred” <b>(Change 7)</b>   |
| Extend hatching south of property boundary (126-142 Trenerry Crescent) | Remove hatching which has been extended by panel and combine wording in legend with first entry in legend relating to site are (Site Area – DDO1 applies) <b>(Change 8)</b> |

Requirement for Public Shared Pathway

59. The Panel concluded that there was not a strong justification for a public pathway:
- (a) *The Panel accepts that the gap between the buildings at 112-124 and 126-142 Trenerry Crescent provides the best of few opportunities to view the river corridor from the street. However, the Panel does not accept the gap should be preserved forever as it is today.*
60. The Panel report also provided commentary that supports a view corridor to be retained:
- (a) *The Panel accepts the merit of utilising the gap between buildings on the site(s) to allow view lines to the river corridor but does not support the pedestrian and cycling link on the property at 112-124 Trenerry Crescent as an essential element in achieving a better experience in accessing the river corridor; and*
- (b) *The Panel has amended the Indicative Framework Plan to identify a view corridor but has deleted the requirement for the link.*

**Panel Recommendation:**

- (c) **Delete the requirement for the publicly accessible shared path shown on the Indicative Framework Plan and adopt the wording of the Panel preferred form of the Indicative Plan at Appendix E.**

Officer Response

61. Identifying opportunities to improve linkages to the Yarra River corridor is identified in State Planning Policy (Clause 12.05-2 Yarra River Protection):
- (a) *Retain and enhance people's enjoyment of the river and its environment by:*
- (i) *ensuring linkages and public access to the river and its parklands are maintained, enhanced and new links created where appropriate.*
62. The opportunity for a shared public link is also identified in the *Johnston Street Local Area Plan* as an opportunity to strengthen the network of pedestrian and cycling links in close proximity to the Capital City Trail and to utilise existing opportunities to provide pedestrian/cycling links through larger sites, which is suitable in this location.
63. The current pedestrian path along Trenerry Crescent becomes difficult to navigate at the north-west corner of the site which is a sharp right turn along a narrow footpath at this location. If the shared public link is not achieved in the future, the improvement to the north-west corner of the site should be undertaken at a minimum.

64. The Panel's recommended changes in relation to 'form and content' to the DPO Schedule are generally accepted with the exception, that the Vision section of the DPO, should include a reference to the publicly accessible link opportunity. This provides a consistency between the DPO and the Indicative Framework Plan.
65. The Panel's recommended changes to the Indicative Framework Plan, in relation to the public link opportunity, are not supported by officers for the following reasons:
- the link is not legible, it should be more clearly illustrated; and
  - the wording relating to the public link being "negotiated with the land owner" should be revised to achieve an improved planning control. When a Development Plan is submitted this matter would be "negotiated with the land owner", prior to approval.
66. The DPO Schedule recommended by officers for adoption by Council includes the following changes:

| Panel Recommendation   | Officer Recommended Change for Adoption   |
|--|---|
| Remove all references to the requirement to provide a shared link from the Schedule to the DPO | Officers agree with some of the changes but have re-inserted the following wording into the schedule under the Vision section to establish a relationship to the <i>potential</i> for a shared link within the Schedule:  |
| Modify references to the shared link on the Indicative Framework Plan                          | <ul style="list-style-type: none"> <li><i>Explore the potential for a publicly accessible shared link as identified on the Indicative Framework Plan. (Change 9 – Vision section of Schedule to DPO)</i></li> </ul> <p>The symbol representing the shared link opportunity has been modified <b>(Change 10)</b> and the reference in the legend also modified <b>(Change 11)</b> as follows:</p> <ul style="list-style-type: none"> <li><i>"Public link opportunity"</i></li> </ul> |

## Form and Content

### Changes to the Indicative Framework Plan (IFP)

67. The Panel considered evidence from the proponent that reduced the amount of graphic details on the Indicative Framework Plan and some of the changes are supported by Council officers as the plan has gone through several iterations before the endorsed post-exhibition version submitted to the Panel.
68. Changes (suggested by the proponent) to the wording of various components within the legend were accepted by the Panel without any explanation in the Panel report or during the Panel hearing.
69. The Panel recommended the following change in order to remove repetition with DDO1:
- The removal of the setback lines along with the 18m and 11m maximum heights.
70. This suggests that in the absence of DDO1, the maximum (preferred) height across the entire site is 25m without any transition in height towards to river corridor. The Panel's recommended change appears to have overlooked this possibility, keeping in mind that both sets of proponents repeatedly emphasised the interim nature of DDO1 during the Panel process. Again, there is a need to comply with the conditional authorisation for the amendments.
71. The Panel recommended version of the IFP also modifies the graphic relating to the view corridor through the site. However, the poorly modified graphic creates a conflict with another graphic element which was discussed previously (the heritage envelope identified in pink).
72. The view corridor was discussed previously in relation to the *Public Shared Pathway (or Shared Link Opportunity)* and the Panel provided support for the provision of spacing between buildings to enable the view corridor to be achieved.

### Changes to the Schedule to the DPO

73. Within Section 2.0 – Conditions and Requirements for Permits – there is a requirement for a Landscape Plan but the Panel's recommended version deletes all of the detail that the landscape plan would include. Officers consider that this change is unnecessary and unjustified as it is a reasonable requirement at the permit stage.
74. The DPO Schedule recommended by officers for adoption by Council includes the following changes:

| Panel Recommendation   | Officer Recommended Change for Adoption   |
|--|---|
| Delete the setback reference lines that relate to DDO1 and identify the transition of height across the site | Retain the setback lines as they identify the desired transition of building height across the site. <b>(Change 12)</b>   |
| Change graphic that relates to the retention of a view corridor through the site                             | Delete faint arrow and apply hatching across an area that indicates where view corridor is to be retained <b>(Change 13)</b>  |
| Remove detail in schedule to DPO relating to the requirement for a landscape plan at the permit stage        | Reinstate detail (at Clause 2.0) as is considered reasonable and a good outcome considering the context of the site which abuts the Yarra River corridor <b>(Change 14)</b>   |
| Change wording that relates to improving the north-west corner for pedestrians and cyclists                  | Modify wording to make more certain and clarify that this is in negotiation with <u>Council</u> : <ul style="list-style-type: none"> <li>• <i>Improve corner for pedestrians and cyclists through discussions with Council – (Change 15)</i></li> </ul> |

### **External Consultation**

75. The Amendment has been consulted upon in accordance with the relevant provisions of the Planning and Environment Act and submitters have been notified as the Amendment has progressed through to the Planning Panel stage.

### **Internal Consultation (One Yarra)**

76. The Amendment has had input from statutory planning and the traffic (engineering and sustainable transport) department at Council.

### **Financial Implications**

77. The Amendment costs are being covered by the proponent.

### **Economic Implications**

78. The Amendment would have positive economic effects on the local area through employment opportunities created on the site.

### **Sustainability Implications**

79. The Amendment encourages the use of sustainable transport initiatives to reduce the impacts of traffic on the local area.

### **Social Implications**

80. There are no direct social implications.

### **Human Rights Implications**

81. There are no known human rights implications.



### **Communications with CALD Communities Implications**

82. The Amendment has been consulted upon through a variety of media options that Council offers including accessible web pages and translation services outlined on fact sheets and letters distributed as part of the amendment process.

### **Council Plan, Strategy and Policy Implications**

83. The Amendment implements the following Council Plan objective:
- (a) *Manage change in Yarra's built form and activity centres through community engagement, land use planning and appropriate structure planning processes.*

### **Legal Implications**

84. The Amendment has been undertaken in accordance with the relevant provisions of the Planning and Environment Act 1987.

### **Options**

85. There are four main options for Councillors to consider in relation to adopting the Amendment:
- (a) adopt the Amendment with the changes recommended by the Planning Panel; or
  - (b) adopt the Amendment with the officer recommended changes which take into account the Panel's recommendations with some variations; or
  - (c) adopt the Amendment as exhibited; or
  - (d) abandon the amendment.

### **Conclusion**

86. The Panel has considered the Amendment (C219) at a Planning Panel that occurred in August 2017 and has made a number of recommendations for changes as outlined in this report.
87. In accordance with Section 27 of the Planning and Environment Act, Council must have regard to and consider the recommendations of the Planning Panel report before deciding to adopt an amendment with or without changes.
88. Council officers have reviewed the recommendations, sought further advice heritage and legal advice, and made subsequent changes to the Amendment in order to:
- (a) maintain the integrity of the Amendment and the purpose for introducing the Development Plan Overlay to the site (Schedule 14);
  - (b) comply with the conditional authorisation which was specifically aimed at ensuring that heights and setbacks were consistent with DDO1, which is mandatory in nature;
  - (c) comply with the Minister's Direction on the Form and Content of Planning Schemes – some of the Panel's recommended changes were put forward on this basis and are generally accepted by Council officers;
  - (d) improve the graphic content of the Indicative Framework Plan; and
  - (e) respond to expert advice that Council had received in relation to heritage matters for the two sites, and to submissions from community members expressing concerns about the heritage building on the site and how it is responded to through the creation of a Development Plan for the site.
89. Officers have concluded that many of the recommended changes by the Panel result in a poor planning control which does not comply with the conditional authorisation for the Amendment.
90. The use of the DPO as a planning tool was agreed to through discussion between Council officers and the proponent to provide a level of certainty in terms of the potential outcomes on the site(s), particularly as the DPO removes third party notification and review rights during the planning permit stage.

## **RECOMMENDATION**

1. That Council notes the report of officers in relation to the Panel's findings in relation to Amendment C219; and the findings and recommendations of the Panel regarding Amendment C219.
2. That Council:
  - (a) having considered the report of the Planning Panel, adopts Amendment C219 in accordance with the officer recommended changes to the Amendment (found as Attachment 3);
  - (b) adopts the Statement of Significance (citation) for 112-124 Trenerry Crescent and the changes to Clause 21.11 and Clause 22.02 (Attachments 7 and 8 respectively) of the Yarra Planning Scheme to include the citation as a reference document; and
  - (c) submits the adopted amendment to the Minister for Planning for approval, in accordance with Section 31 of the Act.
3. That Council note the reasons for varying from the Panel report as outlined in the report.
4. That officers notify submitters to Amendment C219 of Council's decision.

**CONTACT OFFICER:** Evan Burman  
**TITLE:** Strategic Planner  
**TEL:** 9205 5075

## **Attachments**

- 1 Revised DPO Schedule C219 Endorsed Post-Exhibition
- 2 Yarra C218 and C219 Panel Report
- 3 Amendment C219 Final Version for Adoption
- 4 GJM C218 C219 Post Panel Advice 25 Jan 2018
- 5 GJM Heritage citation - 112-124 Trenerry Crescent C219
- 6 Yarra C219 Panel Recommended Plan (Officer Changes)
- 7 Municipal Strategic Statement Clause 21.11 - Amendment C219
- 8 Development Guidelines for sites subject to the Heritage Overlay

## Attachment 1 - Revised DPO Schedule C219 Endorsed Post-Exhibition

--/20--  
C219

### SCHEDULE 14 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO14**.

#### 112-124 & 126-142 Trenerry Crescent, Abbotsford

##### Site Description

This schedule applies to land generally known as:

- 112-124 Trenerry Crescent, Abbotsford
- 126-142 Trenerry Crescent, Abbotsford

#### 1.0

##### Requirement before a permit is granted

--/20--  
C219

A permit may be granted before a development plan has been approved for the following:

- To use an existing building where the use does not prejudice the future development of the land.
- Minor buildings and works to existing buildings provided these do not prejudice the preparation and approval of the Development Plan and the long term vision for the overlay area.
- Subdivision of land, provided that the subdivision is the result of a consolidation of all or parts of the site or the re-subdivision of the land and the number of lots is not increased.
- Removal or creation of easements or restrictions.
- Buildings or works associated with the remediation of the land in accordance with or for the purpose of obtaining a Certificate or Statement of Environmental Audit under the Environment Protection Act 1970.

Before any planning permit is granted the responsible authority must be satisfied that the permit will not prejudice the future use and development of the land in an integrated manner and will contribute to the vision of the site.

#### 2.0

##### Conditions and Requirements for Permits

--/20--  
C219

Except for a permit issued as provided for under Clause 1.0, a permit must contain conditions or requirements which give effect to the provisions and requirements of the approved Development Plan.

#### 3.0

##### Application Requirements

--/20--  
C219

An application must be accompanied by the following information:

- The proposed uses of each building and estimated floor area for each use.
- The number of proposed dwellings, where relevant, including the mix of residential development densities and dwelling types.
- A design response that describes how the development responds to the Vision for the site and the design guidelines in the approved development plan.
- A visual impact assessment that provides the following:
  - A 3D model of the development and its surrounds in conformity with the Department of Environment, Land, Water and Planning Technical Advisory Note – 3D Digital Modelling. Where substantial modifications are made to the proposed building envelope, a revised 3D digital model must be submitted to the Responsible Authority;
  - Site line analysis and 3D modelling of the proposed development from key view points (such as the river corridor and Dights Falls) in the public realm to enable an

## Attachment 1 - Revised DPO Schedule C219 Endorsed Post-Exhibition

assessment of the visual impact of the development on the heritage values of the former Austral Silk and Cotton Mills building and substation at 112-124 Trenerry Crescent; and

- Perspectives showing the visual prominence of the development from public vantage points along the Yarra River corridor (including Yarra Bend Park, Capital City Trail and Dights Falls) to the specifications of the responsible authority.
- A Heritage Impact Statement prepared by a suitably qualified heritage consultant, which outlines how the proposed development has regard to heritage values of the former Austral Silk and Cotton Mills building and substation at 112-124 Trenerry Crescent, as identified in a conservation management plan or similar comprehensive heritage analysis prepared for the place, along with relevant citations and studies.
- A plan showing provision for a publicly accessible shared pedestrian and cycle link, connecting from Trenerry Crescent to the Capital City Trail through the site in the general location shown on the *Indicative Framework Plan*.
- A car parking and traffic impact assessment that considers the provision of car parking, circulation and layout of car parking and the impact of any additional traffic on the surrounding road network, including the intersection of Trenerry Crescent and Johnston Street, and how any necessary mitigation measures and/or financial contributions to works to mitigate the impact of development are to be addressed, to the satisfaction of the responsible authority and VicRoads.
- A Green Travel Plan that promotes sustainable transport options including the provision of on-site bicycle storage and end-of-trip facilities.
- A Landscape Master Plan.
- An acoustic report (with a particular focus on the interface with the freeway) prepared by a suitably qualified acoustic engineer assessing, as appropriate, how the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, sleep disturbance criteria and relevant Australian Standards will be met and must prescribe the form of acoustic treatment taking into consideration the agent of change principle.

### 4.0 Requirements for development plan

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C219

The development plan must be generally in accordance with the *Indicative Framework Plan* as shown in Figure 1 to the satisfaction of the responsible authority.

The development plan may be prepared in stages if the responsible authority is satisfied this will not prejudice the preparation of the development plan.

The development plan must be consistent with the following vision for the site:

#### Vision

The Development will:

- support employment generating land uses whilst permitting residential uses and encouraging mixed use activities reflective of the character of the area
- provide a high quality architectural design, built form and landscaping response which acknowledges the sites prominent location adjoining the Yarra River and the Eastern Freeway, and minimise the visual impact of new buildings when viewed from the Yarra River and adjacent public open space, bicycle and shared paths and bridge crossings
- ensure building elevations are presented at a variety of heights, avoid visual bulk and are stepped back from the frontage of the Yarra River and adjacent public open space
- locate taller built form towards the north-western corner of the site
- include separation between buildings at the ground and/or upper levels to avoid continuous facades and break up the building mass, maintain the built form rhythm of

## Attachment 1 - Revised DPO Schedule C219 Endorsed Post-Exhibition

the Trenerry Crescent streetscape, and provide suitable amenity within the development, both internally and externally

- utilise materials that are respectful of the natural characteristics of the river corridor and respond to the former industrial character of Trenerry Crescent
- sensitively adapt and reuse the former Austral Silk and Cotton Mills warehouse and factory complex and substation at 114-124 Trenerry Crescent to maintain its heritage value, robust industrial character and relationship to the Yarra River
- not dominate views to the heritage building from the Yarra River corridor
- maintain key views to Yarra River corridor and to the façades of the heritage building when viewed from Trenerry Crescent
- facilitate a safe and attractive publicly accessible pedestrian and cycling link connecting Trenerry Crescent to the existing Capital City Trail at the eastern edge of the site, whilst also improving the safety of pedestrian and cyclist movement at the north western corner of the site, through improvements to the public realm and corner treatment.

**Figure 1 - Indicative Framework Plan**



## Attachment 1 - Revised DPO Schedule C219 Endorsed Post-Exhibition

### Components

The development plan must include the following to the satisfaction of the responsible authority:

#### Existing Conditions Analysis

- A site context analysis that identifies the key attributes of the land, including:
  - topography
  - existing vegetation
  - location of existing buildings and significant trees and vegetation
  - existing or proposed uses and buildings on adjoining land.
  - the contextual relationship of the site and proposed built form to the Yarra River Corridor, the Eastern Freeway and surrounding road network walking and cycling connections, and public transport.
  - key view-lines to the site from the Yarra River corridor (including Capital City Trail, Dights Falls and Yarra Bend Park) and the Eastern Freeway;
  - views through the site from Trenerry Crescent to the Yarra River Corridor; and
  - key views to the former Austral Silk and Cotton Mills warehouse and factory complex and substation at 114-124 Trenerry Crescent from Trenerry Crescent
- Details of any known contamination (a certificate or statement of environmental audit for the land covered by the Environmental Audit Overlay will be required to be prepared by a suitably qualified environmental auditor before any construction associated with a sensitive use can commence).
- An arboricultural assessment of any significant vegetation on the land, including advice on the long term health and retention value of such vegetation.

#### Plans

- A site plan(s) which shows:
  - the existing heritage building with any extensions and alterations;
  - the indicative siting and orientation of other proposed building(s) on the site and the relationship to buildings on adjoining land;
  - the separation between buildings;
  - the location and alignment of a publically accessible pedestrian/cyclist link that connects Trenerry Crescent with the existing Capital City Trail through the site in the general location shown in the *Indicative Framework Plan*;
  - the indicative location of car and bicycle parking areas;
  - the vehicle and pedestrian access locations;
  - the location of any areas of public open space and indicative location of communal open space; and
  - the anticipated uses of each building.
- Plans showing:
  - Indicative building envelopes and massing diagrams for new buildings including street wall heights, maximum building heights, the separation distances between buildings, the setback from the street frontage, and how the development addresses the street;
  - The principles for the proposed built form interface to – the Yarra River Corridor (eastern interface), Trenerry Crescent (western interface), the Eastern Freeway (northern interface) and the interface with a pedestrian/cycle link.
  - Shadow diagrams of the proposed building envelopes shown in the proposed Development Plan between 11:00am and 2:00pm on 22 June.
- A Landscape Master Plan that includes:



## Attachment 1 - Revised DPO Schedule C219 Endorsed Post-Exhibition

- the location of landscape areas on all interfaces as appropriate, including the Yarra River Corridor;
- guidelines for landscape and fencing treatments with the Yarra River Corridor and how this enhances the bushland character of the river corridor and protects and integrates with existing vegetation and planting;
- details on the management of landscaped areas, including sustainable irrigation treatments such as water sensitive urban design opportunities;
- Proposed staging plan (if relevant).
- A concept plan and cross section(s) for building separation and the publicly accessible shared pedestrian/cycle link, which illustrate:
  - the indicative alignment of the shared pedestrian/cycle link and how this encourages pedestrian and cycle movement;
  - the indicative ground floor interfaces and how they are integrated with publicly accessible areas;
  - the dimensions of the link, building separation and the resultant view corridor to the Yarra River Corridor from Trenerry Crescent;
  - the relationship to other vehicles and how conflicts are to be minimised.
- A conservation management plan or similar comprehensive heritage analysis prepared for the former Austral Silk and Cotton Mills building and substation at 112-124 Trenerry Crescent by a suitably qualified heritage consultant, that:
  - articulates the significance of the heritage place, its component parts, and its setting (including in relation to the Yarra River Corridor);
  - describes the relationship between the heritage place and any neighbouring or adjacent heritage place/s; and
  - establishes principles for managing the significance of the heritage place and its relationship with its surroundings.
- A Traffic Management Plan identifying:
  - the likely traffic generation and its impact on the road network, including the intersection of Trenerry Crescent and Johnston Street and how any necessary mitigation measures and/or financial contributions to works to mitigate the impact of development are to be addressed, to the satisfaction of the responsible authority and VicRoads;
  - the safe entry and exit of vehicles and how these minimise conflicts with the pedestrian and cycle link;
  - the means proposed to promote reduced car use and promote sustainable travel including opportunities for the provision of a car share system and Green Travel Plan initiatives;
  - the recommended car parking and bicycle parking rates.

### Design Guidelines

- Design guidelines for the entire site, including but not limited to:
  - The treatments of key interface areas that reflect the principles for each interface and respond to key views;
  - Building materials, treatments, including reflectivity details and architectural styles through the site. The design and use of materials must be respectful of the natural characteristics of the Yarra River Corridor, avoiding reflective and/or contrasting materials along interfaces with the Yarra River Corridor and its environs;
  - The location and scale of communal open space;
  - The location of waste storage and collection points;

## Attachment 1 - Revised DPO Schedule C219 Endorsed Post-Exhibition

- The response of the development to the heritage former Austral Silk and Cotton Mills building and substation at 112-124 Trenerry Crescent as identified in a conservation management plan or similar comprehensive heritage analysis prepared for the place.

The guidelines should reflect the following requirements:

- The development of the site, including the adaptation, alteration and extension to the heritage building and adjoining new development should not adversely affect the heritage values of the former Austral Silk and Cotton Mills building and substation at 112-124 Trenerry Crescent and its relationship to the Yarra River Corridor;
- The buildings should distribute access to outlook and sunlight between built forms, provide sunlight to communal open space areas, and manage overlooking between habitable room windows where relevant;
- The building services, including roof top services/elements, should be screened from the public realm;
- Car parking should be located within buildings or to the rear of buildings with the majority of car parking obscured from the public realm.

The Development Plan for any part of the development area or for any stage of development may be amended from time to time to the satisfaction of the responsible authority.

### 5.0

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C219

#### Decision Guidelines

Before deciding whether a development plan, or amendment to a development plan, is satisfactory, the responsible authority must consider as appropriate:

- The Vision outlined at Clause 4.0.
- The Yarra River Corridor Strategy, 2015 and Johnston Street Local Area Plan, 2015.
- The retention of view lines to the Yarra River Corridor environs from Trenerry Crescent (as provided for by the requirement for a 20m spacing between built form illustrated on the Indicative Framework Plan).
- The suitability of the provision for a publicly accessible pedestrian cycle link through the site and the measures to improve the movement of pedestrians and cyclists around the north-west corner of the site.
- The protection of the heritage values of the former Austral Silk and Cotton Mills building and substation at 112-124 Trenerry Crescent identified in the conservation management plan or similar comprehensive heritage analysis prepared for the place, including the protection of key view lines from Trenerry Crescent and from the Yarra River corridor.
- The orderly development of land including management of traffic and car parking.
- The impact of additional traffic from development on the surrounding road network, including the intersection of Trenerry Crescent and Johnston Street, the suitability of any proposed mitigation measures and/or financial contributions to works to mitigate the impact of development whether the views of VicRoads have been considered and addressed.
- The functionality and useability of any publicly accessible areas on the site.
- Whether the proposed scale, form, siting and guidance for new development, including the guidelines for materials, colours and finishes, suitably respond to the landscape setting of the Yarra River Corridor and respond to the built form character of Trenerry Crescent.
- The visual impact of any proposed buildings and works from publicly accessible vantage points such as major roads, paths, bridge crossings and public open space, including Yarra Bend Park, Dight Falls, the Capital City Trail and the Yarra River itself.

**Attachment 1 - Revised DPO Schedule C219 Endorsed Post-Exhibition**

**6.0 Reference Documents (Policy Reference)**

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C219

*Johnston Street Local Area Plan – December, 2015*

*City of Yarra, Yarra River Corridor Strategy, Planisphere, 2015*

DRAFT

**Attachment 2 - Yarra C218 and C219 Panel Report**

*Planning and Environment Act 1987*

**Panel Report**

**Yarra Planning Scheme Amendments C218 and C219  
Rezoning of sites in Trenerry Crescent, Abbotsford**

**25 October 2017**



## Attachment 2 - Yarra C218 and C219 Panel Report

*Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the Act

Rezoning of sites in Trenerry Crescent, Abbotsford

Rezoning of sites in Trenerry Crescent, Abbotsford

25 October 2017



Geoff Underwood, Chair



Amanda Cornwall, Member

## Attachment 2 - Yarra C218 and C219 Panel Report

Yarra Planning Scheme Amendments C218 and C219 | Panel Report | 25 October 2017

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### List of Abbreviations

|       |  |
|-------|--|
| DDO1  | Design and Development Overlay, Schedule 1 (Yarra (Birrarung) River Corridor Environs) |
| DELWP | Department of Environment, Land, Water and Planning                                    |
| DPO14 | Development Plan Overlay, Schedule 14  |
| DTPLI | Department of Transport, Planning and Local Infrastructure (former)                    |
| EAO   | Environmental Audit Overlay  |
| EPA   | Environment Protection Authority   |
| ESO1  | Environmental Significance Overlay – Schedule 1 (Yarra River Environs)                 |
| HO337 | Heritage Overlay (Schedule 337 – Victoria Park Precinct)                               |
| IPO2  | Incorporated Plan Overlay, Schedule 2  |
| JSLAP | Johnston Street Local Area Plan  |
| LPPF  | Local Planning Policy Framework  |
| MMSL  | Mandatory Minimum Setback Line   |
| MSS   | Municipal Strategic Statement  |
| MUZ   | Mixed Use Zone   |
| NRZ   | Neighbourhood Residential Zone   |
| RGZ   | Residential Growth Zone  |
| SLO1  | Significant Landscape Overlay, Schedule 1 (Yarra (Birrarung) River Corridor Environs)  |
| SPPF  | State Planning Policy Framework  |
| VPP   | Victoria Planning Provisions   |

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## Overview

| Amendment Summary         |   |
|---------------------------|---|
| <b>The Amendments</b>     | Yarra Planning Scheme Amendments C218 and C219  |
| <b>Brief description</b>  | The Amendments rezone land from Commercial 2 Zone to Commercial 1 Zone (C218) and Mixed Use Zone (C219) to facilitate development for residential and commercial uses. Amendment C218 applies an Incorporated Plan Overlay and Amendment C219 applies a Development Plan Overlay to the respective sites to guide future development. The Amendments reflect the requirements of Design and Development Overlay Schedule 1 (Yarra River Corridor Protection) (DDO1) and the heritage values of existing buildings on the subject sites in Heritage Overlay (Schedule 337 – Victoria Park Precinct) (HO337).   |
| <b>Subject sites</b>      | 18-62 Trenerry Crescent, Abbotsford (C218)<br>112-124 and 126-142 Trenerry Crescent, Abbotsford (C219)  |
| <b>The Proponents</b>     | Joval Pty Ltd for C218 and Australian Education Union for C219  |
| <b>Planning Authority</b> | Yarra City Council  |
| <b>Authorisation</b>      | <p>Granted on 8 November 2016 with the following conditions:</p> <ul style="list-style-type: none"> <li>the Amendments must be consistent with the Yarra River Corridor Controls which were at the time being prepared by the Department of Environment, Land, Water and Planning</li> <li>for Amendment C218 the proposed Schedule 2 to the IPO must be drafted in accordance with the Minister's Direction on the <i>Form and Content of Planning Schemes for Schedules to the Incorporated Plan Overlay</i></li> <li>for Amendment C219 the proposed Schedule 14 to the DPO must be drafted strictly in accordance with the Minister's Direction on the <i>Form and Content of Planning Schemes for Schedules to the Development Plan Overlay</i></li> <li>for Amendment C219 any clerical or minor errors in the Building Heights Plan within the proposed Schedule 14 to the DPO be amended to the satisfaction of DELWP officers prior to exhibition.</li> </ul> <p>In its Part A submission Council outlined how the conditions have been complied with. The Victorian Government gazetted the Yarra River Corridor Controls in the form of GC48 on 24 February 2017. Council addressed the new DDO1 in post exhibition changes to the Amendments.</p> |
| <b>Exhibition</b>         | 24 November to 24 December 2016.  |

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|  |   |
|--|---|
| <b>Post exhibition changes to Amendments</b> | <p>On 4 July 2017 Council endorsed post exhibition changes to the Amendments that include:</p> <ul style="list-style-type: none"> <li>• A proposal to require a traffic impact assessment at the planning permit stage and to secure a proportional contribution from the proponents to the cost of traffic signals and works to manage increased traffic resulting from the developments;</li> <li>• Changes necessary to align with revised Design and Development Overlay Schedule 1 (DDO1) for the Yarra River gazetted in February 2017, which include: <ul style="list-style-type: none"> <li>○ mandatory controls for building heights and setbacks, and</li> <li>○ controls to limit overshadowing of the Yarra River.</li> </ul> </li> <li>• Introducing controls that give further recognition of the heritage values of buildings on each site.</li> </ul> |
| <b>Submissions</b>                           | <p>There were 16 submissions for each Amendment. Of those submissions, 14 were by the same people or organisations for both Amendments.</p> <p><u>Objections and concerns</u></p> <p>Most of the submitters either objected to or expressed concerns about the Amendments based on impacts on local traffic and parking, the removal of third party rights under a DPO and IPO, inadequate building height and setback requirements to protect visual impacts on the Yarra River, and inadequate protection of heritage buildings.</p> <p><u>Support</u></p> <p>The proponents for each Amendment supported the Amendments with the exception that the Proponent for C219 did not support the proposed publicly accessible shared pathway through the middle of their site.</p> <p>One other submitter supported Amendment C218.</p>                                  |

| Panel Process             |   |
|---------------------------|---|
| <b>The Panel</b>          | Geoff Underwood (Chair) and Amanda Cornwall. Trevor McCullough was chair of the Panel for the Directions Hearing. |
| <b>Directions Hearing</b> | 25 July 2017 at Planning Panels Victoria, 1 Spring Street, Melbourne  |
| <b>Panel Hearing</b>      | 9, 10, 11 August 2017 at the Collingwood Town Hall and 16, 17 and 18 August 2017 at the Richmond Town Hall        |
| <b>Site Inspection</b>    | Accompanied, 9 August 2017  |

## Attachment 2 - Yarra C218 and C219 Panel Report

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|                            |   |
|----------------------------|---|
| <b>Appearances</b>         | <p>Greg Tobin, Harwood Andrews Legal and Evan Burman for Yarra City Council who called the following expert witnesses:</p> <ul style="list-style-type: none"> <li>- Mr Jason Sellars, GTA Consultants on traffic</li> <li>- Mr Jim Gard'ner, GJM Heritage on heritage (by Skype).</li> </ul> <p>Jeremy Gobbo QC for the C218 Proponent instructed by Romy Davidov, Best Hooper, who called the following expert witnesses:</p> <ul style="list-style-type: none"> <li>- Charmaine Dunstan, Traffix Group on traffic</li> <li>- Brodie Blades, David Lock Associates on urban design</li> <li>- Bryce Raworth, Bryce Raworth and Associates on heritage</li> <li>- Peter Lovell, Lovell Chen on heritage</li> <li>- Stuart McGurn, Urbis on town planning</li> <li>- John Patrick, John Patrick and Associates on landscape (provided expert report but did not appear).</li> </ul> <p>Matthew Townsend, for the C219 Proponent instructed by Nick Sissons, Holding Redlich who called the following expert witnesses:</p> <ul style="list-style-type: none"> <li>- Mr John Glossop, Glossop Town Planning on town planning</li> <li>- Ms Deborah Donald, O'Brien Traffic on traffic</li> <li>- Mr Mark Sheppard, David Lock Associates on urban design</li> <li>- Mr Bruce Trethowan on heritage (provided expert report but did not appear).</li> </ul> <p>Andrew Rasulo for VicRoads.</p> <p>Janet Taylor for Collingwood Historical Society.</p> <p>Clare Scarlett attended for Boroondara City Council on day 1 only.</p> |
| <b>Date of this Report</b> | 25 October 2017   |

**Attachment 2 - Yarra C218 and C219 Panel Report**Yarra Planning Scheme Amendments C218 and C219 | Panel Report | 25 October 2017

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## **Executive Summary**

### **(i) Summary**

Rezoning of sites in Trenerry Crescent, Abbotsford (the Amendments) seek to rezone two sites on Trenerry Crescent Abbotsford from Commercial 2 Zone to allow the development of the sites for mixed use including commercial and residential uses.

Strategic planning for the Trenerry Crescent area and the two sites support the rezoning and redevelopment of the sites consistent with recent development in the area. The sites are two of three sites remaining for redevelopment. The Amendments have strong strategic planning support.

Trenerry Crescent is within a Heritage Overlay for the broader Victoria Park Precinct and the two sites each contain buildings of heritage significance under the Overlay. One of the sites at 112-12 and 126-142 Trenerry Crescent has a significant building that will influence any redevelopment proposal.

Land fronting the east side of Trenerry Crescent also backs onto the Yarra River corridor. Recent amendments to the Yarra River controls have applied a new level of development control not in operation at the time of exhibition of Amendments C218 and C219. The Minister for Planning's authorisation for the preparation of the Amendments included a specific requirement that the form of the amendments had to be in strict compliance with the form of Design and Development Overlay 1 now applying to the sites. The Yarra City Council made variations to the exhibited form of the amendments to reflect the provisions of DDO1 and the development constraints applying to the sites.

Presentations to the hearing by the Council as the planning authority and the proponents for Amendments C218 and C219 sought variations to the exhibited documents according to their interpretation of the new controls.

Submissions to the amendments were made by residents of Trenerry Crescent concerned at the impact of traffic from the redevelopment to follow rezoning, the impact of development on the river corridor and heritage issues.

VicRoads appeared at the hearing to further its submission that redevelopment of the sites would add to traffic problems at the intersection of Trenerry Crescent and Johnston Street and to call for contributions from the landowners toward any works necessary to mitigate traffic impacts. During the hearing, VicRoads changed its submission to relinquish the idea of contributions to works.

The protection of the Yarra River corridor is supported by the C218 and C219 Proponents. Each landowner accepts the responsibility to protect the river corridor from additional overshadowing, to limit the visibility of buildings from the river corridor and the Capital City Trail that runs along the riverbank and the imposition of development constraints in the resulting controls implemented by DDO1 and the respective Incorporated Plan Overlay and the Development Plan Overlay.

The key issues at the hearing focussed on the form of the heritage and planning controls for each site. After exhibition of the Amendments, council sought and obtained heritage advice

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that proposed additional layers of control through the IPO and the DPO as well as citations specially prepared for each site. The council relied upon the advice of its heritage adviser to propose increased protection of existing buildings and to enhance the heritage values of each site. On the other hand, each of the proponents submitted evidence from their own advisors.

The respective submissions presented the Panel with the task of framing controls that allowed redevelopment opportunities while respecting the sensitivity of the Yarra River and environs as required by the DDO1, the heritage of the Victoria Park Precinct and the individual buildings as well as impacts on the local area. The Panel has redrafted the IPO and the DPO and the associated documents to achieve a balance between what might be thought to be competing objectives. The Panel's preferred form of the revised IPO2, DPO14 and the heritage citation for the building at 18-62 Trenerry Crescent are included as appendices.

This report deals provides specific recommendations for Amendments C218 and C219 after discussing the issues that are common to each.

The Panel recommends that the Amendments be adopted with the changes as recommended and contained in the revised documents.

The Panel recommends approval notwithstanding the submissions from local residents who sought the rejection of the rezonings on traffic grounds. The Panel agrees with each of the traffic experts who appeared at the hearing who advised that in their opinion there would be some increase in traffic from the redevelopments to follow but the increases would be marginal and not sufficient to warrant rejection of the Amendments.

### (ii) Recommendations

Based on the reasons set out in this Report, the Panel recommends that Rezoning of sites in Trenerry Crescent, Abbotsford be adopted as exhibited subject to the following modifications:

#### 1. In Amendment C218

- a) delete any duplication of Design and Development Overlay Schedule 1 provisions in Incorporated Plan Overlay Schedule 2 but include a reference to applicable Design and Development Overlay Schedule 1 requirements and retain specific provisions that add to Design and Development Overlay Schedule 1, and
- b) delete parts of the Incorporated Plan for the building height and set back provisions of Design and Development Overlay Schedule 1 and add a note that Design and Development Overlay Schedule 1 applies, and express a discretionary preferred maximum 25 metre height (see Appendix C).

#### 2. In Amendment C219

- a) delete any duplication of Design and Development Overlay Schedule 1 provisions in Development Plan Overlay Schedule 14 but include a reference to applicable Design and Development Overlay Schedule 1 requirements and retain specific provisions that add to Design and Development Overlay Schedule 1, and



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- b) delete parts of the Indicative Framework Plan for the building height and set back provisions of Design and Development Overlay Schedule 1 and add a note that Design and Development Overlay Schedule 1 applies, and express a discretionary preferred maximum 25 metre height (see Appendix E).
- 3. Retain the provision in Amendments C218 and C219 requiring the proponent to provide a traffic and car parking impact assessment but delete reference to it being to the satisfaction of VicRoads and the requirement for proponents to contribute to mitigation works. The Panel's preferred version of the relevant provisions are set out in Appendices C and E.
- 4. In Amendment C218
  - a) Adopt the form of Incorporated Plan Overlay Schedule 2 as contained at Appendix C to clarify building height controls
  - b) Adopt the statement of significance for 18-62 Trenerry Crescent Abbotsford as presented by Mr Lovell for the C218 Proponent and included at Appendix D.
- 5. Adopt the form of Incorporated Plan Overlay Schedule 2 as contained at Appendix C to improve form and content of the overlay and the Indicative Framework Plan.
- 6. Adopt the heritage citation for the former Austral Silk and Cotton Mills warehouse and factory complex as prepared by GJM Heritage for inclusion as a reference document at Clause 22.02-8.
- 7. Adopt the form of Development Plan Overlay Schedule 14 as contained at Appendix E.
- 8. Delete the requirement for the publicly accessible shared path shown on the Indicative Framework Plan and adopt the wording on the Panel preferred form of the Indicative Plan at Appendix E.

**Attachment 2 - Yarra C218 and C219 Panel Report**

## **1 Introduction**

### **1.1 The Amendments**

#### **1.1.1 Purpose of the Amendments**

Amendments C218 and C219 are two separate proposals to rezone land along Trenerry Crescent, Abbotsford to facilitate mixed use development for residential and commercial uses. The subject sites are currently Commercial 2 Zone (C2Z).

The Amendments recognise the heritage values of existing buildings on the sites as set out in Heritage Overlay (Schedule 337 – Victoria Park Precinct) (HO337). The Amendments also reflect the special controls that apply to developments on the Yarra River Corridor under the Design and Development Overlay, Schedule 1 (Yarra River Corridor Protection) (DDO1) with effect from February 2017.

The Amendments ensure necessary environmental assessment of the sites to address any potential soil contamination by applying the Environmental Audit Overlay (EAO).

#### **Description of Amendment C218**

Amendment C218 proposes to rezone land at 18-62 Trenerry Crescent from C2Z to Commercial 1 Zone (C1Z) and to apply an Incorporated Plan Overlay (IPO) that provides site specific guidance on a future development proposal.

The building at 18-62 Trenerry Crescent is an *Individually Significant* heritage building affected by HO337. It comprises a heritage building at the corner of Trenerry Crescent and Turner Street with alterations and extensions principally to the rear in 1984.

#### **Description of Amendment C219**

Amendment C219 proposes to rezone two properties at numbers 112-124 and 126-142 Trenerry Crescent from C2Z to the Mixed Use Zone (MUZ). The proponent currently occupies and operates the recently refurbished building at 126-142 Trenerry Crescent as a commercial site.

The Amendment proposes to apply a Development Plan Overlay (DPO) with a new Schedule 14 (DPO14) to the site to manage future development of either property to achieve positive public realm, urban design and built form outcomes.

The building at 112-124 Trenerry Crescent is an *Individually Significant* heritage building affected by HO337. Its future use is reliant on the adaptability of the building which was part of the former Austral Silk and Cotton Mills Factory complex.

#### **1.1.2 The subject sites**

Amendment C218 applies to land at 18-62 Trenerry Crescent, Abbotsford and Amendment C219 applies to 112-124 and 126-142 Trenerry Crescent shown in Figure 1.

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Figure 1 The subject sites

### 1.2 Background to the proposals

Amendment C218 was prepared at the request of the landowner, Joval Pty Ltd (C218 Proponent). Representatives for the C218 Proponent have discussed potential rezoning of the C218 site with Council officers since 2011.

Amendment C219 was prepared at the request of the landowner the Australian Education Union (C219 Proponent). In March 2016 representatives of the C219 Proponent presented Council with a proposal for Amendment C219.

### 1.3 Issues dealt with in submissions and post exhibition changes

Council received 16 submissions. The submitters were the same for both amendments, except the respective proponents and two individual submitters. See Appendix A.

Submitters raised a number of issues which Council summarised in its Part A submission.<sup>1</sup> Common themes across the submissions were as follows:

- (a) increased traffic volume and need for traffic management measures
- (b) protection of heritage buildings on the respective sites
- (c) building heights and setbacks (sometimes related to consistency with DDO1)
- (d) visual impact of new development on the Yarra River corridor
- (e) impact of increased population on infrastructure, character and amenity
- (f) removal of third party rights as a result of an IPO for C218 and a DPO for C219.

<sup>1</sup> Document 1, Appendix B.

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The proponents supported the Amendments as exhibited except that the C219 Proponent opposed a requirement to provide a publicly accessible shared pedestrian and cycling path through the middle of the two properties.

In response to submissions, Council sought further advice on heritage and traffic issues, which informed changes to the amendments. The proponents also commissioned consultants to undertake further work on traffic impact assessment, and visual impact analysis.

Revised DDO1 was gazetted on 24 February 2017, introducing mandatory maximum building heights and setbacks, and controls to limit overshadowing and provide protection of the Yarra River.

Upon receipt of the further expert advice it commissioned, and upon the changes to DDO1, Council made a number of substantial post exhibition changes to the Amendments:

- to align the Amendments with the revised DDO1 for the Yarra River corridor
- to require a traffic impact assessment with the planning permit and consideration of a financial contribution by the proponents to any traffic mitigation works
- to introduce new controls that further recognise the heritage values of existing heritage buildings.

At the ordinary Council meeting on 4 July 2017 Council resolved to:

- Endorse the post exhibition changes to the Amendments
- Include heritage citations prepared for the Council by GJM Heritage (GJM) as reference documents to clause 22.02-8 (Development guidelines for sites subject to the Heritage Overlay – references)
- Request the Minister for Planning to appoint a Panel to consider the Amendments in accordance with section 23 of the Planning and Environment Act.

Council notified submitters of the changes on 11 July 2017. Details of the post exhibition changes to the Amendments are set out in Council's Part A submission.<sup>2</sup>

### 1.4 Issues dealt with in this report

Council requested the Panel hear the Amendments together because of the common issues and common submitters. In this report, the Panel has grouped issues that are common to both Amendments and addressed specific issues in separate chapters.

This report deals with the issues under the following headings:

- Section 1 - Issues common to both Amendments
- Strategic policy and the nature of the planning controls
  - Policy framework
  - Planning Scheme Provisions
- Issues common to both Amendments
  - DDO1 Yarra River corridor controls
  - Traffic issues

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<sup>2</sup> Document 1, Attachment D for Amendment C218 and Attachment E for Amendment C219.

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- Section 2 – Issues specific to each Amendment
- Issues specific to Amendment C218
  - Heritage
  - Discretionary heights
  - Form and content of Amendment C218 and IPO.
- Issues specific to Amendment C219
  - Heritage and urban design
  - Form and content of Amendment C219 and DPO
  - Requirement for public shared pathway.

The Panel has provided the recommendations for each Amendment separately, as requested by Council.

## **Attachment 2 - Yarra C218 and C219 Panel Report**

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### **Section 1 – Issues common to both Amendments**



## Attachment 2 - Yarra C218 and C219 Panel Report

## 2 Strategic policy and nature of controls

Council provided a response to the Strategic Assessment Guidelines as part of the explanatory report to the exhibited Amendments. The Panel has reviewed Council's response and the policy context of the Amendments, and has made its appraisal of the relevant zone and overlay controls and other relevant planning strategies.

### 2.1 Policy framework

#### 2.1.1 State Planning Policy Framework

Council's Part A submission stated that the State Planning Policy Framework (SPPF) provisions most relevant to the Amendments are:

- Clause 11 – Settlement;
- Clause 12 – Environmental and Landscape Values;
- Clause 13 – Environmental Risks;
- Clause 15 – Built Environment and Heritage;
- Clause 16 – Housing; and
- Clause 17 – Economic Development.

Council stated that the Amendments respond to the SPPF as follows:<sup>3</sup>

- The rezoning of the C218 and C219 sites will contribute to the provision of serviced land for housing and diversity of choice; it will provide opportunity for new uses to establish to broaden the mix in the area and provide employment opportunities (Clause 11).
- IPO2 in Amendment C218 and DPO14 in Amendment C219 will apply controls and guidelines consistent with DDO1 and SLO1 to respond to the significance and values of the Yarra River corridor (Clause 12).
- The application of the EAO will ensure any potentially contaminated land is suitable for its intended future use and development (Clause 13).
- IPO2 in Amendment C218 and DPO14 in Amendment C219 will guide development to provide an appropriate built environment and public realm whilst respecting the natural environment (Clause 15).
- The rezoning of the C218 and C219 sites will provide for diversity of housing that is integrated, accessible, sustainable and proximate to activity centres, public transport, schools and open space (Clause 16).
- The C1Z in Amendment C218 and MUZ in Amendment C219 will encourage economic development and allow for mixed use activities and higher density on the well-located sites (Clause 17).

The Amendments support the following policies and directions in Plan Melbourne 2017-2050, which has been approved by Government since the exhibition of the Amendment:

- *Direction 2.2: Deliver more housing closer to jobs and public transport.*
- *Policy 2.2.3: Support new housing in ... places that offer good access to jobs, services and public transport.*
- *Direction 4.4: Respect Melbourne's heritage as we build for the future.*

<sup>3</sup> Document 1, paragraphs 64-73.

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- *Policy 4.4.1: Recognise the value of heritage when managing growth and change.*

The evidence of Mr Stuart McGurn, town planning expert for the C218 Proponent, and Mr John Glossop, town planning expert for the C219 Proponent, support Council's view on the relevant state planning policy.

The Panel agrees with Council's analysis of the applicable provisions of the SPPF.

### 2.1.2 Local Planning Policy Framework

The Amendments respond to the Local Planning Policy Framework (LPPF), which comprises the Municipal Strategic Statement (MSS) at clause 21 of the Yarra Planning Scheme and specific local planning policies. The LPPF includes several provisions relevant to the Amendments, including:

- Municipal Profile (Clause 21.02);
- Vision (Clause 21.03);
- Land Use (Clause 21.04);
- Built Form (Clause 21.05);
- Transport (Clause 21.06);
- Environmental Sustainability (Clause 21.07);
- Neighbourhoods (Clause 21.08);
- Development Guidelines for Sites Subject to the Heritage Overlay (Clause 22.02);
- Environmentally Sustainable Development (Clause 22.17).<sup>4</sup>

Council submitted that broadly the Amendments respond to the vision and objectives in the LPPF as follows:

- *The C218 and C219 sites are well-located to allow the type of development envisaged by the LPPF, which responds to the opportunities emerging from the changing economic structure of the city.*
- *The Amendments will provide increased flexibility for a wider range of uses (including residential), which will enhance commercial activity in the area.*
- *The application of the IPO and DPO controls will ensure that new development addresses the urban design objectives and strategies in the LPPF.*
- *The C218 and C219 sites are located adjacent to the Yarra River. They are well connected to public transport, the Capital City Trail and main roads and present significant opportunity for new development.*

The evidence of Mr McGurn and Mr Glossop, support Council's view on the relevant local planning policy.

The Panel agrees with Council's analysis of the applicable provisions of the LPPF.

### 2.1.3 Other planning strategies or policies used in formulating the Amendment

#### Yarra Business and Industrial Land Strategy

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<sup>4</sup> Document 1, paragraphs 74-76.

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Council adopted the *Yarra Business and Industrial Land Strategy* (BILS) in 2012 to guide decision-making relating to future land use, strategic planning and rezoning requests.

BILS recommended as follows for 'CIB 3 – Trenerry Crescent Node':<sup>5</sup>

*Rationale: This precinct has an interface with the Yarra River which should be maximised through employment and business opportunities. The precinct is deemed unsuitable for future industrial investment and it is recommended that areas of Business 3 Zone<sup>6</sup> be rezoned to Business 2 Zone. Existing Business 2 and 5 zone areas should be retained.*

- *Recommended Zones: Retain current zoning arrangements pending further investigation.*
- *Undertake master planning for this area to deal with urban design and access issues and in particular the interface with Yarra Parklands.*

Council completed the further investigation and master planning as part of the *Johnston Street Local Area Plan* (JSLAP), which Council adopted in December 2015.

### Johnston Street Local Area Plan and Amendment C220

The strategic basis for the Amendments is supported in the JSLAP, which includes as a land use recommendation:<sup>7</sup>

*Retain employment generating land uses activities along Trenerry Crescent, whilst permitting residential uses and encouraging mixed use activities that respect the Yarra River corridor.*

With respect to built form, the JSLAP makes the following recommendation:<sup>8</sup>

*Ensure that development respects the natural, vegetation dominated characteristics of the Yarra River corridor through recessive, high quality architectural design that displays well-articulated built form.*

The subject sites are located within Precinct 7 of the JSLAP (Trenerry Crescent). It describes the future character of the precinct as an ... *eclectic mix of existing heritage buildings and well designed newer buildings* ... [where] ... *a mix of offices and residential apartments brings life to the street.*

Precinct 7 contains the following built form guidelines and principles:

#### Trenerry Crescent Interface

- *Street wall/façade height: 4 storeys (15m)*
- *Max height: 6-8 storeys (25m)*

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<sup>5</sup> Page 44.

<sup>6</sup> The C218 and C219 sites were zoned Business 3 at the time. On 15 July 2013, land zoned Business 3 was converted to C2Z.

<sup>7</sup> Page 44.

<sup>8</sup> Page 50.

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- *Upper levels should be set back to reduce visual impact and overshadowing of public and private spaces.*<sup>9</sup>

It also addresses the River Interface and references DDO1.

Council prepared Planning Scheme Amendment C220 to implement the JSLAP in two of its precincts which do not include Trenerry Crescent. Amendment C220 was granted conditional Ministerial authorisation on 9 March 2017. Since then, Council has undertaken further urban design analysis and plans to reconsider Amendment C220 later in 2017.

## 2.2 Planning scheme provisions

### 2.2.1 DDO Schedule 1 (Yarra (Birrarung) River Corridor Protection)

DDO1 sets out objectives, permit requirements, application requirements and decision guidelines relating to the Yarra River corridor.

The explanatory report for Amendment GC48 which introduced the DDO1 controls summarises the changes as introducing:

*...mandatory overshadowing, building height and setback requirements for private land within close proximity to, or abutting the Yarra River. ... discretionary controls relating to overshadowing of public open space, permeable surface minimums, materials selections and other siting and design of built form requirements.*

GC48 replaced existing DDO controls in the Yarra, Boroondara and Stonnington planning schemes. The C218 and C219 sites are now shown on DDO1 Map Area C with the mandatory building height and setback requirements.

The revised DDO1 is an interim control with an expiry date of 31 January 2021.

Council submitted that the exhibited Amendments were consistent with the revised DDO1, but Council endorsed a number of minor post-exhibition changes in response to Amendment GC48 and submitter concerns. The changes modify how building heights are specified in the Incorporated Plan to the IPO in Amendment C218 and in the Indicative Framework Plan in DPO14 in Amendment C219.

The mandatory building heights and set back requirements in DDO1 are discussed in detail in chapter 3.1.

### Significant Landscape Overlay – Schedule 1 (Yarra (Birrarung) River Corridor Environs)

At the time of exhibition, an Environmental Significance Overlay – Schedule 1 (Yarra River Environs) (ESO1) applied to the sites. DDO1 replaced the ESO1 with the Significant Landscape Overlay – Schedule 1 (Yarra (Birrarung) River Corridor Environs) (SLO1).

Like the DDO1, the SLO1 sets out objectives, permit requirements, application requirements and decision guidelines relating to the Yarra River corridor.

The SLO1 is an interim control with an expiry date of 31 January 2021.

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<sup>9</sup> Johnston Street Local Area Plan, page 55.

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### 2.2.2 Heritage Overlay – Schedule 337 (Victoria Park Precinct, Abbotsford)

The sites have buildings that are included within the Heritage Overlay (HO337 – Victoria Park Precinct) so planning permit applications are considered against the provisions of the Heritage Overlay and heritage policy in Clause 22.02 of the Yarra Planning Scheme.

The Heritage Overlay includes the following within its purpose:

*To conserve and enhance heritage places of natural or cultural significance.*

*To conserve and enhance those elements which contribute to the significance of heritage places.*

*To ensure that development does not adversely affect the significance of heritage places.*

The Heritage Overlay requires a permit to subdivide land, demolish or remove a building, construct a building or carry out works. It provides that before deciding on an application the responsible authority must consider certain matters including:

*The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place*

*Any applicable statement of significance, heritage study and any applicable conservation study*

*Whether the location, bulk, form and appearance of the proposed building will adversely affect the heritage place*

*Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place*

The City of Yarra Review of Heritage Overlay Area 2007, HO337 Victoria Park Heritage Overlay Area, Abbotsford includes a Statement of Significance for the Victoria Park Heritage Overlay Area (Industrial sub-area). Under the heading 'What is significant?', the statement includes the following under the sub-heading 'Industry':

*The massive Austral Silk and Cotton Mills complex was built at the north end of Trenerry Crescent in 1927 and the Yarra Falls Spinning Mills had also expanded in the area during the early 20<sup>th</sup> century. Their administrative complex was built in 1919 facing Johnston St and the landmark 1930s Byfas building was built, facing Trenerry Crescent, to produce textiles during World War Two. The combination of these extensive industrial complexes has a strong built character that is evident from within the Heritage Overlay Area and from distant views down the Yarra River and the Eastern Freeway.*

*In the last two decades of the 20<sup>th</sup> century, these large industrial and mill buildings have been gradually decommissioned and recycled for light industrial, commercial or residential uses. Some of these developments have been innovative in the re-use of significant industrial structures, such as Daryl Jackson's award winning design for the Esprit company in the 1980s.*

The City of Yarra Review of Heritage Overlay Areas 2007, Appendix 8 identifies whether sites subject to the Heritage Overlay are 'individually significant', 'contributory' or 'not



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contributory'. Appendix 8, as revised in May 2017, is an incorporated document in the Schedule to Clause 81.01. It identifies:

- 18-62 Trenerry Crescent as individually significant, described as a 'factory/warehouse complex, later Esprit offices' and dated '1890-1925, 1982'.
- 112-120 Trenerry Crescent as individually significant, described as 'Austral Silk and Cotton Mills factory/warehouse complex, former' and dated 1927.

The Scheme does not currently incorporate or refer to statements of significance for 18-62 Trenerry Crescent or 112-124 Trenerry Crescent.

Council endorsed a number of post exhibition changes to the Amendments in July 2017 to reinforce the requirements of the Heritage Overlay and the heritage significance of the individually significant buildings. The Council's proposed changes to the Amendments are discussed in chapters 4 and 5.

### 2.2.3 Land Subject to Inundation Overlay

The Land Subject to Inundation Overlay (LSIO) applies to each of the properties and sets out objectives and application requirements in relation to the potential flooding impacts on sites and seeks to ensure that built form responses minimise the impacts of flooding.

## 2.3 Nature of the controls

### 2.3.1 Proposed planning controls

The proposed planning controls for C218 rezone the land to C1Z, apply an Incorporated Plan Overlay (IPO) – Schedule 2 and apply the Environmental Audit Overlay (EAO).

The proposed planning controls for Amendment C219 are to apply a MUZ, apply a Development Plan Overlay (DPO) – Schedule 14 (DPO14) and apply the EAO.

The Panel has assessed the appropriateness of the overlays and zones and whether the Council should apply the same zone to the whole of Trenerry Crescent. The urban design evidence, particularly the JSLAP and DDO1 indicates that Council should treat all of Trenerry Crescent as one unit, with one zone and one overlay.

Council stated that the proponents chose the IPO and DPO as the most appropriate planning control for the respective sites.

Council considered the IPO to be appropriate as part of Amendment C218 to specify both:

- land use requirements, to ensure a minimum of 20 per cent of the floor space in any new development for office, retail, commercial or other employment-generating uses; and
- built form requirements, to ensure a built form outcome that responds to the site's interface with the Yarra River corridor and public realm along Trenerry Crescent and Turner Street.

Council stated that it considered the DPO an appropriate control for Amendment C219 to manage future development to ensure it:

- is respectful of the Yarra River corridor and the heritage building at 112-124 Trenerry Crescent; and
- delivers benefits to the public realm, including:



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- the retention of views to the Yarra River corridor from Trenerry Crescent between 112-124 and 126-142 Trenerry Crescent; and
- connectivity improvements for pedestrians and cyclists by a shared path through the site, linking Trenerry Crescent and the Capital City Trail.

### 2.3.2 Purposes of IPO and DPO

The purposes of an IPO and DPO according to *Planning Practice Note 23 – Applying the Incorporated Plan and Development Plan Overlays* (August 2015) (PPN23) are:

- to identify areas that require the planning of future use or development to be shown on a plan before a permit can be granted
- to exempt a planning permit application from notice and review if it is generally in accordance with an approved plan.

An IPO and DPO both:

- require a plan to be prepared before a permit is granted, unless the schedule specifies otherwise;
- guide the content of that plan through requirements identified in the schedule; and
- remove notice requirements and third party review rights for planning permit applications that are 'generally in accordance with' the plan. This aspect of the overlays is discussed in further detail below.

The key difference is:

*If the planning authority uses an IPO, the plan will be an incorporated document, part of the planning scheme. A planning scheme amendment will be needed to introduce or change the plan.*

*If the planning authority uses a DPO, the plan will be a development plan. A development plan is not incorporated into the planning scheme. It can be introduced or changed 'to the satisfaction of the responsible authority'.<sup>10</sup>*

Council stated that Amendment C218 proposes to apply the IPO and to incorporate the plan. There will only be further opportunity for third party input into the plan for Amendment C218 if changes are subsequently sought to that plan.

PPN23 advises that:<sup>11</sup>

*The IPO requirement for a planning scheme amendment to incorporate or change the plan enables third parties to be involved in the process of making or changing the plan. For this reason, the IPO should normally be used for sites that are likely to affect third-party interests and sites comprising multiple lots in different ownership.*

*Because the DPO has no public approval process for the plan, it should normally be applied to development proposals that are not likely to significantly affect third-party interests, self-contained sites where ownership*

<sup>10</sup> PPN23, page 3.

<sup>11</sup> PPN23, page 3.

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*is limited to one or two parties and sites that contain no existing residential population and do not adjoin established residential areas.*

Council stated it decided to consider the stricter set of factors identified in PPN23 for the DPO in relation to both Amendments. It noted that:

- both sites are in single ownership;
- neither site contains an existing residential population; and
- neither site directly interfaces with residentially zoned land, although the land to the west of Trenerry Crescent is located in the Neighbourhood Residential Zone.

Council stated that it considered the key difference between the use of the overlays in these Amendments is that Amendment C218 includes the plan to be incorporated, and therefore provides a higher level of certainty as to the use and development outcome on that site.

It stated that Amendment C219 retains more flexibility, with a development plan to be prepared at a later date. This is more attractive to the C219 Proponent, which advised the Panel that it does not propose to develop the site at this stage. It has recently refurbished the building at 126-142 Trenerry Crescent which it is currently occupying.

### 2.3.3 Third party rights

The IPO and DPO parent provisions provide exemption from notice and review of *any application under any provision of this scheme which is generally in accordance with the incorporated plan or development plan respectively.*

Submissions 6, 8 and 14 (Collingwood Historical Society, Collingwood and Abbotsford Residents' Association Inc., and Yarra Riverkeepers Association) expressed the view that the Council should not apply an IPO and DPO to the sites because they exempt notice and review rights for third parties at the permit application stage.

Council submitted that the relevant question is whether sufficient community consultation has been undertaken in relation to the Amendments to justify the exemptions. This includes the level of detail made available for the community to consider and the degree of specificity in the planning controls.

Council's submission noted the comments of the Panel in Amendment C185 to the Ballarat Planning Scheme, which considered the introduction of a Special Use Zone that effectively removed third party notice and review rights. The Panel concluded that:<sup>12</sup>

*... the rigorous controls and planning undertaken for SUZ15 as part of this Amendment, including the community consultation undertaken, justifies the exemption applying.*

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<sup>12</sup> Panel report dated 4 September 2015, page 110.

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Council submitted that *the Amendments have provided an appropriate opportunity for the community and affected parties to make submissions about future development on the sites and provide input into the content and detail of the proposed provisions.*<sup>13</sup>

Council stated that it ensured that the absence of future notification and review rights was clearly communicated when providing notice of the Amendments. The letters sent to owners and occupiers in the surrounding area included a factsheet that stated:

*It is important to note that this is [a] critical stage in the planning process as there would be no requirement for the community to be notified about future planning permit applications on the sites.*

Council submitted that the proposed planning controls provide sufficient specificity and certainty to manage future development outcomes in conjunction with the planning controls that already apply to the Amendment sites.

The Collingwood Historical Society submitted that an IPO and a DPO are not appropriate. They stated that the owners benefit by fast tracking future development without further third party input but there is no clear benefit to Yarra City Council, its residents and ratepayers or to other Melbournians who enjoy the Yarra River and its surrounds.

### 2.3.4 Proposed zones

Both Amendment sites are currently located within C2Z. The purpose of the C2Z includes:

*To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*

*To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*

The use of land for 'Accommodation (other than Caretaker's house, Motel and Residential hotel)' is prohibited in the C2Z.

The other sites on the eastern side of Trenerry Crescent are located within C1Z with the exception of the site on the corner of Johnston Street. The zones are depicted in Figure 2 below.

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<sup>13</sup> Document 17, paragraph 40.

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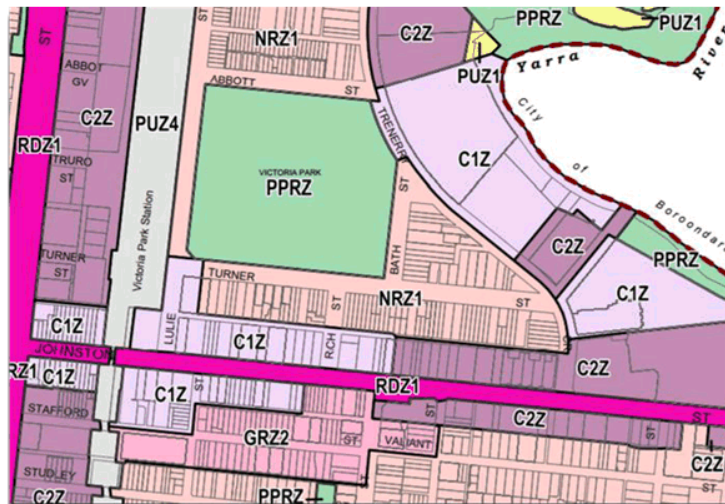


Figure 2 Zoning on Trenerry Crescent

The future zones along the eastern side of Trenerry Crescent are specifically considered in the JSLAP which states as follows with respect to the CIB 3 – Trenerry Crescent Node:

*Trenerry [sic] Crescent has only three sites that remain within the Commercial 2 Zone as most sites have been redeveloped for residential and mixed use activities (apartments). The remaining three sites present opportunities for mixed use developments with a mix of office/commercial and residential uses. New development will need to consider the sensitive interface of the Yarra River corridor and respond accordingly.*

*The BILS recommends rezoning to allow a mix of office and residential uses. The three sites that remain in the Commercial 2 Zone should be rezoned to the Mixed Use Zone to facilitate the mixed-use development that is consistent with the trends that have occurred along Trenerry Crescent in recent years.<sup>14</sup>*

The 'remaining three sites' identified in the JSLAP include the two present Amendment sites.

The Land Use Framework Plan in the JSLAP depicts the eastern side of Trenerry Crescent, including the Amendment sites as 'mix of offices and residential uses, sensitive to the river corridor'.<sup>15</sup>

### Amendment C218 – Commercial 1 Zone

Rezoning the C218 site from C2Z to C1Z would allow its redevelopment to include residential use which Council considered to be appropriate and not contested.

The purpose of the C1Z includes:

*To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*

<sup>14</sup> Johnston Street Local Area Plan, page 18.

<sup>15</sup> Johnston Street Local Area Plan, page 45.

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*To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

Council submitted that the outcome of Amendment C218 will be to create consistency of zoning with the adjoining sites to the north and south.

Council submitted that the application of C1Z along the eastern side of Trenerry Crescent is appropriate having regard to the size of the sites and their excellent access to:

- public transport, including the Victoria Park train station and bus routes along Johnston Street;
- open space, including adjacency to the Yarra River parkland and Capital City Trail and proximity to Victoria Park; and
- the Johnston Street Neighbourhood Activity Centre.

The C218 Proponent's town planning expert Mr McGurn concluded that the proposed rezoning to C1Z is appropriate.<sup>16</sup>

### **Amendment C219 – Mixed Use Zone**

Council supported the proposal by the C219 Proponent to rezone the land from C2Z to MUZ as it would allow the continuation of the proponent's business activities at 126-142 Trenerry Crescent, as well as a mix of uses on both sites including dwellings.

The purpose of the MUZ includes:

*To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*

*To provide for housing at higher densities.*

*To encourage development that responds to the existing or preferred neighbourhood character of the area.*

Under the MUZ, 'Dwelling (other than Bed and breakfast)' is a section 1 (permit not required) use.

Council submitted that rezoning the C219 site from C2Z to MUZ would allow its redevelopment to include residential use which Council considers to be appropriate and not contested.

Council stated that it was satisfied that the purpose provisions within the MUZ are appropriate for this site and reflect the outcomes sought through application of the DPO and proposed schedule. The MUZ is the zone specifically proposed for this site in the JSLAP.

It submitted that the application of a residential zone in this location constitutes an appropriate response to the adjacent C1Z while achieving a sensible zoning transition at the end of the parcels to the east of Trenerry Crescent.

The report of the C219 Proponent's town planning expert, Mr Glossop, concludes that the proposed rezoning is appropriate.<sup>17</sup> Mr Glossop acknowledges that the 'intended mix of

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<sup>16</sup> Document 7, page 11.

<sup>17</sup> Document 12, page 10.



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uses' proposed for this site could also be achieved within the C1Z, but he prefers the MUZ due to the condition that attaches to dwellings as a section 1 use in the C1Z.

### 2.4 Ministerial Directions and Practice Notes

#### 2.4.1 Ministerial Directions

Council submitted that the Amendment meets the relevant requirements of the following Ministerial Directions:

- Ministerial Direction 11 (Strategic Assessment of Amendments) and Planning Practice Note 46 (Strategic Assessment Guidelines).
- Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

#### 2.4.2 The Form and Content of IPO and DPO

The authorisation for Amendment C218 required that the proposed Schedule 2 to the IPO must be drafted in accordance with the Minister's Direction on the Form and Content of Planning Schemes for Schedules to the Incorporated Plan Overlay. This is discussed in chapter 4.2.

The authorisation for Amendment C219 required that the proposed Schedule 14 to the DPO must be drafted strictly in accordance with the Minister's Direction on the Form and Content of Planning Schemes for Schedules to the Development Plan Overlay. This is discussed in detail in chapter 5.2.

#### 2.4.3 Repetition of control provisions

Both the C218 Proponent and the C219 Proponent made submissions that the terms of the control documents should be amended to remove what were described as repetitive and therefore unnecessary provisions in the respective overlays and plans. The thrust of the submissions was that repetition across the controls must be avoided to meet the requirements of the direction on the Form and Content of Planning Schemes. Witness statements from heritage and urban design experts sought changes on the grounds of improving the relevance of the documents while the planning experts argued for improved readability and clarity, among other things. The import of the changes varied for all experts but the effect of Mr Glossop's list of changes would result in severe editing of the relevant overlay for the C219 site.

Council on the other hand, submitted that some repetition is acceptable depending on the purpose of the control and the function of the repeated provision.

### 2.5 Discussion

#### 2.5.1 Policy framework and strategies

The Amendments enjoy strong strategic support and are consistent with the directions and policies of the metropolitan strategy and in Plan Melbourne 2017-2050. They are supported by the JSLAP which recommends a mix of employment generating activities and residential uses for Trenerry Crescent with future built form that respects the characteristics of the Yarra River corridor.



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The Amendments are consistent with DDO1 and SLO1 relating to the Yarra River corridor and the requirements in the local planning scheme of the HO337 Victoria Park Heritage Overlay Area. The details of how the Amendments should reflect the DDO1 controls are discussed in chapter 3.1 and details of the proposed heritage requirements in the Amendments are discussed in chapters 4 and 5.

### 2.5.2 Nature of the controls

The Panel has assessed the appropriateness of the overlays and zones and whether the same zones and overlay controls should apply to the whole of Trenerry Crescent. The urban design evidence, JSLAP and DDO1 suggest that Council should treat all of Trenerry Crescent as one unit, with a single mixed use zone and one overlay. However, the circumstances for the proposed uses for each site and the nature of the development proposals favour particular controls.

The Panel accepts the proposed planning overlays are appropriate for the specific circumstances of each proponent. An IPO for C218 is justified to achieve the land use and built form requirements sought by Council, specifically 20 per cent of total floor space for commercial use. The plan to guide future use and development will become part of the planning scheme and any changes will require a further amendment.

A DPO is justified for C219 to achieve the proposed retention of views and public realm improvements and to facilitate staged development on the two properties. It reflects the fact that the C219 Proponent has no proposal for the site and allows changes to the development plan to the satisfaction of the responsible authority.

The Panel is also satisfied that the IPO for Amendment C218 and the DPO for Amendment C219 are consistent with PPN23.

The proposed zonings in the Amendments are appropriate. In Amendment C218 the C1Z will create consistency of zoning with the adjoining sites to the north and south. The MUZ for Amendment C219 achieves a zoning transition from C1Z at the north end of Trenerry Crescent.

### 2.5.3 Repetition of control provisions

The Panel interprets Council's approach to mean that some repetition is acceptable in circumstances where an overlay is tailored and applies to a single site. The content can include provisions primarily found elsewhere in the planning scheme (such as other overlay requirements that could otherwise be missed) and the function of repeating provisions is to draw attention to those other requirements.

The Panel applies that approach to judge whether requirements and provisions present in the planning scheme can be cited in DDO14 and IPO2.

The Panel is supported in this approach with the current structure of the VPP using cross references in zones and overlays to other control provisions to point to the relevance and application of those provisions. For example, a clinical no-repetition approach would see the deletion of the commonly used provision:

*Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:*

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*The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

There are other examples in the VPP of the referencing of relevant provisions such as particular provisions in Clause 52, the objectives and standards of Clause 56 as well as the objectives, standards and decision guidelines of Clause 58 for an apartment development.

The Panel sees a difference between editing documents to satisfy a type of compliance audit against an approach to allow repeat provisions where the purpose and function warrant it. There is a balance to be achieved between drafting planning documents with a clinically applied pen and expressing the outcome to be achieved under the controls.

### 2.5.4 Third party rights

In proposing the IPO and DPO, the proponents have agreed to a level of control and prescription not applied to neighbouring sites. There are legitimate concerns that proposals generally in accordance with an approved plan under an IPO or a DPO are exempt from third party notification and review rights at the planning permit stage. The counterbalance is that the community has been given notice of the controls with the opportunity to influence future development through submissions on the DPO and IPO.

The Panel believes that the IPO and DPO provide detailed guidance for future development on the respective sites. The Panel also believes that through the Amendment process the community and affected parties have had sufficient detail and opportunity to have input on the directions of future development on the sites.

## 2.6 Conclusion

The Panel recommends the adoption of the Amendments subject to modifications in response to submissions on the Yarra River corridor controls, traffic impacts, heritage, and matters of form and content, which are discussed in the following chapters. In determining what modifications to recommend, the Panel has allowed some repeat provisions across the various documents where it will draw attention to those other requirements and articulate the outcome to be achieved.

Particular recommendations for each matter are detailed in relevant sections of the report.

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### 3 Issues common to both Amendments

#### 3.1 DDO1 Yarra River corridor controls

##### 3.1.1 What is the issue?

The issue is how the controls in DDO1 should be reflected in IPO2 and DPO14. The DDO1 control expires in January 2021 and is regarded by the proponents as an interim control. A question arises about whether the IPO and DPO should duplicate provisions of DDO1 at all to avoid potential future inconsistency or confusion.

The Minister's authorisation to prepare and exhibit the Amendments in 2016 required them to be consistent with any future changes to the planning controls for the Yarra River.

The most contentious control in DDO1 is the mandatory maximum building height with setback requirements for Trenerry Crescent, Area C. Other provisions set objectives, decision guidelines, application requirements and development principles.

Both proponents submitted that the DPO and IPO should include a discretionary preferred maximum building height of 25 metres that would apply if the mandatory maximum building height of 25 metres in DDO1 expires in 2021 or is amended.

The C218 Proponent seeks a discretionary maximum building height of 26 metres measured from the natural ground level at the Trenerry Crescent frontage.

##### 3.1.2 Evidence and submissions

###### (i) DDO1 and post exhibition changes

The exhibited Amendments provided a maximum discretionary building height expressed as *8 storeys (25 metres)*, with variation in built form to manage the views to and from the Yarra River.

Submissions 4, 5, 6, 7, 8, 10, 11, 12 and 14 (Boroondara City Council, the Collingwood Historical Society, Collingwood and Abbotsford Residents Association, Melbourne Water, and the Yarra Riverkeepers Association) expressed concerns about the impact of future built form on the Yarra River. Some submitters sought building heights that were lower, and some raised questions about consistency with the then DDO1. Some submitters expressed concern about the visual impact of future built form from viewpoints along the Yarra River corridor, including Dights Falls and Yarra Bend Park (within the Boroondara municipality), and overshadowing.

The DDO1 gazetted in February 2017 provides mandatory maximum building heights for future development along Trenerry Crescent and requires minimum setbacks for buildings from the Yarra River so that future developments do not cast any additional overshadowing of the Yarra River. The applicable Setback Map Reference Area C, DDO1 provides:

- *Mandatory Minimum Setback Line (MMSL): 30 metres (measured from the property boundary nearest the river).*
- *Maximum height:*
  - *between 0 and 5 metres from the MMSL: 11 metres.*

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- *between 5 and 20 metres from the MMSL: 18 metres.*
- *beyond 20 metres from the MMSL: 25 metres.*

Council endorsed a number of post exhibition changes to the Amendments to reflect that the revised DDO1 now includes these mandatory requirements. The changes were as follows:

- For Amendment C218:
  - Remove the building heights specified in the Incorporated Plan to the IPO, subject to inclusion of a note on the plan that maximum building heights (not including the street wall height) must be in accordance with DDO1
  - Add a landscaped interface area to the Yarra River in the Incorporated Plan
  - Add an application requirement in the IPO requiring the design response to address the sensitive river corridor environs to minimise visual impacts
  - Extend the scope of the visual impact assessment to require it to include perspectives showing the visual prominence of the development from the public vantage points along the Yarra River corridor and Yarra Bend Park
  - A new decision guideline requiring the responsible authority to consider the extent to which the design of any building and the materials used minimises the visual impacts of built form when viewed from the Yarra River corridor and Yarra Bend Park
  - A new requirement for the Incorporated Plan to show areas of landscaping to minimise visual intrusion of development in the Yarra River corridor
  - A new Development Principle on set back from the Yarra River interface to provide a transition in built form and minimise the visual prominence of development from the Yarra River.
- For Amendment C219:
  - remove the Building Heights Plan at Figure 2, and in the Indicative Framework Plan at Figure 1 indicate the heights and setbacks mandated in the revised DDO1
  - In section 3 of the DPO, extending the scope of the visual impact assessment required as part of the application to include perspectives showing the visual prominence of the development from the public vantage points along the Yarra River corridor
  - In section 4, Vision, in the DPO add new clauses for the development to minimise the visual impact of new buildings from the Yarra River and adjacent public open space and ensure building elevations are presented at a variety of heights and stepped back from the frontage of the Yarra River and adjacent public open space.

### (ii) Submission by C218 Proponent

#### Proponent issues

The C218 Proponent submitted that the IPO should nominate a discretionary building height of 26 metres, and that building heights should be measured from natural ground level at the centre of the Trenerry Crescent frontage.

The C218 Proponent relied on the urban design evidence of Mr Brodie Blades of David Lock Associates and the town planning evidence of Mr McGurn.

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In support of its position the C218 Proponent submitted that:

- an overall height in the order of 8 storeys is supported by the JSLAP and DDO1
- a discretionary maximum height limit of 26 metres more appropriately allows for 8 storey development given the minimum floor to ceiling height limits for 2 commercial and 6 residential storeys (4 and 3.1 metres respectively)
- building heights should be measured from natural ground level at the centre of the subject site to avoid a wedding cake typology whilst allowing the built form to follow the slope of the land, an outcome contemplated by JSLAP and Council's draft DDO1.

The C218 Proponent submitted that discretionary height limits are generally the preferred means of guiding the height and scale of development. To support this position, the C218 Proponent cited sections of Planning Practice Note 59, *The role of mandatory provisions in planning schemes* which supports performance-based planning based on the principle that there should be discretion.

The submitter also stated that Council's strategic work on the *Yarra River Corridor Strategy 2015* and the JSLAP nominated discretionary rather than mandatory heights for Trenerry Crescent (Precinct 7 in JSLAP).

The C218 Proponent submitted that the future of the mandatory height limit in DDO1 is uncertain because it is interim and because it nominates discretionary heights for other riverside areas nearby (Areas E, F and G).

The C218 Proponent sought an acknowledgement that in February 2017 it had substantially prepared a scheme for the land based on the old DDO1 control. It stated that:

*The Proponent is now burdened with the lengthy and expensive task of formally opposing the height controls in DDO1. In the meantime discretionary height controls ought to be applied in the IPO...This will allow the best planning outcome in the long term and prevent the need for a further planning scheme amendment.*<sup>18</sup>

### Provision for discretionary building height control

Mr Blades expressed the opinion that *the Incorporated Plan articulates a clear future overall height ambition of a discretionary maximum of 8 storeys (25m)*. He acknowledged that the JSLAP envisions a preferred future height of 6-8 storeys (25 metres) and DDO1 currently provides mandatory maximum height controls of 25 metres.

Mr Blades characterised DDO1 as *an interim control whose permanent provisions are yet to be finalised*.<sup>19</sup> Mr Blades restated his position that a discretionary height control should be in place despite DDO1 because it would be necessary when the DDO1 interim control expires in 2021. He submitted that it is therefore appropriate from an urban design perspective *to consider the principle of maximum building height in the Incorporated Plan* particularly if the final DDO1 height controls allow the exercise of discretion regarding height on the site.<sup>20</sup>

<sup>18</sup> Document 29, paragraph 35.

<sup>19</sup> Document 2, paragraphs 54-55.

<sup>20</sup> Document 2, paragraph 56.



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Mr McGurn expressed the view that DDO1 is an interim control *presumably to allow for additional analysis to be undertaken*. But he considered that *...even if they are modified it remains likely that a high level of protection and control over development...will be maintained*.<sup>21</sup>

Mr McGurn stated if the DDO1 mandatory height limits are modified it would be preferable for the maximum height in the Incorporated Plan to be able to be varied to some degree.<sup>22</sup>

### Maximum building height of 26 metres

Mr Blades recommended that the maximum height on the C218 site be increased to a discretionary 26 metres. He stated that this is required because the IPO mandates a 20 per cent commercial floorspace requirement for future development of the site. In his opinion:

*A 25m overall preferred height control is not sufficient for flexibility in this sense as it appears to assume a single 4m commercial floor-to-floor height plus seven storeys of residential three metre floor-to-floor heights (4m [commercial ground floor] + 21m [3, FTF height x 7 storeys] = 25m. I recommend increasing the maximum building height on site to a discretionary 26m to allow greater flexibility in the fulfilment of the IPO2's commercial floorspace requirement across multiple storeys.*<sup>23</sup>

Mr McGurn's report stated, on the other hand, that the proposed overall height limit of 25 metres is consistent with the heights envisaged by the JSLAP and DDO1.

### Natural ground level

Mr Blades recommended inserting an annotation into the Incorporated Plan clearly stating that the reference point for building heights is the natural ground level at the site's frontage to Trenerry Crescent. He noted that the site is steeply sloping and *it is logical from a character perspective to avoid an overtly stepped future built form outcome by simply 'pegging' the intended height on site to natural ground level of the centre of the site's Trenerry Crescent interface*. He cited other mechanisms within the VPP such as many of the City of Melbourne Design and Development Overlays that adopt this approach.<sup>24</sup>

Mr McGurn's evidence and expert report stated that the DDO1 requirements will limit development on the site to 25 metres above natural ground level at any point.

### Other references to DDO1 in the IPO

Mr Blades and Mr McGurn both recommended deleting any reference to building heights in storeys in the IPO2 given that height in metres is the relevant consideration.

Mr Blades and Mr McGurn recommended deleting all replication of DDO1 requirements from the IPO and the Incorporated Plan on the basis that duplication may cause confusion or lead to inconsistency if the DDO1 is changed in future. Mr Blades stated that repeating the provisions of an interim planning control within an Incorporated Plan opens up the potential

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<sup>21</sup> Document 7, paragraphs 66 and 68.

<sup>22</sup> Document 7, paragraph 72.

<sup>23</sup> Document 2, paragraph 62 and recommendation 4.

<sup>24</sup> Document 2, paragraph 59 and recommendation 2.



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need for *another Amendment process in the future to be consistent with any change in the final, permanent Yarra River controls.*

Mr Blades recommended deleting:

- all reference to the specific provisions of DDO1 in the Incorporated Plan and any duplication of DDO1's objectives and design guidelines in IPO2 and the Incorporated Plan
- Application Requirements within IPO2 such as the requirement for a design response that addresses the sensitive river corridor environs
- the Decision Guideline in IPO2 that requires the responsible authority to consider the extent to which the design of any building minimises visual impacts when viewed from the Yarra River corridor
- any duplication of other relevant planning controls within the Purpose of the Incorporated Plan, specifically the second purpose which encourages new development that respects the sensitive Yarra River corridor interface, as a duplication of other controls.<sup>25</sup>

Mr McGurn's report suggested refinements to the IPO to avoid duplication of the requirements in DDO1 and SLO1. He pointed to the additional landscaping requirements in the post exhibition versions of:

- IPO2, Application Requirements which require the design response in the permit application to address the sensitive river corridor environs; and
- the Development Principle in the Objectives of the Incorporated Plan, which states: *Provide for new development to be set back from the Yarra River interface to provide a transition in built form and minimise the visual prominence of development from the Yarra River corridor and Yarra Bend Park.*<sup>26</sup>

Mr McGurn submitted that as a general principle there is no need to duplicate provisions in an IPO that are in other parts of the planning scheme. In response to questioning from Council he stated that little harm occurs if you do so, but he did not see the need.

The expert evidence on more general matters of Form and Content of the IPO is discussed in chapter 4.2.

### (iii) Submission and evidence by C219 Proponent

#### C219 submission

The C219 Proponent submitted that the draft DPO14 should be amended to avoid duplication of controls and policies that already apply by reason of DDO1 and SLO1. The C219 Proponent submitted that duplicating other planning controls is poor drafting that leads to cluttered planning schemes and often poor and inconsistent outcomes. The C219 Proponent cited an example of the requirement in section 3 that the application include a visual impact assessment that provides perspectives showing the visual prominence of the development from public vantage points along the Yarra River corridor; DDO1 already

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<sup>25</sup> Document 2, paragraphs 64-66, 86-90, recommendations 5, 8, and 9.

<sup>26</sup> Document 7, paragraph 67.

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requires a visual impact assessment of proposed buildings from public viewing points with in the Yarra River corridor.<sup>27</sup>

The C219 Proponent did not ultimately propose significant changes to how DPO14 addresses the provisions of DDO1. In a track changes version of DPO14 and the Indicative Framework Plan tabled at the hearing the C219 Proponent proposed revisions primarily address heritage, the public shared pedestrian pathway and form and content of planning scheme issues.<sup>28</sup> These are discussed in other parts of this report. The C219 Proponent proposed relatively minor editorial changes in relation to DDO1:

- *for refinements to Vision clauses so that building elevations are ‘sufficiently articulated’ rather than ‘presented at a variety of heights’, and deleting reference to maintaining key views to the Yarra River corridor*
- *to delete the Decision Guidelines Section which included a requirement that the responsible authority consider retaining views to the Yarra River corridor environs*
- *for a revised Indicative Framework Plan (IFP) which removes duplication of the building height controls in DDO1 and adds a note that DDO1 applies and a ‘preferred maximum 25m height’.*

Most of these changes followed the evidence of the C219 Proponent’s urban design expert, Mr Mark Sheppard of David Lock Associates. Mr Sheppard recommended that duplication of specific DDO1 requirements be deleted from DPO14 but that it should include a note that DDO1 applies.<sup>29</sup>

Mr Sheppard tabled a recommended version of the IFP at the Panel hearing which included a note stating that: *The provisions of DDO1 relating to height and setback requirements applies.*

Mr Sheppard also suggested that changes to the IFP include a reference to *preferred 25m maximum height*. During cross examination by Council, Mr Sheppard clarified that the term ‘preferred’ maximum height did not mean ‘at least’ or any meaning different from DDO1.

### Town planning evidence

The C219 Proponent presented town planning evidence from Mr Glossop who stated that he considers the landscape and environmental values of the Yarra River are properly protected by DDO1 and SLO1 and there is no need for Amendment C219 to duplicate them.

He cited the Principles in Practice Note 10, Writing Schedules which state that:

- schedules must be read with other planning controls
- local content should not duplicate other provisions.<sup>30</sup>

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<sup>27</sup> Document 40, paragraphs 53-60 and paragraph 67 (f).

<sup>28</sup> Document 35.

<sup>29</sup> Document 13, paragraphs 28-29 and recommendation 4.

<sup>30</sup> Document 12, paragraphs 61-63.

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Mr Glossop's opinion was that to comply with the condition in the authorisation for Amendment C219 to be consistent with DDO1 Yarra River corridor controls, DPO14 should be amended to remove all requirements which seek to duplicate or paraphrase it.<sup>31</sup>

Mr Glossop stated that the sort of detail required in the Design Guidelines of DPO14 is either covered in DDO1 or should be addressed in the permit application.

He also stated that the building height and set back requirements from the Yarra River and the landscape designation along that interface in the Indicative Framework Plan should not replicate DDO1 requirements.<sup>32</sup>

Mr Glossop considered that the whole IFP should be removed from DPO14. It was his opinion that *a DPO already provides for a plan to be approved under the overlay and it would be inappropriate to tie development on the site to one plan in the overlay schedule (without a planning scheme amendment)*.<sup>33</sup>

### (iv) Collingwood Historical Society submission

Submissions to the exhibited Amendments expressed concerns about building heights and setbacks along the Yarra River corridor. The Collingwood Historical Society submitted that the building height and setback controls in the revised DDO1 are not sufficient. They stated that there:

*needs to be a greater set back from the crest line as well as from the river itself to protect views from Yarra Bend Park and Studley Park.*

*The Amendments appear to be promoting monolithic 4 to 8 storey structures on these sensitive sites. While such developments would provide profitable apartments with pleasant views for the privileged few, it would further destroy the amenity of the river for all other Yarra residents and the rest of Melbourne.*<sup>34</sup>

The mandatory maximum building height and setback controls in the revised DDO1 give assurance on some of those submissions.

### (v) Council submissions

During the hearing Council agreed to remove the reference to the building height controls in DDO1 in IPO2 and DPO14 contingent on inserting the discretionary controls which could be expressed as 'preferred maximum'.

Council's closing submission stated that an additional discretionary building height control in the overlays is generally consistent with the JSLAP and it would *do no harm*. Council stated that the point of reference for building heights should be natural ground level, as provided in DDO1.

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<sup>31</sup> Document 12, paragraphs 65.

<sup>32</sup> Document 12, paragraph 73.

<sup>33</sup> Document 12, paragraph 72.

<sup>34</sup> Document 14.

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Council agreed that duplication of provisions of DDO1 in IPO2 and the Incorporated Plan are not absolutely necessary and could be deleted provided that the 25 metre building height control is inserted.

Council's closing submission on Amendment C219 agreed that any specific DDO1 requirements should be deleted from DPO14 to avoid duplication.

In the context of submissions on heritage controls in IPOs and DPOs, Council argued that they are a site specific control providing a one-stop-shop. He pointed to the Operation of the Overlays section of PPN23 which states that overlays are to be used to:

- *require a plan ... to coordinate proposed use or development before a permit can be granted*
- *guide the content of the plan by specifying that it should contain particular requirements*
- *provide certainty about the nature of the proposed development ...*

### 3.1.3 Discussion

#### Discretionary building height controls

The Panel has considered the urban design and town planning evidence that favours including an additional discretionary building height control expressed as a 'preferred maximum 25 metres' in IPO2 and DPO14. It is consistent with the building height limits envisioned in the JSLAP and the mandatory controls in DDO1, and would only apply if DDO1 is amended or expires in 2021 without being extended.

#### Proposed 26 metre building height and natural ground level in IPO2

The Panel appreciates the challenge for the C218 Proponent to achieve the 8 storeys it desires within a building height of 25 metres. However, the Panel is not convinced by their argument that because the JSLAP and the exhibited IPO mentioned 8 storeys that a discretionary building height control of 26 metres was envisaged.

The Panel accepts the C218 Proponent's position that the IPO is a framework control and should provide some flexibility and discretion. The IPO however must provide an appropriate level of certainty for future development in a way that is consistent with planning policy and strategy. A maximum building height of 25 metres and 6-8 storeys is expressed in the JSLAP and was part of the exhibited IPO2 and Incorporated Plan.

The Panel is not persuaded by the C218 Proponent's argument that the Incorporated Plan should include a note stating that the natural ground level is taken from the Trenerry Crescent frontage. The Panel relies upon the definition of Building Height in Clause 72 of the Planning Scheme, and the town planning evidence of Mr McGurn supports the Panel's position. The Panel does not see any reason to include a provision in the IPO seeking to interpret or contradict DDO1.

#### Duplication of DDO1 provisions

The Panel understands the Council position that IPOs and DPOs should provide a comprehensive site-specific control but the view is not supported by the expert evidence. The Panel agrees duplicating other planning provisions which may change is not good drafting practice. However, as stated at section 2.4.3, the Panel distinguishes between

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duplication, the verbatim restating of provisions, and repetition that draws attention to a provision elsewhere in the planning scheme.

The Panel agrees with Council and the proponents that the building height controls in DDO1 should not be duplicated in IPO2 and DPO14, but believes the Incorporated Plan and the IFP should include a note that the DDO1 building height and set back controls apply.

The town planning and urban design evidence was clear that any provisions duplicating DDO1 should be deleted from IPO2 and DPO14 and Council agreed with this position. Because of their importance, the Panel sees merit in referring to DDO1 Yarra River corridor controls wherever they apply, such as in the permit application requirements.

The Authorisation for the Amendments required that the final form of the Amendments be consistent with DDO1. The Panel applies that direction in its deliberations. It would be difficult to demonstrate to the Minister that IPO2 and DPO14 are consistent with DDO1 and SLO1 if they are silent on the point.

### 3.1.4 Conclusions

The Panel believes that Amendment C218 should be amended so that the Incorporated Plan to the IPO includes a note that the revised DDO1 applies and expresses a preferred maximum 25 metre building height (not including the street wall height). Any duplication of DDO1 building height and set back provisions should be deleted and any reference to heights in storeys should be deleted.

The Panel concludes that Amendment C218 should not include a discretionary building height of 26 metres or a note that the reference point for natural ground level is the frontage to Trenerry Crescent.

For Amendment C219 the Panel concludes that the Building Heights Plan at Figure 2, and in the Indicative Framework Plan at Figure 1 should be removed. The Indicative Framework Plan should include a note that the revised DDO1 applies and state a discretionary preferred maximum 25 metre building height (not including the street wall height).

The Panel's preferred drafting for C218 and C219 is in appendices C and E.

### 3.1.5 Recommendation

The Panel makes the following recommendations:

1. **In Amendment C218**
  - a) **delete any duplication of Design and Development Overlay Schedule 1 provisions in Incorporated Plan Overlay Schedule 2 but include a reference to applicable Design and Development Overlay Schedule 1 requirements and retain specific provisions that add to Design and Development Overlay Schedule 1, and**
  - b) **delete parts of the Incorporated Plan for the building height and set back provisions of Design and Development Overlay Schedule 1 and add a note that Design and Development Overlay Schedule 1 applies, and express a discretionary preferred maximum 25 metre height (see Appendix C).**



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### 2. In Amendment C219

- a) delete any duplication of Design and Development Overlay Schedule 1 provisions in Development Plan Overlay Schedule 14 but include a reference to applicable Design and Development Overlay Schedule 1 requirements and retain specific provisions that add to Design and Development Overlay Schedule 1, and
- b) delete parts of the Indicative Framework Plan for the building height and set back provisions of Design and Development Overlay Schedule 1 and add a note that Design and Development Overlay Schedule 1 applies, and express a discretionary preferred maximum 25 metre height (see Appendix E).

### 3.2 Traffic issues

#### 3.2.1 What is the issue

The issue is whether the developments under the Amendments will have a significant impact on traffic and whether the proponents should be required to conduct traffic impact assessments and make a proportional contribution to traffic mitigation works.

Submissions from seven local residents and VicRoads in response to the exhibited Amendments raised concerns about increased traffic in Trenerry Crescent particularly in peak hour and urged rejection of the Amendments because of traffic impacts. Some submissions supported traffic management measures such as traffic lights at the intersection of Trenerry Crescent and Johnston Street. VicRoads recommended traffic signals and sought a requirement at the permit stage that the developers undertake a traffic assessment and be required to contribute to the costs of any mitigation works that are required.

In response to the submissions Council commissioned expert traffic advice from GTA Consultants. The consultants agreed that traffic signals would be the most logical outcome for the intersection and outlined other measures to reduce traffic, such as creating a Green Travel Plan for both sites and promoting bicycle use, car share and use of public transport.

Council asked the proponents to commission expert reports following exhibition of the Amendments. Those reports, by Cardno and One Mile Grid, recognised that the developments would lead to increased traffic but did not conclude that traffic signals are needed.

In response to the VicRoads' submission and the expert traffic advice Council endorsed changes to the Amendments at its meeting on 4 July 2017. The changes would require the proponents to conduct a car parking and traffic impact assessment at the permit application stage as follows:

*A car parking and traffic impact assessment that considers the provision of car parking, circulation and layout of car parking and the impact of any additional traffic on the surrounding road network, including the intersection of Trenerry Crescent and Johnston Street, and how any necessary mitigation measures and/or financial contributions towards works to mitigate the impact of the development are to be delivered, to the satisfaction of the responsible authority and VicRoads.*



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Council adopted the position that the most appropriate mechanism to secure the contributions would be through a Section 173 Agreement with the proponents.

### 3.2.2 Evidence and submissions

Council engaged Mr Jason Sellars of GTA Consultants to provide expert traffic evidence. Other traffic experts were engaged by the proponents with Ms Charmaine Dunstan of Traffix Group giving evidence on C218 and Ms Deborah Donald of O'Brien Traffic on C219. Mr Andrew Rasulo of VicRoads provided a submission and attended the Panel hearings.

#### Existing traffic problem

Johnston Street is an arterial road and Category 1 Road Zone under the jurisdiction of VicRoads. Trenerry Crescent is a Council managed local road. It is 400 metres from the Eastern Freeway and carries a high volume of through traffic that is avoiding traffic delays on Hoddle Street.

The expert reports describe Trenerry Crescent and its intersection with Johnston Street as presenting a number of challenges. Ms Dunstan described it is a local road that operates as a higher order collector road or limited arterial road because of its connectivity between Clifton Hill and Abbotsford. Ms Donald provided statistical information about vehicle numbers and evidence about traffic origins and destinations. The expert reports described a high volume of bicycle traffic on Trenerry Crescent because it is part of the Capital City Trail, and a high volume of pedestrian traffic because of the nearby Victoria Park train station.

Mr Sellars' expert report assessed the intersection performance and found that it performed with an intersection Degree of Saturation (DOS) of 1.00 during both the weekday AM and PM peak hours. He concluded that the intersection is operating at its theoretical capacity and the existing traffic conditions warrant the introduction of measures to address the capacity constraints.

Mr Sellars' report includes VicRoads data on traffic accidents at the intersection from June 2012 to 2017. There have been 5 accidents causing serious injury (at least one person was sent to hospital), 4 involving a cyclist and a vehicle and the fifth involving a rear end collision between vehicles.

Ms Dunstan's report discusses road safety issues and concludes that *the intersection is not inherently unsafe and the total number of crashes is more a reflection of higher traffic and cyclist numbers than any inherent concerns.*<sup>35</sup>

VicRoads' submission to the Panel provides site observations from two inspections of the intersection, one during the AM peak and the other during the PM peak. It stated there is a steady traffic flow using Trenerry Crescent beyond what the local road network would generate. It also pointed to a constant stream of pedestrians walking to and from Victoria Park Station who have to cross Trenerry Crescent, often in conflict with turning traffic. The information observed a heavy demand for right turning traffic in the PM peak and a consistent demand for left turning traffic into Trenerry Crescent from Johnston Street despite a ban on this movement during the PM peak.

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<sup>35</sup> Document 4, page 13.

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Ms Donald's report stated that a reason for delays at the intersection arose because of poor road use by drivers blocking lanes on Trenerry Crescent.

### Measures to address traffic

Mr Sellars' report canvasses three intersection improvement options. Option 1 canvasses traffic signals. He concludes that the intersection meets the thresholds for traffic volume and accidents under the guidelines for new traffic signal installations in the VicRoads Traffic Engineering Manual. Option 2 proposed limiting traffic movement to and from Trenerry Crescent by limiting left in and left out turning traffic and option 3 would remove a right turning movement from Trenerry Crescent.

Mr Sellars expressed the view that traffic signals should be installed at the intersection now. His report stated that traffic signals would address problems with the critical right turn movements but would increase delays and queuing. It would provide the highest form of control between competing vehicle, pedestrian and bicycle movements and result in safer intersection performance. In response to questions from the Panel, Mr Sellars offered no opinion on who should install or pay for the traffic signals.

Ms Dunstan stated that Council needs to decide what it wants to do to address the existing problems at the intersection. She stated that while VicRoads is responsible for intersections of two arterial roads, Trenerry Crescent is a local road and the responsibility of Council.

Ms Dunstan submitted that traffic signals would make the intersection safer but would attract more through traffic. Ms Dunstan submitted that the traffic problem is not a road safety issue; it is a result of through traffic and queuing. The authorities need to look at what the through traffic will tolerate. Banning left and right turns will be a deterrent. Traffic problems can be made worse by putting in traffic signals and taking out traffic management.

She stated that installing traffic signals is not necessarily the solution. It was her opinion that the types of accidents that have occurred with bicycles such as car dooring, left turn swipe and right turning cars hitting cyclists are not going to be fixed by traffic signals. Nor would the rear end crash have been prevented as traffic signals increase rear end crashes.

The Panel asked Ms Dunstan for her view on other proposed traffic treatments if no signals are installed. Ms Dunstan recommended a separate left turn lane and parking removal during peak times, and prohibiting right turn at PM peak saying that hardly anyone does it because it is so difficult and therefore there would be little impact. She said that even though there are few right turners they are blocking the left turners while waiting.

Mr Rasulo of VicRoads stated that he agreed with Ms Dunstan that traffic signals will not necessarily address the issues at the intersection. He also stated that there is not sufficient justification for VicRoads to install signals now because of competing funding priorities.

Ms Donald agreed the intersection at Johnston Street and Trenerry Crescent requires signalisation under present conditions. She stated that because the situation exists now, the cost of installation should be resolved between Council and VicRoads.

Council asked Ms Donald if it was her view that the need for signalisation now is the result of the volume of traffic and pedestrians or if it is through traffic or local traffic. She stated that if there was only local traffic the right turn out of Trenerry Crescent would still be an issue,

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so the issue is not just volume. She stated that it is not just the traffic on Johnston Street, it is the combination of all of the traffic conditions.

Mr Rasulo of VicRoads asked Ms Donald whether it is her opinion that traffic signals reduce crashes at the intersection. She stated that she would need more details about the nature of the crashes to answer.

When asked if there are other treatments to improve safety for pedestrians and cyclists Ms Donald stated that there are some measures that could be done, but it depends on the specific causes of the crashes.

She stated that making it more difficult to exit out of Trenerry Crescent might help reduce traffic but the answer depends on sources and destinations of traffic with a study required to determine both and the nature of any changes before they were made.

Mr Rasulo asked Ms Donald whether traffic signals would benefit adjacent streets which have queuing in the peak times. She agreed that it is an area wide problem but that she had not been engaged to look at the area beyond Trenerry Crescent.

In response to a question from Mr Rasulo about the ban on right turns suggested by the other traffic experts she expressed the view that it would not be very helpful, and could have a negative impact.

The Panel asked Ms Donald for her opinion on Mr Sellars' proposals for improvements to the intersection based on current conditions, other than installing traffic signals. She stated that in a general sense the options could work but more study is required.

### **Impact of the developments on traffic**

Mr Sellars stated that the indicative level of traffic increase from development of the sites would be marginal, perhaps between 1-2 per cent. His report assessed the impact on the performance of the intersection from the Amendment C218 site would increase from 1.00 (the existing DOS) to 1.03 during peak periods. He assessed the impact on the performance of the intersection from the Amendment C219 site would increase from 1.00 (the existing DOS) to 1.02 during peak periods.

For both sites combined he assessed the impact on the performance of the intersection would increase from 1.00 (the existing DOS) to 1.04 during the weekday AM peak and 1.03 during the weekday PM peak. The increases relate to the right turn movement from Trenerry Crescent during the weekday AM peak hour and the right turn movement from Johnston Street during the weekday PM peak hour.

Ms Dunstan's report provided detailed estimates of traffic volumes generated by the proposed development at the C218 site. She adopted a conservative residential traffic generation rate of 0.3 vehicle trips per peak hour per dwelling and 3 vehicle trips per dwelling per day. She based her assessment on a development yield of 45 office spaces, one food and drink premises and 160 apartments with 1 car space per apartment, which she regarded as relatively high for current developments in the Richmond/Abbotsford area.

Ms Dunstan's report forecasts that the additional dwellings would generate up to 48 additional movements in the commuter peak hours. She estimated that the development would generate up to 28 vehicle movements through the Johnston Street/Trenerry Crescent

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intersection per peak hour and no more than seven additional movements in the critical right turn movements into or out of Trenerry Crescent.

Ms Dunstan found that additional traffic associated with the development of the C218 site will have negligible impact on the operation of the intersection of Trenerry Crescent and Johnston Street. She also found that the development can be accommodated with or without traffic signals. Ms Dunstan submitted that the proposed application requirements related to traffic engineering matters in the Council's Part A submission are appropriate.

Ms Donald submitted that there is no justification for requiring the C219 Proponent to contribute to cost of works to improve safety of the intersection. Her opinion is that if people are using Trenerry Crescent as a rat run now as her data shows, it would require considerable increase in traffic numbers to deter drivers from continuing to use the street.

She restated her evidence that she considers the VicRoads requirement that the traffic signals be developer funded to be excessive. She stated:

*...there is no equity in requiring only the developers of three sites affected by C218 and C219 to contribute to the cost of installing traffic signals. I do not believe there is any nexus between the proposed Planning Scheme Amendments and the VicRoads position.*

Ms Donald also answered in the negative a question from Mr Rasulo whether there should be a developer contribution of any sort to any measures.

The Panel asked each of the traffic witnesses how it should respond to submitters who opposed the rezonings on the basis of increased traffic and who sought rejection of the Amendments. Each of the experts took the view that the traffic impacts from each of the proposed developments are marginal and therefore submissions seeking rejection of the Amendments should not be upheld.

### How the Amendment should address traffic

Mr Sellars stated that a reasonable expectation would be for both sites to make a contribution to any improvement works at the intersection of an amount commensurate with the impact on intersection performance. He estimated that the Amendment C218 site would increase the existing overall traffic volumes at the intersection during the weekday peak hours combined by 0.97 per cent and the Amendment C219 site will increase existing overall traffic volumes at the intersection during the weekday peak hours combined by 2.1 per cent.

Mr Sellars also recommended travel demand management strategies that could be implemented with the amendment sites to reduce traffic generated by any new development. These included reduced car parking provision for staff at commercial premises and residents, providing motorcycle parking, car share pods and bicycle facilities well beyond statutory requirements and preparing and managing a Green Travel Plan.

Ms Dunstan told the panel that having reviewed the material she believed that any reference in Amendment C218 to traffic works should be removed. She stated that the cost of doing the traffic studies to justify developer contributions would be more than the contribution itself.



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Ms Dunstan stated that the Amendment cannot assign responsibility for traffic to the developers. The work has effectively already been done to demonstrate that the traffic impact of development of these sites will be negligible. She stated that she was concerned about the way the IPO is currently drafted.

The Panel asked Ms Donald if she agreed with the Council's revised position that it would no longer seek a contribution from the proponents as part of the Amendments but keep open the option of requiring a traffic impact assessment at permit application stage. Ms Donald agreed with no contribution being sought but does not agree with the requirement for a traffic impact assessment. In her opinion the traffic impact is going to be small whether the developments are for offices or residential.

### **VicRoads' submission**

VicRoads' submission stated that VicRoads requires the IPO2 and DPO14 to make adequate provision for traffic assessments and necessary mitigating works to its satisfaction at the planning permit stage. VicRoads further seeks that at the planning permit stage it may request a Safety System Audit and Road Safety Audit be conducted to identify potential risks associated with Trenerry Crescent and stipulate permit conditions based on the findings from the audits and traffic impact assessments.

At the hearing Mr Rasulo was asked what is meant by the 'necessary mitigating works'. He stated it depends on the assessment at the time, with a focus on safety.

VicRoads' submission acknowledged the consistent message from all the traffic experts that it would not be equitable to request the proponent to fund installation of new traffic signals. Mr Rasulo stated at the hearing that VicRoads relinquishes the requirement that the proponents pay for works to be carried out.

VicRoads' submission concluded that it is satisfied that traffic signals at the intersection are required now under current operating conditions. It also acknowledged that the traffic pattern in the immediate road network precinct may change in the very near future due to the Hoddle Street Streamline Project, the details of which were not available to the hearing.

The Panel asked Mr Rasulo if he would support the proposals from GTA Consultants other than the traffic signal option. Mr Rasulo stated he would support those traffic measures because they would deliver improvements in safety for cyclists and improved flow of traffic.

The Panel asked Mr Rasulo who would be responsible for carrying out works to improve the intersection. Mr Rasulo stated that the intersection does not qualify as a black spot yet; there is scope for this to occur in the future but there is no guarantee of funding.

### **Council and proponent submissions**

The Panel invited a discussion among the parties on common ground on the traffic issues.

Mr Gobbo for the C218 Proponent stated that the traffic experts agree that some measures are needed at the intersection now. He suggested that Council could use a section 173 agreement to achieve proportional developer contributions to traffic improvements but it would be better dealt with outside the terms of the Amendment.

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He stated that VicRoads has not made a case for traffic signals and there is no proper basis for justifying that the proponents make a contribution to the cost of traffic signals. He stated that the C218 Proponent would prefer that the clause in IPO2 requiring a traffic impact assessment as part of the application requirements delete reference to mitigation measures or financial contributions to the satisfaction of VicRoads.

Council's representative, Mr Tobin stated that the Panel only needs to decide whether the proponents are responsible for traffic impacts and should not come to a view about whether Council or VicRoads should be required to undertake any works.

Council proposed to modify the wording for the Application Requirements in the Amendments so that a traffic impact assessment and a decision about public realm improvements could fall out of ordinary permit application process.

Council's closing submission for Amendment C218 stated that Council seeks to retain the requirement in IPO2 for the proponent to provide a traffic impact assessment as part of the permit application. It stated that the assessment may indicate limited local works, and the operation of Trenerry Crescent may change with VicRoads' broader traffic changes.

Council's closing submission for Amendment C219 stated that the Amendment should include words that call for a traffic assessment and appropriate traffic mitigation measures as part of the permit application requirements.

**3.2.3 Discussion**

The issue for the Panel is whether the amendments should require the proponents to prepare a traffic impact assessment and contribute to the cost of traffic mitigation works.

The exhibited version of the Amendments did not require the proponents to provide a traffic impact assessment as part of the permit application. Council introduced the requirement as part of the post exhibition changes in response to a submission from VicRoads and a number of local residents.

The three traffic experts agreed that the traffic volume and safety issues at the Trenerry Crescent/Johnston Street intersection during peak periods requires action now. The problems are a mixture of volume because of through traffic which causes delays during the peak periods, and safety issues because of the high volume of cyclists and pedestrians. The experts acknowledged that there had been five serious accidents in the past five years, which meets one of the thresholds of VicRoads for installing traffic signals. The experts held different views on whether the level and nature of the accidents makes the intersection inherently unsafe.

All three traffic experts agreed that the traffic impact of the developments on the Amendment sites would be negligible. Each of the experts pointed to their evidence to disprove submissions that the developments will have a significant impact on traffic problems.

VicRoads acknowledged that in light of the traffic evidence it would not be equitable to require the proponents to fund installation of new traffic signals. It withdrew its requirement that the Amendment provide for the proponents to pay for traffic mitigation works.



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The traffic experts put forward a range of options to address the traffic problems on Trenerry Crescent and at the intersection with Johnston Street. They did not agree that traffic signals are the most appropriate treatment given the nature of the traffic problems. The traffic experts supported alternative traffic management treatments in Trenerry Crescent such as restricting right turning traffic and removing car parking during peak times.

Although VicRoads was satisfied that traffic signals at the intersection are required under current operating conditions it conceded that it would not be installing traffic signals any time soon. It also concluded that the broader works it is undertaking, particularly the Hoddle Street Streamline Project, may reduce through traffic on Trenerry Crescent.

In light of the traffic evidence it is difficult to justify VicRoads' initial position. There is no expert traffic evidence to support a provision in the Amendments that the proponents provide traffic assessments and consider mitigating works and that VicRoads have the position to declare its satisfaction with the traffic impact assessment. Nor is there any evidence to support a requirement that at the planning permit stage VicRoads may request a traffic safety audit and stipulate planning permit conditions based on the findings.

No less than five of Victoria's leading traffic experts have been engaged as part of this Amendment so far. The three traffic experts who appeared before the Panel submitted and VicRoads fairly agreed that the impact of the developments on traffic would be marginal. They all agreed that it would therefore not be equitable to require the proponents to contribute to solutions for what is an existing problem. The Panel endorses VicRoads' decision to relinquish its requirement for a contribution to any mitigating works to solve a problem that exists for other reasons.

The Panel does not need to address the question of who should pay for any traffic mitigation measures in Trenerry Crescent and at the intersection with Johnston Street. That is a matter for Council and VicRoads. What is clear is that the proponents should not be held responsible.

### 3.2.4 Conclusion

There is an existing traffic problem on Trenerry Crescent and at the intersection with Johnston Street during the peak hour. That is a matter for VicRoads and Council to address. The evidence of the traffic experts indicates that traffic signals are not necessarily the solution.

The evidence of the traffic experts and VicRoads was clear that the development of the subject sites would have marginal impact on traffic. There is therefore no justification for the amendments to require the proponents to provide traffic impact assessments at planning permit stage or to potentially require them to conduct a road safety audit for the purpose of looking at and mitigating road and traffic conditions that are pre-existing. A traffic impact assessment report may be required to support a reduction in car parking provision or other reasons but that is a different matter that may not involve VicRoads.

The panel concludes that a traffic impact assessment is justified to address the safe entry and exit of vehicles from the developments and how these minimise conflicts with any pedestrian and cycle links.

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The Panel relies on the traffic experts in their assessment of traffic situations likely to arise from the development of the sites in its conclusion that the amendments should proceed and submissions calling for rejection of the amendments for traffic reasons are misplaced.

**3.2.5 Recommendation**

The Panel makes the following recommendation:

- 3. Retain the provision in Amendments C218 and C219 requiring the proponent to provide a traffic and car parking impact assessment but delete reference to it being to the satisfaction of VicRoads and the requirement for proponents to contribute to mitigation works. The Panel's preferred version of the relevant provisions are set out in Appendices C and E.**

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### **Section 2 – Issues specific to each Amendment**

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### 4 Issues specific to Amendment C218

#### 4.1 Heritage

##### 4.1.1 The heritage and urban issues

The existing buildings at 18-26 Trenerry Crescent are comprised of development from 1911 and 1924 to a later addition in 1984.

The site is graded as *Individually Significant* within precinct overlay HO337 and there are general references within the Statement of Significance to the former industrial buildings that were developed from the early 1900s, highlighting the more prominent buildings such as 112-124 Trenerry Crescent and the “Byfas” building at 8 Trenerry Crescent.

The current Statement of Significance for HO337 only refers to former industrial buildings (generally) and some of the heritage and architectural features that contribute to the streetscape.

Council would consider current and future planning permit applications against the provisions of the Heritage Overlay and heritage policy in Clause 22.02 (Design Guidelines for Sites Subject to the Heritage Overlay) of the Yarra Planning Scheme. This would not change with proposed Amendment C218.

The exhibited Incorporated Plan, as it relates to heritage issues, identifies the heritage elements that should be retained on the site (at a minimum), subject to a more detailed design proposal and a Conservation Management Plan (CMP) or detailed heritage assessment and design response. These are then subject to a statutory planning assessment, including the consideration of heritage issues, as part of the planning permit process.

Submissions 6, 8, and 14 (Collingwood Historical Society, Collingwood and Abbotsford Residents Association, and Yarra Riverkeepers Association) highlight what they submit is the lack of detail in the amendments on the design response to heritage buildings. The submitters state that all of the elements from the different development periods (1911, 1924 and 1984) are ‘contributory’ to the place, and assert that the IPO is insufficient protection for the heritage elements on the site.

Council commissioned a heritage citation for the site from consultants GJM in June 2016 which has been used to inform changes to the amendment in response to submissions on heritage issues. GJM prepared a citation for 18-62 Trenerry Crescent which identifies the 1984 additions, designed by Darryl Jackson AO, as contributing elements to the cultural and historic significance of the place.

The citation for the property needs to be referenced at clause 22.02 to be included in the planning scheme. Though this was not proposed as part of the exhibition material, legal advice obtained by Council supports this inclusion through the current amendment process. This inclusion was not opposed by any party.

Council endorsed changes to the IPO Schedule and Incorporated Plan in July 2017 that are largely informed by recommendations from GJM. The changes further reinforce the requirements of both the Heritage Overlay and the design response to the heritage fabric on

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the site. The proposed IPO Schedule would require a detailed heritage assessment as part of any future planning permit application, in addition to the current requirements of the Heritage Overlay and Clause 22.02. A heritage report would form part of any planning permit application.

Council also proposed to:

- increase the preferred minimum setback from the heritage façades to be retained from 3 metres to 6 metres, and
- require the connecting architectural element between the 1911 and 1924 buildings to be retained so that future development will sit well behind the three-dimensional architectural form of the existing heritage buildings when viewed from Trenerry Crescent and Turner Street.

### 4.1.2 Evidence and submissions

Mr Jim Gard'ner of GJM Heritage provided expert evidence for Council on heritage issues. His evidence stated:

- The 1911 building and the 1984 additions are of high integrity and are in good condition. Having undergone later additions, the 1920s structures are of lower integrity.
- The 1984 alterations and additions contribute to the significance of the place.
- 18-62 Trenerry Crescent is correctly identified in the Incorporated Document *City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8* (revised May 2017) (Appendix 8) as being of cultural heritage significance to the City of Yarra and meeting the threshold of 'Individually Significant' as defined by Clause 22.02-3 – Levels of Significance in the Yarra Planning Scheme:
- Individually significant: The place is a heritage place in its own right. Within a Heritage Overlay applying to an area each individually significant place is also Contributory.
- The complex – including the 1984 additions – is of local significance to the City of Yarra and warrants its grading of 'Individually Significant' within the Victoria Park Precinct.

In his evidence, Mr Gard'ner was critical of what he said was no consideration *to retaining the three-dimensional form of the existing early twentieth century buildings beyond an indication of the retention of some return walls on Turner Street, and the Incorporated Plan assumes the complete demolition of the 1984 additions* and provided evidence on the extent of buildings on the site which he submitted should be retained.

Mr Gard'ner was also critical that no fabric is proposed to be retained beyond the 1911 and c.1920s facades facing Trenerry Crescent and Turner Street respectively which are to be retained only subject to detailed heritage and structural advice. He called for sufficient building to be retained to avoid façadism.

Mr Gard'ner submitted the minimum extent of building *necessary to retain key public realm views and the legibility of three-dimensional form of the former factory*:

- the Trenerry Street façade and an approximately 6 metre return to the northwest (one structural bay)
- the Turner Street facades including the 1984 glazed atrium link structure
- the Yarra River façade of the 1920s building including the 1984 projecting window elements



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- the roof form of the 1911 two storey building including the lantern element to a depth of 6 metres
- the glazed roof form of the 1984 link building to a depth of 6 metres from the site boundary
- the roof form of the 1920s building facing Turner Street and the Yarra River, also to a depth of 6 metres and that the roof form of the pitched roof buildings and the 1984 glazed link building should be retained.

He also stated that an 8-10 metre separation is required between the north-western elevation of the 1911 building on Trenerry Crescent and new built form to the north on the site.

Mr Gard'ner conceded that the saw tooth roof be allowed to be demolished in its entirety but that the pitched roofs be retained to a depth of 6 metres.

The minimum extent of heritage fabric he sought to retain is shown on this extract from figure 23 in Mr Gard'ner's witness statement.



Figure 3 Mr Gard'ner's minimum extent of heritage fabric to be retained

He argued it was essential that the heritage fabric and interfaces are properly documented at Incorporated Plan stage to assist the preparation of appropriate management plans.

He recommended numerous changes be made to the Incorporated Plan Overlay to achieve the outcomes he sought.

Mr Bryce Raworth of Bryce Raworth and Associates provided heritage advice on behalf of the C218 Proponent. He asserts that the level of significance, particularly of the Darryl Jackson designed additions, is not as significant as other (more original) elements on the site. He stated that the 1984 Darryl Jackson additions are (simply) an early example of the adaptive design and re-use of a former industrial/heritage building.



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Mr Raworth referred to a decision by Heritage Victoria in 2007 to not list the building on the Victorian Heritage Register for reasons including that the *'early twentieth century factory buildings were considered to be typical, but not architecturally outstanding for their era.'*

Mr Peter Lovell of Lovell Chen gave evidence for the C218 Proponent. He stated his primary concern was the introduction of heritage requirements in the IPO which he said was adequately addressed in the heritage policy in the planning scheme.

Mr Lovell said the subject building is individually significant as stated in the planning scheme but had not been elevated until 2007 when Daryl Jackson's design works were given status on a mistaken premise.

He said:

- the building is the only building in the area recognised as significant
- the Statement of Significance in the HO337 is a good one; it addresses the precinct properly
- the 1911 building is not individually significant
- the 1920s building is not a heritage building because of the extent of subsequent modifications and the 1920s wall bears no resemblance to original
- the 1984 additions are not a good representation of Daryl Jackson's work.

Mr Lovell noted that a heritage impact statement is required for all buildings in the municipality as a result of the Heritage Overlay so anything additional such as proposed in the IPO is unnecessary. He said a Conservation Management Plan is excessive for this site.

Mr Lovell did not support the proposed decision guidelines because they are repetitive of other requirements.

Mr Lovell's evidence supported demolition of the buildings on site but committed to the retention of all the façade on the 1911 building with so much of the return on Trenerry Crescent and Turner Street as necessary to support the retained wall.

### 4.1.3 Discussion

Each of the heritage witnesses gave evidence that was thorough in its analysis of the issues and considered in the conclusions. The Panel was presented with some conflicting positions all of which arise from a detailed analysis of the issues. The Panel appreciates the manner in which the witnesses presented their opinions which are genuinely held and logically based.

Council summed up the position of the Panel when he described the task to be about how to establish controls to guide the consideration of future development proposals and not being about whether the building has heritage value.

Clause 2.0 of IPO2 as exhibited stated requirements for permit applications that included a requirement for a heritage impact statement that assesses the impact of the proposed development on the heritage values of the heritage place as well as other information to help consideration of the heritage impacts of a proposed development.

The Incorporated Plan as exhibited contained development principles to be addressed to achieve heritage outcomes.

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The Panel was presented with submissions to change the format and content of the Incorporated Plan especially to delete provisions said to be contained elsewhere in the planning scheme.

The issue for the Panel is to consider how the planning controls should be shaped to achieve the best heritage outcomes when a permit application is made.

Included here are matters about the controls in IPO2, the requirements of the Incorporated Framework Plan, the contents of an Incorporated Plan prepared on the basis of the controls plus a comprehensive heritage analysis and structural engineering advice which will determine the extent of building likely to be retained.

### 4.2 Discretionary heights

#### 4.2.1 Street wall height to Trenerry Crescent

In its submission during exhibition of Amendment C218, the C218 Proponent sought changes to the IPO Schedule that *allows a degree of discretion in height and setbacks; provides recognition of design excellence and recognises site specific characteristics*. Its submission included specific changes to the Amendment documentation.

The C218 Proponent specifically identified the street wall height of new built form on Trenerry Crescent in its submission. The C218 Proponent sought that this be changed from a mandatory to discretionary height. The exhibited Incorporated Plan in Amendment C218 depicts this as *maximum height 4 storeys (15m)*.

Council considers the mandatory street wall height proposed in Amendment C218 to be justified having regard to:

- the JSLAP and the urban design analysis that underpins it
- the heritage significance of 18-62 Trenerry Crescent; and
- the proposed application of the IPO.

Mr Gard'ner's position on the controls proposed for this site assumes a four storey street wall height, which Mr Gard'ner considers *appropriate in the context of the broader precinct*.<sup>36</sup>

#### 4.2.2 Height of new building

The C218 Proponent sought to change the wording of IPO2 to state a discretionary height control for the new building. Section 3 of this report deals with the substantive issues on the matter. Section 3.1.4 states the Panel conclusion that the Incorporated Plan to the IPO is to include a note that the revised DDO1 applies and expresses a preferred maximum 25 metre building height (not including the street wall height).

### 4.3 The heritage citation

There was common ground between the Council and the C218 Proponent for a citation for the site to be included in the LPPF. Whereas the Council supported the GJM version, the proponent urged the Panel to accept the draft statement of significance presented by Mr

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<sup>36</sup> See page 25 of Mr Gard'ner's expert witness report.

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Lovell that supported the descriptions of the buildings as stated by GJM but downplayed the significance attached by Mr Gard'ner.

The Panel notes that Council largely supported Mr Lovell's draft with the exception that he preferred Mr Gard'ner's grading. The Panel finds that Mr Lovell's draft can be supported. It states the heritage position of the building(s), ascribes heritage significance and sets a basis on which to assess future permit applications. The Panel's preferred form of the statement is at Appendix D.

The Panel notes the difference of opinion between the heritage experts for the C218 Proponent where Mr Raworth differed from Mr Lovell about the way the heritage values of the buildings should be expressed in a statement of significance. The Panel adopts Mr Lovell's draft.

### 4.4 Conclusions

The Panel concludes:

- Amendment C218 should not include a discretionary maximum building height of 26 metres and adopts the position that IPO2 contain discretionary maximum height controls in the event that DDO1 expires or is amended to remove mandatory building height controls.
- The IPO2 and the Incorporated Framework Plan should be amended to allow a future permit applicant the opportunity to justify a proposal that:
  - retains heritage features including parts of the heritage fabric of the buildings with the façade of the 1911 buildings and part of the Turner Street fabric
  - has a street wall height on the Trenerry Crescent frontage as exhibited in the Incorporated Plan in Amendment C218 that depicts '*maximum height 4 storeys (15m)*'
  - has a preferred maximum building height of 25 metres consistent with DDO1.
- The citation for 18-62 Trenerry Crescent should be the version presented by the C218 Proponent with the Lovell amendments.

### 4.5 Recommendations

The Panel makes the following recommendations:

4. In Amendment C218
  - a) Adopt the form of Incorporated Plan Overlay Schedule 2 as contained at Appendix C to clarify building height controls
  - b) Adopt the statement of significance for 18-62 Trenerry Crescent Abbotsford as presented by Mr Lovell for the C218 Proponent and included at Appendix D.

### 4.6 Form and content of Amendment C218 and IPO

#### 4.6.1 The issue

In chapter 2 the Panel reported its position on issues about the Form and Content of each Amendment and the repetition of provisions in the associated documents. This section deals with the form and content of the controls proposed in Amendment C218.

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As reported in chapter 2.4, the authorisation for Amendment C218 required the drafting of IPO2 to be in accordance with the direction on the Form and Content of Planning Schemes. Mr Tobin for Council advised that the form of the Amendment and the IPO had been varied and now complied with the template. It is sufficient for the Panel that the planning authority will recheck the form of the amendment papers taking account of the Panel recommendations prior to adoption of the Amendment.

### 4.6.2 Evidence and submissions

Council told the Panel that Amendment C218 with the rezoning of the land to C1Z and associated documentation including the IPO had been prepared at the request of the proponents.

The C218 Proponent acknowledged the zone and the overlay controls proposed under Amendment C218 but took issue with the nature and effect of the controls in the IPO that would inhibit how it designs a redevelopment proposal. The C218 Proponent advocated changes to particular controls including the mandating of heights and setbacks to apply to the site whether through DDO1 or IPO2, change to the requirement to retain parts of the buildings which it contests have heritage values worth preserving, changes to the heritage citation covering buildings on site that is proposed to be included in the planning scheme, change to allow the datum point for measuring height to be on the Trenerry Crescent frontage and changes to the requirements for matters to be included in an Incorporated Plan.

The C218 Proponent relied on the evidence of its expert witnesses Messrs McGurn, Blades, Raworth and Lovell to support its submission for changes to the IPO so as to *allow the best planning outcome in the long term and prevent the need for a further planning scheme amendment*.<sup>37</sup>

### 4.6.3 Discussion

In chapter 3.1.3, the Panel said it would approach the issue of repetition of provisions across the controls by assessing the purpose of the repetition and the function of that repeated provision. None of that is to disregard the strength of the submissions. The Panel approach is one of balance. If the repetition serves a useful purpose and the function is of little more effect than to draw attention to a provision, the Panel is likely to allow the repeated provision.

The evidence from the witnesses about desired changes to the form of Amendment C218 was put on two main grounds: first, making the documents compliant with government directions. Second, to create a scenario where the proponent can design a development concept with flexibility arising from the discretionary application of controls in DDO1, as far as they can be discretionary, and with IPO2, and its indicative framework plan, as the guiding controls.

The Panel accepts the genuine approach of the proponent. However, the Panel also considers one of the benefits of the controls as exhibited as allowing the later drafting of a concept and its consideration without the usual level of advertising or third party

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<sup>37</sup> Document 29 para 35.

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participation. One of the reasons given by the planning authority for its advocacy of the nature of the controls was that there had been substantial notification and awareness of the type of development that may result from the controls. The Panel is not prepared to divert far from the form of the controls as exhibited and which third parties are entitled to expect will lead to an outcome that is substantially similar to that anticipated under the exhibited form of the controls.

### 4.6.4 Conclusions

The C218 Proponent sought changes to particular controls including the mandating of heights and setbacks to apply to the site whether through DDO1 or IPO2. The Panel accepts some of the changes. On the basis of submissions, the Panel has drafted its preferred version of IPO2, contained in Appendix C.

The C218 Proponent sought changes to the requirement to retain parts of the buildings. The Panel does not prescribe the extent of building to be retained but amends IPO2 to allow retention issues to be resolved as part of the planning permit stage.

The C218 Proponent sought changes to the heritage citation covering buildings on site that is proposed to be included in the planning scheme. The Panel accepts Mr Lovell's evidence that the citation as drafted by GJM can be varied without removing the requirement for a heritage report and substantiation of heritage issues at the appropriate time.

The C218 Proponent sought change to allow the datum point for measuring height to be on the Trenerry Crescent frontage. The Panel does not accept this proposition for reasons discussed in chapter 3.1.

The C218 Proponent sought changes to the requirements for matters to be included in an Incorporated Plan. The Panel accepts some of the changes. On the basis of submissions, the Panel has drafted its preferred version of the Incorporated Plan; the Panel version of the Indicative Framework Plan is contained as part of the Incorporated Plan in Appendix C.

The changes of note are to some of the terms applied in the post-exhibition form of the IPO2 and the Incorporated Plan.

In the IPO2:

- The Panel applies the term heritage impact statement instead of the descriptions Comprehensive Heritage Analysis, comprehensive impact assessment, heritage conservation and management plan and the like. The changes are made in proposed clause 1.0 with references in the Requirements for permit applications and in proposed clause 2.0 Decision Guidelines. The change adopts the term used by the C218 Proponent.
- The Panel reduces the breadth of what was to be the focus of a Traffic Impact Assessment Report in proposed clause 1.0. The Panel preferred form of the requirement focusses on addressing car parking and access to Trenerry Crescent for safety reasons. The Panel accepts that the requirement to consider traffic impacts on the intersection of Trenerry Crescent and Johnston Street and the prospect of contributions to any mitigation works can be deleted.
- The Panel removes clauses that duplicate the terms of DDO1 and clarifies that DDO1 applies. The Panel retains and enhances clauses with more specific provisions than



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DDO1 to protect the values of the Yarra River corridor adjacent to the subject sites in the Requirements and Decision Guidelines.

For the Incorporated Plan, in addition to improvements to simplify the Plan including the removal of the notes, the Panel:

- Removes requirements that duplicate the terms of DDO1 in the Development Principles and Landscape Principles in the Objectives
- Clarifies provisions that add more detailed requirements than DDO1 within the Objectives
- Amends the attached plan to specify that DDO1 applies to the subject site
- Reorganises the Objectives that address heritage issues under a new heading for 'heritage principles'
- Applies the description "preferred maximum building height" to the building area outside the DDO1 area
- Sets the street wall height on Trenerry Crescent at "15 metres preferred height"
- Removes the requirement for spacing between the retained façade on TC and new building along the street frontage and the identification of the area as the preferred vehicle entry point off Trenerry Crescent
- Reduces the depth of the minimum setback above the heritage façade to a preferred minimum of 2 metres above the heritage facade
- Identifies preferred vehicle access points on Trenerry Crescent and Turner Street
- Replaces the word façade with fabric to identify "other heritage fabric" to be considered for retention.

### 4.6.5 Recommendation

The Panel makes the following recommendation:

5. **Adopt the form of Incorporated Plan Overlay Schedule 2 as contained at Appendix C to improve form and content of the overlay and the Indicative Framework Plan.**



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### 5 Issues specific to Amendment C219

#### 5.1 Heritage and urban design

##### 5.1.1 The heritage issues

The former Austral Silk and Cotton Mills (Austral) building at 112-124 Trenerry Crescent is graded as *Individually Significant* and is part of HO337. Current and future planning permit applications would be considered against the provisions of the HO and Clause 22.02.

Advice to Council by GJM includes a new citation for the site. Although not formally part of the exhibited amendment, the citation for the property would need to be referenced at Clause 22.02 to be included in the planning scheme. Legal advice to Council supports this occurring through the current amendment process. This inclusion was not opposed by any party.

Submissions 6, 8, 13 and 14 (Collingwood Historical Society, Collingwood and Abbotsford Residents Association, a local resident and Yarra Riverkeepers Association) highlight concerns about the lack of detail in Amendment C219 in addressing the design response to the former Austral building.

In response to submissions Council sought advice from GJM. The subsequent advice highlighted the importance of this prominent heritage building with all visible façades important for the reading of the building and recommended changes to the DPO Schedule to reinforce the heritage significance of the building and to clarify the heritage requirements when submitting a Development Plan for approval and at the planning permit stage. Specifically, the report identified that the Schedule to the DPO and future Development Plan should ensure that:

- key views to the prominent heritage façades be retained
- there should be separation from new buildings
- upper level setbacks, and
- protection of views of the eastern building façade by limiting the height of any new buildings to the east.

Council proposed a number of changes to the DPO Schedule to reflect GJM's advice including:

- changes to the Vision section to ensure development maintains views to the heritage building from Trenerry Crescent
- changing the requirements for the Development Plan to ensure that development responds to a future Conservation Management Plan or similar analysis
- modifying the Indicative Framework Plan within the Schedule to the DPO to reinforce the heritage significance of the building and key view lines to the prominent façades
- altering the decision guidelines.

Council proposed to modify the Indicative Framework Plan and design guidelines within DPO14 to reinforce the heritage significance of the building and key view lines to the prominent façades.

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Council commissioned a heritage citation from GJM as part of the Amendment process and seeks to have the citation listed as a reference document at Clause 22.02-8. Council stated that referring to the heritage citations within clause 22.02-8 would be consistent with the existing treatment and structure of heritage documents within the Scheme.

Mr Townsend for the C219 Proponent made substantive submissions on heritage matters through presentations and cross examination of Mr Gard'ner. Those submissions took issue with some aspects of the heritage information and controls particularly affecting the ability to develop the northern part of the site, with the protection of view lines to the Austral building from off-site vantage points including the requirement for a 20 metre setback distance for new building on the northern land as well as the requirement for a public link through the site from Trenerry Crescent to the River corridor.

The proposed statement of significance presented by Mr Gard'ner was accepted by the C219 Proponent but the proponent sought changes to the heritage provisions in DPO14.

### 5.1.2 Evidence and submissions

Mr Gard'ner provided expert evidence to substantiate the level of heritage control in DPO14 and the Indicative Framework Plan. Mr Gard'ner distinguished the AEU building on the northern part of the site at 126-142 Trenerry Crescent which he stated *was constructed in the 1980s in a Post-modern style and it is my opinion that it does not have any heritage significance in its own right nor as part of the Victoria Park Precinct* from the Austral site at 112-124 Trenerry Crescent which he said *was of local historical and aesthetic significance to the City of Yarra and which was of cultural heritage significance to the City of Yarra and meets the threshold of 'Individually Significant' as defined by Clause 22.02-3 – Levels of Significance in the Yarra Planning Scheme.*

Mr Bruce Trethowan prepared evidence on heritage matters for the C219 which was submitted to the hearing. Mr Trethowan was not called but his evidence remains for consideration.

Mr Trethowan supported the significance of the Austral building. His evidence was:

*Given the greater understanding of the history and development of the site and its importance within the area, all remaining industrial structures on the subject site dating from the interwar period should be retained. These structures comprise:*

- *the 1927 Building*
- *the addition to the south of the 1927 Building*
- *the substation building*
- *the remnant walls*

He stated that *These structures should be scheduled (under Schedule 14) and their location identified on the IDF.*<sup>38</sup>

Mr Trethowan's submission went on to state that any new building extension to the Austral building should be limited to one storey in nominated locations, should have a street wall

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<sup>38</sup> Document 11 paras 51 and 52.

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height of 8 metres to Trenerry Crescent and an appropriate separation of the 1927 Austral building from new construction.<sup>39</sup>

### 5.2 Discussion

The C219 Proponent's position did not focus on heritage issues per se save for arguing that the shared link was not supported on heritage grounds. Instead, the C219 Proponent argued that heritage issues arising from the exhibited form of the amendment should be left to play out at the appropriate stage as there is no current redevelopment proposal.

There are implications for the heritage buildings on the AEU land as a result of evidence from Mr Sheppard, for example the issue of the pedestrian and cycling link, but none that effect the form of the controls.

#### 5.2.1 Conclusions

The Panel concludes there are no heritage issues to warrant changes to the Amendment.

The Panel adopts the heritage citation as proposed by Mr Gard'ner without amendment.

#### 5.2.2 Recommendations

The Panel makes the following recommendations:

6. **Adopt the heritage citation for the former Austral Silk and Cotton Mills warehouse and factory complex as prepared by GJM Heritage for inclusion as a reference document at Clause 22.02-8.**

### 5.3 Form and content of Amendment C219 and DPO

#### 5.3.1 The issue

The purpose of this part of the report is to address matters unique to Amendment C219 and DPO14. The Panel does not repeat what has been said previously in the report about compliance with relevant Ministerial Directions. Here the Panel addresses the submissions from the C219 Proponent about the drafting of the controls and the repetition of requirements across documents as the main issues. The Panel also notes that it is sufficient that the planning authority will recheck the form of the amendment papers taking account of the Panel recommendations prior to adoption of the Amendment.

#### 5.3.2 Evidence and submissions

Mr Townsend for the C219 Proponent called for the deletion of what he described as additional controls in the Indicative Framework Plan in DPO14 dealing with the height of future development in view of the recent introduction of DDO1.<sup>40</sup> Mr Townsend submitted there is little strategic justification for the layers of controls requested in proposed DPO14.<sup>41</sup>

Mr Townsend relies on the evidence of Mr Glossop and Mr Sheppard. In his evidence Mr Glossop made numerous recommendations for variation of the proposed planning controls to achieve compliance with Ministerial Directions and Planning Practice Notes. If all the

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<sup>39</sup> Document 11 para 54.

<sup>40</sup> Document 31 para 8.

<sup>41</sup> Document 31 para 10.

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changes were made, the documentation would be substantially reduced in size. The evidence of Mr Sheppard was that editing the documents would lead to improvements for clarity and better understanding.

### 5.3.3 Discussion

The Panel has previously outlined the approach it adopts in measuring changes sought by the proponents. In considering the many submissions for changes to the C219 documents, the Panel seeks to achieve a balance between strict compliance with Ministerial Directions and Practice Notes and practical drafting to state the outcome to be achieved under the controls of the DPO, the future Development Plan and the Indicative Framework Plan.

There is no contest that the Austral building is of heritage significance and an important example of the industrial past. Neither is there any contest that the significance of the building must be protected and appropriate controls applied for the purpose. Striking the right balance to reduce the layers of control the C219 Proponent criticises viz a vis establishing controls that allow future development, especially building on the northern part of the site at 126-142 Trenerry Crescent that is not covered by the heritage overlay and has less constraints, that respects and protects the heritage building and river corridor issues is the task for the Panel.

The C219 Proponent and witnesses sought substantial change to DPO14 and the Indicative Framework Plan. Council continued to advocate for the post exhibition version of DPO14 as amended by council at its July meeting with some tidying amendments and minor change to the Indicative Framework Plan.

The panel believes the differences between the two positions are about detail and not effect and agrees to changes that address issues raised by both parties.

### 5.3.4 Conclusions

The changes to the DPO14 are mostly 'tidy ups' as Council described them, and to improve the Indicative Framework Plan to illustrate matters to be addressed at the concept design stage and to be considered at application stage.

The Panel preferred version of DPO14 is in Appendix E.

### 5.3.5 Recommendation

The Panel makes the following recommendations:

7. **Adopt the form of Development Plan Overlay Schedule 14 as contained at Appendix E.**

## 5.4 Requirement for public shared pathway

### 5.4.1 The issue

The C219 Proponent opposed Council's requirement that it provide a 20 metre wide publicly accessible shared pedestrian and cycling path through the two properties at 112-124 and 126-142 Trenerry Crescent on the basis that it is onerous and unnecessary.

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### 5.4.2 Evidence and submissions

Council submitted that the requirement is justified on the basis that a shared pedestrian and cycling path connection was identified as an opportunity in Appendix C of the JSLAP and the connection would formalise a route already used as a short-cut. Council stated that the pathway, also called a link in the documents, would help to provide favourable community benefit from the Amendment that otherwise is limited beyond providing more housing.

Council stated that the pathway is located in an area that cannot be built on because of the building separation requirements applied for heritage reasons and because it is the only location for vehicles to access the building. In addition, he submitted that the setback requirements applying to the Yarra River mean the proponent is not able to have buildings in much of the area. Council acknowledged that the proponent could use the area as private outdoor space and that it could be a constraint to the development but regarded the requirement as not onerous.

For the C219 Proponent, Mr Trethowan opposed what he described as *an open bicycle connection between the western arm of Trenerry Crescent and the Dight's Mill carpark and bicycle track* saying it *would not be a positive initiative from a heritage perspective and is unacceptable*<sup>42</sup>. Instead, he favoured on-street improvements for vehicles, bicycles and pedestrians at and within the north-western sector of 126-142 Trenerry Crescent.

The C219 Proponent submitted that the proper time for Council to negotiate the option of a publicly accessible shared pathway with the land owner is at the planning permit stage.

Mr Glossop for the C219 Proponent characterised the Council's proposal as compulsory acquisition of land but with no opportunity for compensation for the land owner.

### 5.4.3 Discussion

Appendix C of JSLAP states it *provides a more detailed contextual analysis of Trenerry Crescent than is outlined in JSLAP, and is intended to identify opportunities that exist in terms of public access to the river corridor and the remaining development opportunities for Trenerry Crescent that should carefully respond to the natural characteristics of the river corridor*.<sup>43</sup>

It identifies three locations along Trenerry Crescent where views to the Yarra River corridor are possible and gives this as a reason to preserve the existing view lines at the AEU site and for the goal of formalising a pedestrian and cycling link to the river corridor.<sup>44</sup>

The document states that the space between the two buildings at 112-124 and 126-142 Trenerry Crescent *should be maintained to ensure that view lines to the river corridor are also maintained* and that *the opportunity exists to establish a more formalised pedestrian link between the two northern-most buildings on Trenerry Crescent through to the river and Capital City Trail*.<sup>45</sup>

<sup>42</sup> Document 11 para 69.

<sup>43</sup> Document 24 and document 16 page 3.

<sup>44</sup> Section 3.2 Appendix C JSLAP.

<sup>45</sup> Document 16 section 3.2 page 17.



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Certain design principles are proposed for new development at 126-142 Trenerry Crescent with the *consideration of existing car parking and access arrangement to allow sufficient space for car access whilst enabling a shared path that runs in line with the property boundaries*.<sup>46</sup>

The recommendations in Appendix C<sup>47</sup> are (to):

*Investigate opportunities to enhance the public realm along Turner Street and to improve existing physical links to the Capital City Trail*

*Maintain/preserve visual connections to the river corridor (spaces between buildings)*

*Investigate opportunities to create new pedestrian link to connects Trenerry Crescent to the Capital City Trail as part of an open space contribution.*

The Panel notes the gap between the two buildings at 112-124 and 126-142 Trenerry Crescent is one of the few locations along the street where views to the river corridor are possible. The Panel also notes the use of the words 'opportunity' and 'potential' to describe the goal of maintaining and formalising visual and physical links including the current informal public use of the gap between buildings by pedestrians that occurred during the accompanied inspection of the area.

The rationale for maintaining the separation of any new buildings as part of redevelopment of the two AEU properties is strong. There are heritage considerations for maintaining views to the Austral building and urban design principles to preserve viewing opportunities to the river corridor.

The issue for the Panel is whether the gap between the buildings should be set aside as a separation distance with a pedestrian and cycling link either with the land in freehold ownership or becoming public land by one means or another.

The Panel was told the distance from the current building line of the Austral building to the lot boundary was 17 metres. That is not the distance between the two buildings which is greater when the further setback of the AEU occupied building from the common boundary is considered. The separation distance is therefore more than the 20 metre wide link that the council advocated. The Panel proceeds on the basis that the link would be wholly within the property at 112-124 Trenerry Crescent but not within number 126-142. This approach differs from the concept of a shared path that runs in line with the property boundaries as imagined in the Development Guidelines for 126-142 Trenerry Crescent in Appendix C to the JSLAP but it is consistent with the approach at the hearing.

Though Council advocated a 20 metre wide link none of the descriptions in JSLAP or Appendix C prescribe a width. In answer to a question from by Mr Townsend for the C219 Proponent, Mr Gard'ner replied that he was not concerned with a separation distance of 20 metres or 22 metres or 18 metres or less, provided the width achieved the same heritage objectives. Mr Sheppard's evidence was that the 20 metre dimension was *a somewhat*

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<sup>46</sup> Document 16 section 4.6 page 25.

<sup>47</sup> Document 16 section 5.0 page 26.



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*arbitrary distance and the northern edge of the separation should be defined by the boundary, if this is considered sufficient for heritage purposes.*<sup>48</sup>

Mr Sheppard's evidence was that he broadly supported the idea of enhanced access to the river corridor but there is *marginal public benefit in such a link, given that it effectively duplicates the existing path around the northern edge of the subject land and does not align with any particular desire line*. His further issue is that upon arrival at the top of the river embankment, *the slope of the embankment precludes any opportunity to directly access the Main Yarra Trail*.<sup>49</sup>

Mr Sheppard preferred the Indicative Framework Plan concept of improvements at the north-west corner of the property at 126-142 Trenerry Crescent as well as on-street improvements.

Mr Sheppard's recommendation was to change the reference to a 'public shared link opportunity' to an opportunity that should be explored if possible. His recommendation was based on his conclusion that *it is inappropriate to impose a link on development of the subject land. However, it should be encouraged provided it is practical*.<sup>50</sup>

The notion that the idea be explored is consistent with the opportunity noted on figure 11, Development Opportunities and Principles in Appendix C to the JSLAP, which reads *Maintain and formalise through link and visual connection to Capital City Trail (in consultation with property owner)*.

As a principle, the Panel prefers a consultative approach especially where there is no specificity to the land to be set aside, there is no development proposal afoot to identify an area of land and no programme to achieve the objective.

That pedestrians use the space between the buildings now as a short cut is insufficient justification to set aside an area for continued use as a public walkway. The landowner can stop that activity by the erection of fencing to prevent access.

On the other hand, the existing visual link between the two buildings will remain because of the separation of any new construction on either of 112-124 or 126-142 Trenerry Crescent. Given the landowner has no plan to develop either property, maintaining the visual link in the short term is moot. Further, the Panel accepts that in the future there will necessarily be a separation of any additions to the Austral building and building on the northern site so a visual link to the river corridor will remain.

Ms Donald's evidence that the travel distance is similar around the property as it is through it and that improvements will make for safer use of the footpath adds to Mr Sheppard's evidence; the Panel accepts the evidence of both experts.

### 5.4.4 Conclusions

The street wall façade along the length of Trenerry Crescent is a strong physical element and feature of the area. So too is the existing built form that mixes older heritage buildings with

<sup>48</sup> Document 13 para 32.

<sup>49</sup> Document 13 para 34.

<sup>50</sup> Document 13 para 36.

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newer contemporary buildings. The formation of buildings and the almost continuous line of building along Trenerry Crescent means the presence of the Yarra River corridor is not obvious from the street. JSLAP, the more detailed Appendix C and the evidence to the Panel all confirm these circumstances to provide the Panel with a context within which to draw its conclusions.

The Panel accepts that the gap between the buildings at 112-124 and 126-142 Trenerry Crescent provides the best of few opportunities to view the river corridor from the street. However, the Panel does not accept the gap should be preserved forever as it is today.

The purpose of Amendment C219 is to establish controls to guide the future development of the AEU land. The landowner will be able to develop the site or sites for whatever form of development a permit allows. By definition, the gap as it is today is likely to change. The principle direction of DDO1 is to set controls to protect the Yarra River environs from adverse impacts from development. The principle direction of DPO14 is to set the controls to guide development concepts shaped in the context of the river controls. The Panel accepts the merit of utilising the gap between buildings on the site(s) to allow view lines to the river corridor but does not support the pedestrian and cycling link on the property at 112-124 Trenerry Crescent as an essential element in achieving a better experience in accessing the river corridor.

The Panel has amended the Indicative Framework Plan to identify a view corridor but has deleted the requirement for the link.

The Panel does not rule out the prospect that Council consulting with the property owner may lead to the JSLAP goal of a pedestrian and cycling link being achieved. The Panel can preserve that opportunity by recommending a suitable form of controls over future development in DPO14 and the Indicative Framework Plan. The Panel has amended the wording on the Indicative Framework Plan to read Potential public link opportunity to be negotiated with the owner.

The Panel endorses the identification of on-street improvements adjacent to the north-west corner of 126-142 Trenerry Crescent as a requirement of the Indicative Framework Plan notwithstanding the works are unspecified. The Panel agrees with Ms Donald that the actual changes would be best determined through a detailed review of the area including how any changes will impact existing parking within number 126-142<sup>51</sup> assuming land within the site is taken for the improvements.

The changes adopt submissions by the council as well as the C219 Proponent including through the witnesses. The changes apply to each of the proposed clauses in DPO14 for consistent use of terms and for clarity. They have the effect of ensuring respect for the heritage building and features of the land; to simplify the Indicative Framework Plan while at the same time providing direction on matters to be considered at relevant stages of the development process, and to ensure DDO1 is applied.

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<sup>51</sup> Document 34 section 10.2.

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In the DPO14:

- The Panel applies the term heritage impact statement instead of other descriptions such as comprehensive heritage analysis, comprehensive impact assessment, conservation management plan and the like.
- The Panel reduces the breadth of a Traffic Management Report in proposed clause 3.0 to address car parking and access to Trenerry Crescent for safety reasons. The Panel accepts that the requirement to consider traffic impacts on the intersection of Trenerry Crescent and Johnston Street and the prospect of contributions to any mitigation works can be deleted.
- The Panel removes clauses that duplicate or seek to paraphrase the terms of DDO1 and clarifies that DDO1 applies in Requirements. The Panel retains and enhances clauses with more detailed or specific provisions than DDO1 to protect the values of the Yarra River corridor adjacent to the subject sites.
- The Panel removes the requirement for the Development Plan to provide details of known contamination as it duplicates other planning requirements for an environmental audit, which may follow the Development Plan rather than precede it.
- The Panel removes the requirement for the site plan in the Development Plan to show the location and alignment of a publicly accessible pedestrian/pathway link but leaves the option for a link.
- The Panel removes the Decision Guidelines section as it is not consistent with Ministerial Direction on Form and Content. The requirements are already covered in the Conditions and Requirements for Permits and in the Decision Guidelines in DDO1.

For the Indicative Framework Plan, with the aim to improve and simplify the Plan, the Panel:

- Notes DDO1 applies within the site area by adding words to the legend
- Applies the description “preferred 25 metres maximum height” to the building area on the northern part of the site
- Identifies a maximum wall height of 8 metres on the Trenerry Crescent frontage of the northern part of the site
- Amends the requirement for the publicly accessible shared path by amending the note to read Potential public link opportunity to be negotiated with the owner
- Varies the description of the note about maintaining views to the heritage building to read Maintain views to upper levels of heritage façade / development to respect the heritage building
- Includes additional locations as key view to the heritage building from near Maugie Street and at the Eastern Freeway near the Dights Falls car park
- Deletes the landscape setback area
- Deletes reference to a sensitive river interface
- Deletes the requirement to maintain separation between buildings (min 20 metres)
- Deletes the identification of the location for taller buildings
- Deletes the note about the interface with the Eastern Freeway and replaces it with a note to Enhance interface with public realm.

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### 5.4.5 Recommendation

The Panel makes the following recommendations:

8. **Delete the requirement for the publicly accessible shared path shown on the Indicative Framework Plan and adopt the wording on the Panel preferred form of the Indicative Plan at Appendix E.**

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### Appendix A Submitters to the Amendments

| No. | Submitter   |
|-----|---|
| 1   | Andy Hine   |
| 2   | Alexander & Chantal Marks   |
| 3   | Andrew White  |
| 4   | Alistair Riddell  |
| 5   | Judith Braniska   |
| 6   | Collingwood Historical Society  |
| 7   | Christine Parrott   |
| 8   | Collingwood and Abbotsford Residents' Association Inc                                     |
| 9   | Simon Hoeksma   |
| 10  | Melbourne Water   |
| 11  | City of Boroondara  |
| 12  | Proponent - SJB Planning for C218 and AEU for C219  |
| 13  | Chapman and Bailey architects for Johnston Street (for C218) and Peter Virgona (for C219) |
| 14  | Riverkeepers Association  |
| 15  | Owners Committee 80-84 Trenerry Crescent  |
| 16  | VicRoads  |

Appendices

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### Appendix B Document list

| No. | Date  | Description  | Tabled by  |
|-----|-------|--|--|
| 1   | 2 Aug | Part A submission for Yarra City Council   | Tessa D'Abbs, Harwood Andrews  |
| 2   | 4 Aug | Expert urban design evidence for Joval PL  | Brodie Blades, David Lock Associates                                       |
| 3   | 4 Aug | Expert witness statement on conservation urban design for Joval PL   | Bryce Raworth, Conservation Consultant/Architectural Historian             |
| 4   | 4 Aug | Assessment of the potential traffic engineering impacts for Joval PL   | Charmaine Dunstan, Traffic Group, Traffic Engineers and Transport Planners |
| 5   | 4 Aug | Landscaping considerations for Joval PL  | John Patrick Landscape Architects Pty Ltd                                  |
| 6   | 4 Aug | Heritage evidence for Joval PL   | Peter Lovell, Lovell Chen Pty Ltd, Architects and Heritage Consultants     |
| 7   | 4 Aug | Statement of town planning evidence for Joval PL   | Stuart McGurn, Urbis Pty Ltd   |
| 8   | 4 Aug | Expert witness report, Traffic impact and transport, for Yarra City Council  | Jason Sellars, GTA consultants   |
| 9   | 4 Aug | Expert witness report, Heritage evidence, for Yarra City Council   | Jim Gardner, GJM consultants   |
| 10  | 7 Aug | Expert witness report, Traffic evidence, for Australian Education Union  | Deborah Donald, O'Brien Traffic  |
| 11  | 7 Aug | Expert witness report, Heritage evidence, for Australian Education Union   | Bruce Trethowan, Trethowan Architecture                                    |
| 12  | 7 Aug | Expert witness report, Planning evidence, for Australian Education Union   | John Glossop, Director Glossop Town Planning Pty Ltd                       |
| 13  | 7 Aug | Expert urban design evidence for Australian Education Union  | Mark Sheppard, David Lock Associates                                       |
| 14  | 7 Aug | Late submission to Panel; Collingwood Historical Society submission to Council meeting 4 July 2017   | Collingwood Historical Society Inc   |
| 15  | 9 Aug | Council officers' report for C219 for Council meeting 4 July 2017, Agenda paper 418 (to replace report for C218 erroneously included in original folder) | Yarra City Council   |
| 16  | 9 Aug | Folder of documents including track  | Yarra City Council   |

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|    |        |  |  |
|----|--------|--|--|
|    |        | changes version of post exhibition modified version of Amendments C218 and C219  |  |
| 17 | 9 Aug  | Part B submission  | City of Yarra  |
| 18 | 10 Aug | Amcor Site, Heidelberg Road, Alphington, Schedule 11 to the Development Plan Overlay, Yarra Planning Scheme                | City of Yarra  |
| 19 | 10 Aug | Channel 9 site, Bendigo Street, East Richmond, Schedule 5 to the Development Plan Overlay, Yarra Planning Scheme           | City of Yarra  |
| 20 | 10 Aug | Kinnears Precinct, Footscray, Schedule 14 to the Development Plan Overlay, Maribyrnong Planning Scheme                     | City of Yarra  |
| 21 | 10 Aug | Melbourne Planning Scheme C240 Bourke Hill   | City of Yarra  |
| 22 | 10 Aug | VicRoads submission to Planning Panel  | Andrew Rasulo, VicRoads                                |
| 23 | 11 Aug | Enlarged version of Figure 3, Mr Brodie's urban design expert report   | Brodie Blades, Urban Design Expert report for Joval PL |
| 24 | 11 Aug | Enlarged version of App C of Mr Brodie's urban design expert report showing building heights on Trenerry Cres (from JSLAP) | Brodie Blades, Urban Design Expert report for Joval PL |
| 25 | 11 Aug | Enlarged version of Figure 10 of Mr Brodie's Urban Design Expert report  | Brodie Blades, Urban Design Expert report for Joval PL |
| 26 | 11 Aug | Enlarged version of Figure 12 of Mr Brodie's Urban Design Expert report  | Brodie Blades, Urban Design Expert report for Joval PL |
| 27 | 15 Aug | Joval PL drafts on heritage provisions in IPO Schedule 2 and Incorporated Plan, Yarra Amendment C218                       | City of Yarra  |
| 28 | 15 Aug | Email from VicRoads confirming that information on Hoddle St project will not be available during the Panel                | City of Yarra  |
| 29 | 16 Aug | Submission on behalf of Joval Pty Ltd  | Jeremy Gobbo and Ms Nicola Collingwood for Joval PL    |
| 30 | 16 Aug | Closing submission City of Yarra   | Greg Tobin for City of Yarra                           |
| 31 | 17 Aug | Opening submission on behalf of Australian Education Union   | Matthew Townsend for Australian Education Union        |
| 32 | 17 Aug | Statement by AEU branch secretary  | Matthew Townsend for Australian Education Union        |
| 33 | 17 Aug | PowerPoint presentation on urban design  | Mark Sheppard, David Locke                             |

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|    |        | expert evidence   | Associates   |
|----|--------|---|--|
| 34 | 17 Aug | Pedestrians walking speed reference document  | Deborah Donald for Australian Education Union                |
| 35 | 18 Aug | Letter sent by email on behalf of C219 Proponent attaching: (a) tracked changes version of C219 Proponent's suggested changes to DPO14 and (b) Ministerial Direction of Form and Content of Planning Schemes dated 9 April 2017 (Gazetted 24 May 2017). | Nick Sissons, Holding Redlich for Australian Education Union |
| 36 | 18 Aug | Photos of C219 site   | John Glossop, expert for Australian Education Union          |
| 37 | 18 Aug | Practice Note of Incorporated Plan and Development Plan Overlays, PPN   | John Glossop, expert for Australian Education Union          |
| 38 | 18 Aug | Planning Practice Note 10, Writing schedules  | John Glossop, expert for Australian Education Union          |
| 39 | 18 Aug | Ministerial Direction, The Form and Content of Planning Schemes, previous version.  | John Glossop, expert for Australian Education Union          |
| 40 | 18 Aug | Submission on behalf of AEU   | Matthew Townsend for Australian Education Union              |
| 41 | 18 Aug | Closing submission on behalf of Yarra City Council  | Greg Tobin for Yarra City Council                            |
| 42 | 18 Aug | PI 34, Transformation of Amendment, VPRS Guide to Planning Panels   | Greg Tobin for Yarra City Council                            |
| 43 | 18 Aug | Email with attachment showing C218 Proponent's proposed revisions to Incorporated Plan in IPO2  | Romy Davidov, Best Hooper lawyers for Joval Pty Ltd          |
| 44 | 25 Aug | AEU version of a revised Indicative Framework Plan for DPO14 as discussed during the AEU evidence and submissions   | Nick Sissons, Holding Redlich for Australian Education Union |
| 45 | 31 Aug | Email clarifying C218 Proponent position on the heritage issues, with attachments showing proposed revisions to IPO2 and the Incorporated Plan  | Romy Davidov, Best Hooper lawyers for Joval Pty Ltd          |

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## Appendix C Panel preferred version of IPO2

DD/MM/Y  
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C218

### SCHEDULE 2 TO THE INCORPORATED PLAN OVERLAY

Shown on the planning scheme map as **IPO2**.

**18-62 Trenerry Crescent, Abbotsford November 2016**

#### 1.0

#### Requirements for permit applications

DD/MM/Y  
YYY  
C218

An application to construct a building on the site that includes multiple residential dwellings must allocate a minimum leasable floor area\* of 20 % of its net floor area\*\* for office/retail/commercial or other employment generating uses, to the satisfaction of the responsible authority.

**\*Leasable floor area** - That part of any floor area able to be leased. It does not include public or common tenancy areas, such as malls, verandahs, or public conveniences.

**\*\*Net floor area** - The total floor area of all floors of all buildings on a site. It includes half the width of any party wall and the full width of all other walls. It does not include the area of stairs, loading bays, accessways, or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply or lifts.

In addition to requirements in other provisions of the scheme particularly Schedule 1 to the Design and Development Overlay, Yarra (Birrarrung) River Corridor Protection, an application to construct a building on the site must include a site analysis and design response to the satisfaction of the responsible authority. The application is to contain the following:

- A design response that:
  - describes how the building respects and addresses the interface with Trenerry Crescent, Turner Street and the former industrial interface to the Yarra River Corridor;
  - addresses the sensitive river corridor environs in terms of materials and the suitable design and articulation of facades in order to minimise visual impacts when viewed from the river corridor and Yarra Bend Park; and
  - provides safe and efficient pedestrian and vehicle access to the building.
- A heritage impact statement prepared by a suitably qualified professional that assesses the impact of the proposed development on the heritage values of the heritage place.
- A visual impact assessment, to the specifications of the responsible authority, that provides for the following:
  - A 3D model of the development and its surrounds in conformity with the Department of Environment, Land, Water and Planning Infrastructure *Advisory Note – 3D Digital Modelling*. Where substantial modifications are made to the proposed building envelope, a revised 3D digital model must be submitted to the Responsible Authority;
  - Site line analysis and 3D modelling of the proposed development from key view points in the public realm to enable an assessment of the visual impact of the development on heritage places; and
  - Perspectives showing the visual prominence of the development from public vantage points along the Yarra River corridor (including Capital City Trail, Dights Falls and Yarra Bend Park).
- A car parking and traffic impact assessment that considers:

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- the safe entry and exit of vehicles and how these minimise conflicts with any existing pedestrian and cycle links;
- the means proposed to promote reduced car use and promote sustainable travel including opportunities for the provision of a car share system and Green Travel Plan initiatives that promote sustainable transport options including the provision of on-site bicycle storage and end-of-trip facilities;
- the provision of car parking, circulation and layout of car parking, and the recommended bicycle parking provision rates.
- A landscape scheme that considers the suitability of existing vegetation on the site and measures to protect and enhance vegetation along the banks of the Yarra River (immediately east of the site) including a revegetation program and protection of the existing trees in Trenerry Crescent and Turner Streets.

### 2.0 Decision guidelines

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C218

In addition to requirements in other provisions of the scheme, particularly Schedule 1 to the Design and Development Overlay, Yarra (Birrarung) River Corridor Protection, before deciding on an application the responsible authority must consider, as appropriate:

- How the proposed development responds to the purpose and objectives of the Incorporated Plan and accords with the 18-62 Trenerry Crescent Framework Plan;
- How the proposed development responds to the Yarra River Corridor Strategy which seeks to protect the natural characteristics of the Yarra River corridor;
- How the proposed development responds to the land use and built form guidelines and principles in Part 4 of the Johnston Street Local Area Plan, 2015;
- The impact of the height, bulk, design and appearance of the building or works on the character and amenity of the surrounding area;
- The scale and design of new development and its transition to the adjoining building at 64 Trenerry Crescent;
- The impacts of overshadowing on windows to habitable rooms in the existing building to the south and southern side footpath on Turner Street, caused by upper levels of new development, between 9am and 3pm on September 22 (equinox);
- How the proposed development has regard to the heritage significance of the place;
- The relationship of any new buildings to the street including entrances that provide opportunities for active or visual engagement and whether new buildings provide an attractive and engaging edge to the street environment through landscaping and/or architectural design features;
- The design of any car park area including how it relates visually to the street environment and the extent of activation of the frontage at street level;
- The impact of development on the surrounding road network, including the intersection of Trenerry Crescent and Johnston Street;
- The extent to which the design of any building and the materials used, minimises the visual impacts of built form when viewed from the Yarra River corridor and Yarra Bend Park;
- The extent to which the design of sustainable travel options are provided as part of the development, in accordance with a Green Travel Plan;
- The extent to which screening of mechanical plant equipment is achieved.

### 3.0 Requirements for incorporated plan

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The incorporated plan must include:

- Objectives for the future use and development of the site.
- A plan showing:

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- Relevant building heights and setbacks across the site;
- Building height in metres or RLs;
- Heritage features to be retained;
- Other heritage features;
- Vehicle entry and exit points for the site;
- Visual connections to the Yarra River Corridor;
- Areas of landscaping to minimise the visual intrusion of development in the Yarra River Corridor.

### Reference Documents (Policy Reference)

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*Johnston Street Local Area Plan – December, 2015*

*City of Yarra, Yarra River Corridor Strategy, Planisphere, 2015*

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### 18-62 Trenerry Crescent, Abbotsford (Incorporated Plan)

#### 1.0 The Plan

The 18-62 Trenerry Crescent, Abbotsford Plan consists of this ordinance and the 18-62 Trenerry Crescent Framework Plan

#### 2.0 Purpose

To facilitate the use and development of the land at 18-62 Trenerry Crescent for a mixed use development including dwellings, retail premises and office uses that will provide jobs and business activity for the local area.

To encourage new development that respects the sensitive Yarra River corridor interface, the heritage values of the site and former industrial character of Trenerry Crescent.

To require new developments to apply the provisions and requirements of Schedule 1 to the Design and Development Overlay, Yarra (Birrarung) River Corridor Protection.

#### 3.0 Objectives

##### *Use principles*

- Encourage and support a mix of retail, office and accommodation uses that complement the location and bring life to the area.
- Retain employment generating land uses on the site, whilst permitting residential uses and encouraging mixed use activities consistent with the character of the area.
- Encourage offices, retail uses such as cafes and restaurants at the lower levels of any development that support local residential and commercial uses on the site and nearby.

##### *Development principles*

- Ensure that built form at the river corridor interface is well designed and articulated in order to break up the building mass and provide suitable setbacks to the Yarra River corridor.
- Locate taller built form towards the Trenerry Crescent interface (away from the river corridor) and set back upper levels from the street wall façade.
- Ensure that the form of development reflects high quality architecture, urban design and landscaping.
- Respect and seek to improve the public realm along the Turner Street frontage as a key pedestrian and cycling link to the Yarra River corridor.
- Provide separate entries for different land uses.

##### *Landscape principles*

- Encourage the use of sustainable practices in vegetation selection, stormwater runoff, removal of weeds, vegetation and revegetation of the Yarra River bank (between the title boundary and the Capital City Trail) with local indigenous species.
- Protect the street trees in Trenerry Crescent and Turner Street which provide a distinct landscape character and physically connect the urban environment with the Capital City Trail and the Yarra River.
- Seek to improve the streetscape in Turner Street with footpath upgrades and the introduction of Water Sensitive Urban Design initiatives.

##### *Sustainable Transport Principles*

- Provide adequate and convenient on-site parking to cater for the needs of any mixed use development whilst acknowledging the provision of public transport in close proximity to the site and sustainable transport principles.

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- Provide adequate bicycle facilities (bicycle storage spaces and end-of-trip facilities) for future residents and workers on the site to reduce the need for car parking spaces and consequently, reliance on motor vehicles.

### *Heritage principles*

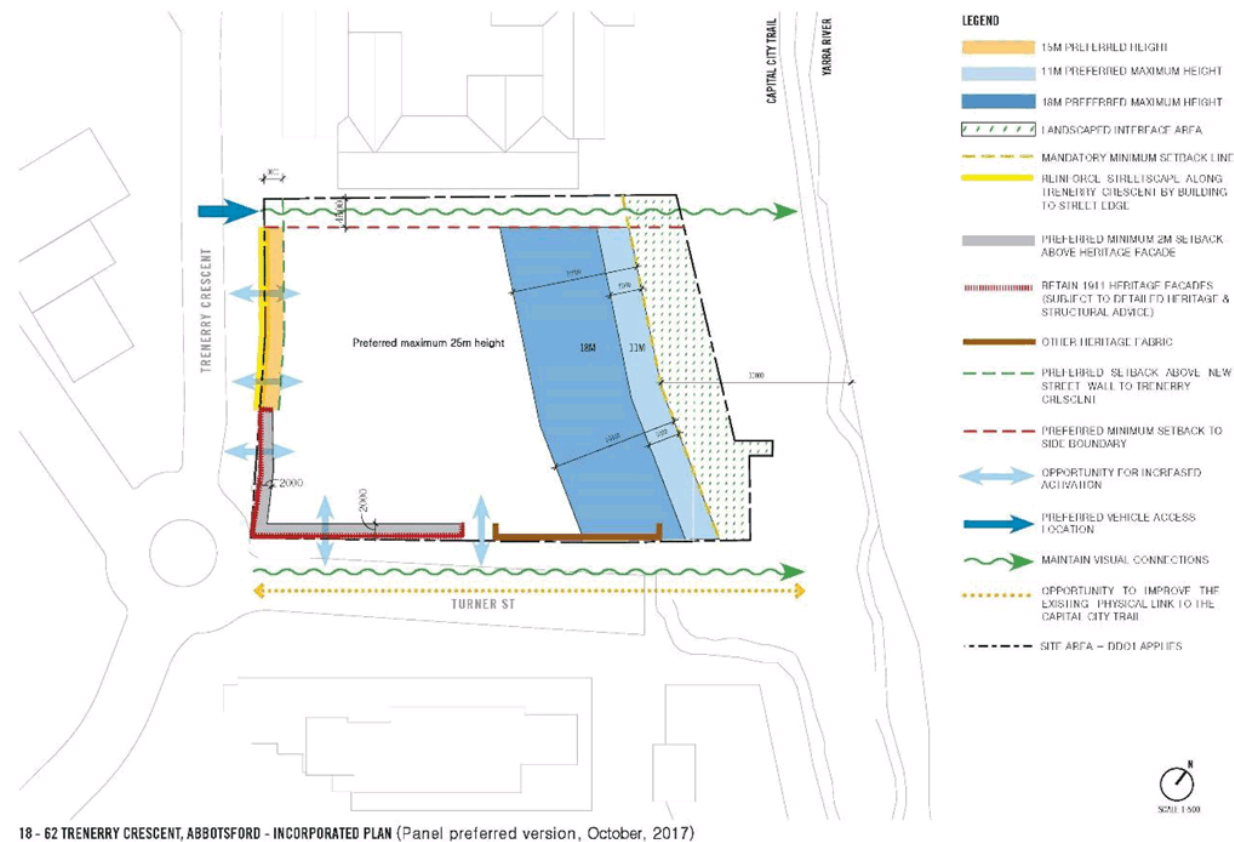
- Facilitate development that responds to the robust former industrial buildings along the east side of Trenerry Crescent, acknowledging the change that has occurred along Trenerry Crescent and having regard to the built form expectations outlined in the Johnston Street Local Area Plan 2015.
- Retain the identified heritage façades shown on the 18-62 Trenerry Crescent Framework Plan in Figure 1 and where appropriate, other elements of the heritage fabric to provide a contextual link to the historical industrial uses along Trenerry Crescent.
- Maintain a visual connection to the retained heritage elements on the site when viewed from Trenerry Crescent and Turner Street.
- Provide an appropriate separation and/or transition between the street wall façade height of new development and the façade of the existing heritage building, as viewed along Trenerry Crescent.
- Provide appropriate setbacks and/or transitions from Trenerry Crescent and Turner Street at upper levels beyond the street wall height to minimise visual dominance of upper levels in the street, as well as the potential for overshadowing the property to the south.
- Ensure that upper level development is sufficiently setback and/or transitioned from the retained heritage façades to enable them to be understood as having three dimensional form and appreciated as separate from the new development above and/or behind.
- Provide an appropriate design response to the heritage building on the site in accordance with a Heritage Impact Statement.

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## Appendix D Panel preferred version of citation for the C218 land at 18-62 Trenerry Crescent Abbotsford

### W. Saunders & Son Factory/Warehouse Complex (later Esprit de Corps offices)

**Address:** 20-60 Trenerry Crescent, Abbotsford

**Prepared by:** GJM Heritage and as amended by P Lovell

**Survey Date:** 25

July 2016

|   |  |
|---|--|
| <b>Place type:</b> Factory/warehouse  | <b>Architect:</b> No known (1911, 1920s), Daryl Jackson (1984 alterations) |
| <b>Grading:</b> Individually Significant  | <b>Builder:</b> Not known  |
| <b>Integrity:</b> Moderate-High (1911); Low (1920s); High (1984)  | <b>Construction Date:</b> 1911, 1920s, 1984                                |
| <b>Status:</b> Included in the Heritage Overlay (HO337 - Victoria Park Precinct, Abbotsford)<br>No external paint, internal alteration or tree controls apply to Precinct | <b>Extent of Overlay:</b> As existing, refer to plan                       |



Figure 1. 20-60 Trenerry Crescent, Abbotsford: the facade of the 1911 building.

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**Figure 2.** The north-west elevation of the 1911 building (right) with its gabled third-storey, the 1984 glazed walkway and the modified 1920s brick office building (left).



**Figure 3.** The 1920s factory building (right) and 1984 two-storey glazed structure that links the 1920s and 1911 buildings.



**Figure 4.** The subject site (red) and the existing boundary of HO337 Victoria Park Precinct (pink) (2016).

### Historical Context

The following historical context is taken from the HO337 Victoria Park Precinct citation<sup>1</sup>, unless otherwise cited.

The area surrounding Victoria Park to the Yarra River includes parts of Crown Portions 78, 79 and 88, which had been surveyed by Robert Hoddle and sold in 1839 to R Dacre, J D L Campbell (a pastoralist) and J Dight, respectively. John Dight built Yarra House (later the Shelmerdine residence) and a mill on his allotment, and Campbell built his house, Campbellfield House (later owned by architect and MLA William Pitt as Mikado) on his land overlooking the Yarra River.

In 1878, Edwin Trenerry, a shareholder in a deep lead mining company, subdivided Crown

<sup>1</sup> Victorian Heritage Database (VHD), City of Yarra citation for 'Victoria Park Heritage Precinct', accessed July 2016.



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Portions 78, 79 and 88 for residential development, creating the existing street pattern. The design recalled the earlier Darling Gardens development at Clifton Hill, with Victoria Park intended as an ornamental garden square, surrounded by residential properties with 33' frontages to the park. By 1879 much of the land had been sold to David Abbott, with some lots sold to James and John Kelly in the next year. By 1885, all the lots had been sold, and development of many of them had begun.

Trenerry Crescent followed the line of the Yarra River and separated the larger riverside allotments from the smaller residential subdivisions to the west. By the turn of the century, the river frontage allotments along Trenerry Crescent were undergoing a transformation from gentlemen's farms to industrial uses. The Melbourne Flour Milling Company operated at the old Dight's Mill site on the Yarra from 1891, at the north end of Trenerry Crescent, with the Shelmerdine's Yarra Hat Works and a quarry located further to the south, both since redeveloped.

Abbotsford emerged as a centre for the textile industry during the interwar period, with much of the vacant land between Johnson Street, Trenerry Crescent and the Yarra River developed with textile mills.<sup>2</sup> The massive Austral Silk and Cotton Mills complex was built at the north end of Trenerry Crescent in 1927 and the Yarra Falls Spinning Mills had also expanded in the area during the early 20th century. Their administrative complex was built in 1919 facing Johnston Street and the landmark 1930s Byfas building was built, facing Trenerry Crescent, to produce textiles during World War Two. The combination of these extensive industrial complexes has a strong built character that is evident from within the Heritage Overlay Area and from distant views down the Yarra River and the Eastern Freeway.

In the last two decades of the 20th century, these large industrial and mill buildings have gradually been decommissioned and recycled for light industrial, commercial or residential uses.

### Place History

The complex at 20-60 Trenerry Crescent comprises four buildings (six structures in total) constructed between 1911 and the mid-1980s.

From July 1890 Arthur and Isabella Hope owned eight lots on the north side of Trenerry Crescent, which comprised what became Turner Street, and lots to the west. Following the death of both, the lots were transferred to George Hope and William MacLennan in 1900, who on-sold the lots individually from 1906.<sup>3</sup>

The 1901 Melbourne Metropolitan Board of Works Detail Plan (No. 1230) indicates that the subject site was vacant at this date. In September 1909, the Abbotsford Manufacturing Company Pty Ltd purchased the lot on the north-west corner of Trenerry Crescent and Turner Street, with a frontage of 20.1 metres (60ft) to Trenerry Crescent.<sup>4</sup> In July 1911, William Stone, clerk, and William Saunders the Younger, malt extract manufacturer of Vaucluse Street, Richmond, purchased the lot.<sup>5</sup>

The factory building located on the front title boundary was built in 1911 for W. Saunders & Son, manufacturers of malt extract and cod liver oil. The industrial building to the rear, adjoining Turner Street, is believed to have been built in the 1920s for an engineering works.<sup>6</sup>

On 24 May 1919, William Stone became the surviving proprietor, however, on the same date the property was transferred to W. Saunders & Son Pty Ltd, of Trenerry Crescent, Abbotsford.<sup>7</sup> From the 1910s, the lot to the west was also under the same ownership, on separate titles.<sup>8</sup> W. Saunders & Son Pty Ltd was described as 'Pure Malt extract and cod liver oil and Maltocrete manufacturers, agents for Zeestos' in 1920,

<sup>2</sup> Gary Vines & Matthew Churchward (1992) 'Northern Suburbs Factory Study', Part One: 63.

<sup>3</sup> Land Victoria (LV), Certificate of Title V:2279/ F669.

<sup>4</sup> LV, Certificate of Title, V:3384/F680.

<sup>5</sup> LV, Certificate of Title, V:3384/F680.

<sup>6</sup> Heritage Victoria (HV) assessment of 'Esprit De Corps Complex, 40 Turner Street & 40-60 Trenerry Crescent, Abbotsford', accessed via Hermes 13 Jul 2016.

<sup>7</sup> LV, Certificate of Title, V:3384/ F680.

<sup>8</sup> LV, Certificates of Title, V:3694/ F664.

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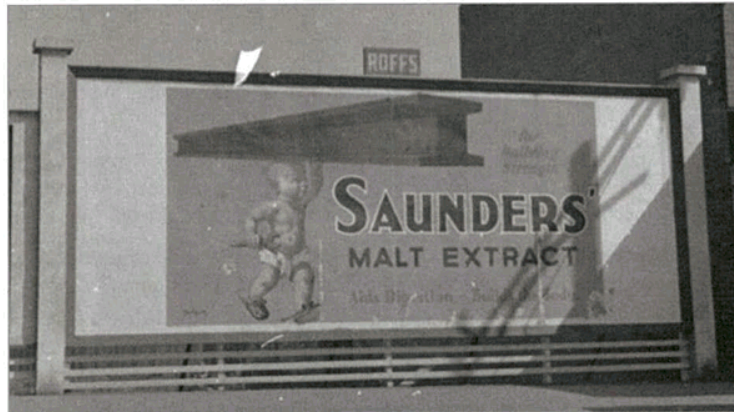
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while billboards advertised 'Saunders' Malt Extract in 1930 (Figure 5).<sup>9</sup>

Aerial photos dating to 1966 show the saw-tooth roof of the 1911 building on the corner of Turner Street, and the parallel gabled-roofs of the 1920s building adjacent to the river. Other buildings are visible on the site at this date, including a tower adjacent to the 1920s building (since removed) (Figures 6 & 7).

In October 1966, Mauri Brothers and Thomson (Aust.) Pty Ltd became joint proprietors of the site, before it was sold to Anco Plastics Pty Ltd, of 18 Trenerry Crescent, in August 1970. The property was subsequently owned by Trenjohn Pty Ltd from 1972, and Bracebridge Pty Ltd from 1981.<sup>10</sup> In May 1982, Bracebridge Pty Ltd consolidated the lots to form a 41.45 metre frontage to Trenerry Crescent (the current 20-60 Trenerry Crescent).<sup>11</sup>

In 1984, architect Daryl Jackson AO designed works to accommodate the reuse of the place by the Esprit de Corps clothing company. The development adapted the three early twentieth century buildings which underwent some alterations, while the new structures comprised glazed links and a new warehouse/workroom building on the north-east corner of the site. Jackson's design integrated a stylised industrial theme appropriate to the site's history and received a citation as a finalist in the Royal Australian Institute of Architects Presidents Award in 1985.<sup>12</sup> In January 1988 the portion of land next to the river was subdivided off. The property was owned by various companies after this date, and is currently under a 30 year lease to Citipower Pty (from 1999).<sup>13</sup>



**Figure 5.** A c 1930s billboard in Sydney for 'Saunders Malt Extract'  
(Source: State Library of NSW, 'Billboard advertising Saunders', No. 29837).

<sup>9</sup> Vines & Churchward (1992) 'Northern Suburbs Factory Study', Part Two: 246.

<sup>10</sup> LV, Certificate of Title, V:3384/ F680.

<sup>11</sup> LV, Certificate of Title, V:9464/ F422.

<sup>12</sup> HV assessment of 'Esprit De Corps Complex, 40 Turner Street & 40-60 Trenerry Crescent, Abbotsford', accessed via Hermes 13 Jul 2016.

<sup>13</sup> LV, Certificate of Title, V:9464/ F422.



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**Figure 6.** A detail of a 1966 aerial of Trenerry Crescent, showing the subject site (Source: COYL, ID. CL PIC 105).



**Figure 7.** Detail of a second 1966 aerial of Trenerry Crescent and Yarra Falls (Source: COYL, ID. YL CL Pic 104).

This place is associated with the following themes from the *City of Yarra Heritage Review Thematic History* (July 1998):

- 4.0 Developing Local Economies
- 4.2 Secondary Industry

#### Description

The site is occupied by a complex of industrial and office buildings dating from 1911 and the 1920s. In 1984 architect Darryl Jackson AO designed additions and made alterations to the existing buildings to accommodate the site's re-use by the Esprit de Corps clothing company.

The 1911 building presents as a single-storey building fronting Trenerry Street (located on the Trenerry Crescent and Turner Street title boundaries), but extends to three-storeys in height at the rear as the building responds to the topography of the site as it slopes down towards the Yarra River. The brick building retains a saw-tooth roof which is hidden behind parapets on the three main elevations. The facade and parapet is rendered and overpainted. The parapet is defined by string moulds at its top and base.

Subtle Classical details are expressed in engaged pilasters that break the facade into five bays and extend above the parapet at the entrance and corners. The central entrance (with a modern aluminum framed door) has a later cantilevered steel porch. Either side of the entrance are pairs of timber-framed casement windows of various sizes. The side elevations are face-brick with rows of single timber-framed casement windows with segmental-arches. Some sills have been replaced (probably during the 1984 development). Vents at ground level on the Turner Street elevation are also later additions dating from the 1980s. The building terminates at the rear with a third-storey with a gabled roof and circular vents to the gabled-ends.

To the rear of the site is the original 1920s red-brick engineering works survives as a fragment as now largely overbuilt in the 1984 works. This building approximates its original form and scale (see Figures 6 & 7) but the brickwork shows multiple stages of alterations, particularly fronting Turner Street. The windows and sills, the entrance off Turner Street, and a large second-storey glazed addition to the rear of the building date from the 1984 development of the site.

The 1984 works include a the adapted 1920s red-brick building on the northern boundary of the site, the glazed walkway between this building and the 1911 building, a two-storey glazed link between the 1911 and

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1920s buildings to the east and a glazed warehouse/workroom building to the rear of the site constructed on an exposed off-form reinforced concrete base.



Figure 8. An aerial of the site dating to 2010 (Source: Planning Maps Online, 2016)

### Condition and Integrity

The 1911, 1920s and 1984 buildings have been well maintained and are all in good condition.

The 1911 building retains a moderate to high level of integrity. The 1920s building has a lower level of integrity due to various stages of alterations, most probably dating to the 1980s redevelopment of the site. The 1984 structures retain a high level of integrity.

### Comparative Analysis

This comparative analysis focuses on the 1911 building fronting Trenerry Street which is the earliest and most intact pre- World War II building on the site. The analysis has been informed by a search of the Hermes database and includes places that are individually significant within a precinct-based Heritage Overlay within the City of Yarra.

The following places are comparable in historic use, construction date or architectural style or form:

**Braun, C J & Co, Shoe Manufactures Factory/Warehouse (former), later Blue Laser Jean Company, 92-94 Easey Street, Collingwood (Individually Significant within HO321)**

This brick and render factory was built in 1933 in the Moderne style, with distinctive details such as the sunburst 'keystone', stepped parapet and string mould. The former factory has now undergone a conversion to flats but the facade remains predominantly intact.

Although the W. Saunders & Son Factory/Warehouse Complex was constructed during an earlier period, the 1911 building is comparable to the Easey Street factory in construction materials, the form and scale of the symmetrical facade, both with stepped parapets defined by string moulds and central entrances with flanking windows. The subject site is much grander in scale with a more dominant presence along two streets, in comparison to the more modest Easey Street factory.

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Figure 9. 92-94 Easey Street, Collingwood following the conversion to flats © realestate.com

### Former Factory at 40 Reid Street, Fitzroy North (Individually Significant within Precinct HO327)

Constructed between 1900 and 1915, the former factory is a single-storey red-brick construction with a parapet, distinctive parapeted gable and single windows. Pilasters define entrances on the facade. The factory has now been converted to apartments, with additions constructed above the saw-tooth roof level and windows on the side elevations altered. With additions and alterations, the Edwardian fabric retains a moderate level of integrity.

The W. Saunders & Son Factory/Warehouse Complex is a similar red-brick construction and has a comparable application of architectural treatment, albeit in a slightly different expression. The subject site retains a higher degree of integrity as it retains its original profile and roof form.



Figure 10. 40 Reid Street, Fitzroy North (© Google)

### Former factory at the rear of 16 Arnold Street, Princes Hill (Individually significant within Precinct HO329)

This former factory, constructed between 1900 and 1915, is a two-storey, face-brick construction with a hipped roof, addressing two streets. It retains a high level of integrity. The factory occupies a similar footprint to the 1911 building at the W. Saunders & Son Factory/Warehouse Complex. While their roof forms differ, they are comparable in terms of the unadorned red-brick elevations with repetitive rows of single window placement. The W. Saunders & Son Factory/Warehouse Complex building has more elaborate architectural treatment and detail to the facade in comparison, but is less intact due to alterations to the windows and sills.

Appendices



## Attachment 2 - Yarra C218 and C219 Panel Report

Yarra Planning Scheme Amendments C218 and C219 | Panel Report | 25 October 2017



**Figure 11.** Rear of 16 Arnold Street, Princes Hill (©Google)

### Conclusion

The W. Saunders & Son Factory/Warehouse Complex has a modestly-scaled facade fronting Trenerry Crescent but a dominant and increasing presence along Turner Street as the buildings respond to the topography as it slopes down towards the Yarra River. Architecturally, the 1911 former factory is typical of factories constructed during the Edwardian period with subtle Classical expression to the Trenerry Crescent facade.

The 1984 additions to the complex by Daryl Jackson AO for the Esprit de Corps company are a well resolved contextual design response to the 1911 and 1920s buildings. This design still provides an effective integration of the various buildings on the site and is a successful example of adaptive reuse of former industrial buildings.

### Assessment Against Criteria

Following is an assessment of the place against the heritage criteria set out in Planning Practice Note 1: Applying the Heritage Overlay (July 2015).

**Criterion A:** *Importance to the course or pattern of our cultural or natural history (historical significance).*

The place is one of the remaining examples of industrial development in Abbotsford, and particularly on Trenerry Crescent along the Yarra River, where industrial development began from the turn of the century. The 1911 building is of historical value as an example of an Edwardian-era factory, built for W. Saunders & Son, who were manufacturers of malt extract and cod liver oil. The place is of historical interest as evidencing subsequent stages of development on an industrial site, including the 1920s building which is believed to have been built for an engineering works and the 1984 additions designed by architect Daryl Jackson for the Esprit de Corps company.

**6 Criterion E:** *Importance in exhibiting particular aesthetic characteristics (aesthetic significance).*

The Edwardian building is of aesthetic significance for its architectural presence within the early twentieth century industrial streetscape of Trenerry Crescent and within the riverscape of the Yarra River. The 1911 building has subtle Classical details to the facade, and respond to the topography of the site by increasing in height and presence as the land slopes towards the Yarra River.

The new structures designed by architect Daryl Jackson AO in 1984 are of architectural interest, as an example of the innovative adaptive re-use of a set of former factory buildings that respected the forms, materials and architectural language of the early twentieth century industrial context.

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### Statement of Significance

#### *What is significant?*

The W. Saunders & Son Factory/Warehouse Complex at 20-60 Trenerry Crescent, Abbotsford.

The 1911 Edwardian building is of primary significance to the site. The 1984 new and adapted structures designed by architect Darryl Jackson AO are of contributory significance to the site. Alterations and additions that have occurred since 1984 are not significant.

#### *How is it significant?*

The W. Saunders & Son Factory/Warehouse Complex is of local historical and aesthetic significance to the City of Yarra.

#### *Why is it significant?*

The W. Saunders & Son Factory/Warehouse Complex is of historical significance as one of the remaining examples of the industrial development in Abbotsford, and particularly on Trenerry Crescent along the Yarra River, where industrial development began from the turn of the century. The 1911 building is of historical value as an externally intact example of an Edwardian-era food processing factory, built for W. Saunders & Son, who were manufacturers of malt extract and cod liver oil. The place is of historical interest for its ability to demonstrate subsequent stages of development on an industrial site, including the 1920s building which is believed to have been built for an engineering works and the 1984 additions designed by architect Daryl Jackson for the Esprit de Corps company. (Criterion A)

The Edwardian building is of aesthetic significance for its architectural presence within the early twentieth century industrial streetscape of Trenerry Crescent and within the riverscape of the Yarra River. The 1911 building has subtle Classical details to the facade, and responds to the topography of the site by increasing in height and presence as the land slopes towards the Yarra River. (Criterion E)

The works designed by architect Darryl Jackson in 1984 are of aesthetic interest, as an example of an innovative adaptive re-use of former factory buildings that respects the forms, materials and architectural language of the early twentieth century industrial context. These include the adapted red-brick building on the northern boundary of the site, a glazed walkway between this and the 1911 building the two-storey glazed link between the 1911 and 1920s buildings and a glazed warehouse building to the rear of the site. The design integrated a stylised industrial theme in consideration of the site's Edwardian and Interwar buildings. (Criterion E)

### Grading and Recommendations

It is recommended that the place continue to be included in the Heritage Overlay of the Yarra Planning Scheme as an individually significant place within the Victoria Park Precinct, Abbotsford (HO337).

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in the Yarra Planning Scheme:

|   |                     |
|---|---------------------|
| External Paint Controls?                                | No                  |
| Internal Alteration Controls?                           | No                  |
| Tree Controls?  | No                  |
| Outbuildings or Fences not exempt under Clause 43.01-3? | No                  |
| Prohibited Uses Permitted?                              | No                  |
| Incorporated Plan?                                      | HO337 Precinct: Yes |
| Aboriginal Heritage Place?                              | Not assessed        |

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## Attachment 2 - Yarra C218 and C219 Panel Report

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Yarra Planning Scheme Amendments C218 and C219 | Panel Report | 25 October 2017

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**Identified by:**

Andrew C. Ward & Associates (May 1995), 'Collingwood Conservation Study Review'.

**References:**

Andrew Ward C. & Associates (May 1995), 'Collingwood Conservation Study Review'.

City of Yarra Library (COYL) Catalogue, <<http://www.yarracity.vic.gov.au/Libraries/Search-the-catalogue/>>, accessed July 2016.

Graeme Butler and Associates (2007), 'City of Yarra Review of Heritage Overlay Areas, Appendix 8'.

Land Victoria, Certificates of Title.

Melbourne Metropolitan Board of Works Detail Plans

State Library of NSW, online Manuscripts, oral history & pictures collection, <<http://archival-classic.sl.nsw.gov.au/>>, accessed July 2016.

Victorian Heritage Database (VHD), City of Yarra citation for 'Victoria Park Heritage Precinct', accessed July 2016.

Heritage Victoria (HV) assessment of 'Esprit De Corps Complex, 40 Turner Street & 40-60 Trenerry Crescent, Abbotsford', accessed via Hermes 13 Jul 2016.

Vines, Gary & Matthew Churchward (1992) 'Northern Suburbs Factory Study'.

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## Attachment 2 - Yarra C218 and C219 Panel Report

Yarra Planning Scheme Amendments C218 and C219 | Panel Report | 25 October 2017

## Appendix E Panel preferred version of Amendment C219

DD/MM/YY  
YY  
C219

### SCHEDULE 14 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO14**.

#### 112-124 & 126-142 Trenerry Crescent, Abbotsford

This schedule applies to land generally known as:

- 112-124 Trenerry Crescent, Abbotsford
- 126-142 Trenerry Crescent, Abbotsford

#### 1.0 Requirement before a permit is granted

DD/MM/YY  
YY  
C219

A permit may be granted before a development plan has been approved to allow

- The use of an existing building.
- Minor buildings and works to existing buildings.
- Subdivision of land, provided that the subdivision is the result of a consolidation of all or parts of the site or the re-subdivision of the land and the number of lots is not increased.
- Removal or creation of easements or restrictions.
- Buildings or works associated with the remediation of the land in accordance with or for the purpose of obtaining a Certificate or Statement of Environmental Audit under the Environment Protection Act 1970.

Before any planning permit is granted the responsible authority must be satisfied that the permit will not prejudice the future use and development of the land in an integrated manner and will contribute to the vision of the site.

#### 2.0 Conditions and Requirements for Permits

DD/MM/YY  
YY  
C219

Except for a permit issued as provided for under Clause 1.0, a permit must contain conditions or requirements which give effect to the provisions and requirements of the approved Development Plan.

In addition to any requirements in other provisions of the scheme, particularly Schedule 1 to the Design and Development Overlay – Yarra (Birrarung) River Corridor Protection, an application must be accompanied by the following information (as appropriate):

- The proposed uses of each building and estimated floor area for each use;
- The number of proposed dwellings, where relevant, including the mix of residential development densities and dwelling types;
- A design response that describes how the development responds to the vision for the site and the design guidelines in the approved development plan;
- A visual impact assessment that provides the following:
  - A 3D model of the development and its surrounds in conformity with the Department of Environment, Land, Water and Planning Infrastructure Technical *Advisory Note – 3D Digital Modelling*. Where substantial modifications are made to the proposed building envelope, a revised 3D digital model must be submitted to the Responsible Authority
  - Site line analysis and 3D modelling of the proposed development from key view points (such as the Yarra River corridor and Dights Falls) in the public realm to enable an assessment of the visual impact of the development on the heritage values of the former Austral Silk and Cotton Mills building and substation at 112-124 Trenerry Crescent

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- Perspectives showing the visual prominence of the development from public vantage points along the Yarra River corridor (including Capital City Trail, Dights Falls and Yarra Bend Park), and to the specifications of the responsible authority;
- A Heritage Impact Statement prepared by a suitably qualified heritage consultant, which outlines how the proposed development has regard to heritage values of the former Austral Silk and Cotton Mills building and substation at 112-124 Trenerry Crescent, along with relevant citations and studies;
- A car parking and traffic impact assessment that considers:
  - the safe entry and exit of vehicles and how these minimise conflicts with any existing pedestrian and cycle links
  - the means proposed to promote reduced car use and promote sustainable travel including opportunities for the provision of a car share system and Green Travel Plan initiatives that promote sustainable transport options including the provision of on-site bicycle storage and end-of-trip facilities
  - the provision of car parking, circulation and layout of car parking, and the recommended bicycle parking provision rates;
- A Landscape Plan;
- An acoustic report (with a particular focus on the interface with the freeway) prepared by a suitably qualified acoustic engineer assessing, as appropriate, how the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, sleep disturbance criteria and relevant Australian Standards will be met and must prescribe the form of acoustic treatment taking into consideration the agent of change principle.

### 3.0 Requirements for Development Plan

DD/MM/YY  
YY C219

The Development Plan must be consistent with the following Vision for the site, and be generally in accordance with the *Indicative Framework Plan* as shown in Figure 1 to the satisfaction of the responsible authority. In addition the Development Plan must be consistent with any requirements in other provisions of the scheme, particularly Schedule 1 to the Design and Development Overlay – Yarra (Birrarung) River Corridor Protection.

The development plan may be prepared in stages if the responsible authority is satisfied this will not prejudice the preparation of the development plan.

The Development Plan for any part of the development area or for any stage of development may be amended from time to time to the satisfaction of the responsible authority.

#### Vision

The development will:

- support employment generating land uses whilst permitting residential uses and encouraging mixed use activities reflective of the character of the area;
- provide a high quality architectural design, built form and landscaping response which acknowledges the site's prominent location adjoining the Yarra River and the Eastern Freeway, and minimise the visual impact of new buildings when viewed from the Yarra River and adjacent public open space, bicycle and shared paths and bridge crossings;
- utilise materials that are respectful of the natural characteristics of the river corridor and respond to the former industrial character of Trenerry Crescent;
- sensitively adapt and reuse the former Austral Silk and Cotton Mills warehouse and factory complex and substation at 114-124 Trenerry Crescent to maintain its heritage value and robust industrial character;

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- not dominate views to the former Austral Silk and Cotton Mills complex from the Yarra River corridor;
- maintain key views to Yarra River corridor and to the western facade and appropriate views of the upper levels of the former Austral Silk and Cotton Mills complex when viewed from Trenerry Crescent;
- Provide appropriate opportunities for the improvement of the safety of pedestrian and cyclist movements at the north western corner of the site.

### Components

The Development Plan must include the following to the satisfaction of the responsible authority:

#### Existing Conditions Analysis

- A site context analysis that identifies the key attributes of the land, including:
  - topography;
  - existing vegetation;
  - location of existing buildings and significant trees and vegetation;
  - existing or proposed uses and buildings on adjoining land;
  - the contextual relationship of the site and proposed built form to the Yarra River Corridor, the Eastern Freeway and surrounding road network walking and cycling connections, and public transport;
  - key view-lines to the site from the Yarra River corridor (including Capital City Trail, Dights Falls and Yarra Bend Park) and the Eastern Freeway;
  - views through the site from Trenerry Crescent to the Yarra River Corridor; and
  - key views to the former Austral Silk and Cotton Mills warehouse and factory complex and substation at 114-124 Trenerry Crescent from Trenerry Crescent.
- An arboricultural assessment of any significant vegetation on the land, including advice on the long term health and retention value of such vegetation.

#### Plans and Reports

- A site plan(s) which shows:
  - the existing heritage building with any extensions and alterations;
  - the indicative siting and orientation of other proposed building(s) on the site and the relationship to buildings on adjoining land;
  - the indicative location of car and bicycle parking areas;
  - the vehicle and pedestrian access locations;
  - the location of any areas of public open space; and
  - the anticipated uses of each building.
- Plans showing:
  - Indicative building envelopes and massing diagrams for new buildings including street wall heights, maximum building heights, the separation distances between buildings, the setback from the street frontage, and how the development addresses the street;
  - The principles for the proposed built form interface to – the Yarra River Corridor (eastern interface), Trenerry Crescent (western interface), the Eastern Freeway (northern interface) and the interface with existing pedestrian/cycle links (including Capital City Trail);
  - Shadow diagrams of the proposed building envelopes shown in the proposed Development Plan between 11:00am and 2:00pm on 22 June.
  - A Landscape Plan that includes:

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- the location of landscape areas on all interfaces as appropriate, including the Yarra River Corridor;
- guidelines for landscape and fencing treatments with the Yarra River Corridor and how this enhances the bushland character of the river corridor and protects and integrates with existing vegetation and planting;
- details on the management of landscaped areas, including sustainable irrigation treatments such as water sensitive urban design opportunities.
- Proposed staging plan (if relevant).
- A Heritage Impact Assessment prepared for the former Austral Silk and Cotton Mills building and substation at 112-124 Trenerry Crescent by a suitably qualified heritage consultant, that:
  - articulates the significance of the heritage place, its component parts, and its setting (including in relation to the Yarra River corridor);
  - describes the relationship between the heritage place and any neighbouring or adjacent heritage place/s; and
  - establishes principles for managing the significance of the heritage place and its relationship with its surroundings.
- A Traffic Management Report identifying:
  - the safe entry and exit of vehicles and how these minimise conflicts any existing pedestrian and cycle links;
  - the means proposed to promote reduced car use and promote sustainable travel including opportunities for the provision of a car share system and Green Travel Plan initiatives;
  - the recommended car parking and bicycle parking provision rates.

### Design Guidelines

- Design guidelines for the entire site, including but not limited to:
  - The treatments of key interface areas that reflect the principles for each interface and respond to key views;
  - Building materials, treatments, including reflectivity details and architectural styles through the site;
  - The treatments for communal open space;
  - The response of the development to the heritage former Austral Silk and Cotton Mills building and substation at 112-124 Trenerry Crescent as identified in a heritage impact assessment prepared for the place;
  - The treatment of building services, including roof top services/elements, should be screened from the public realm.

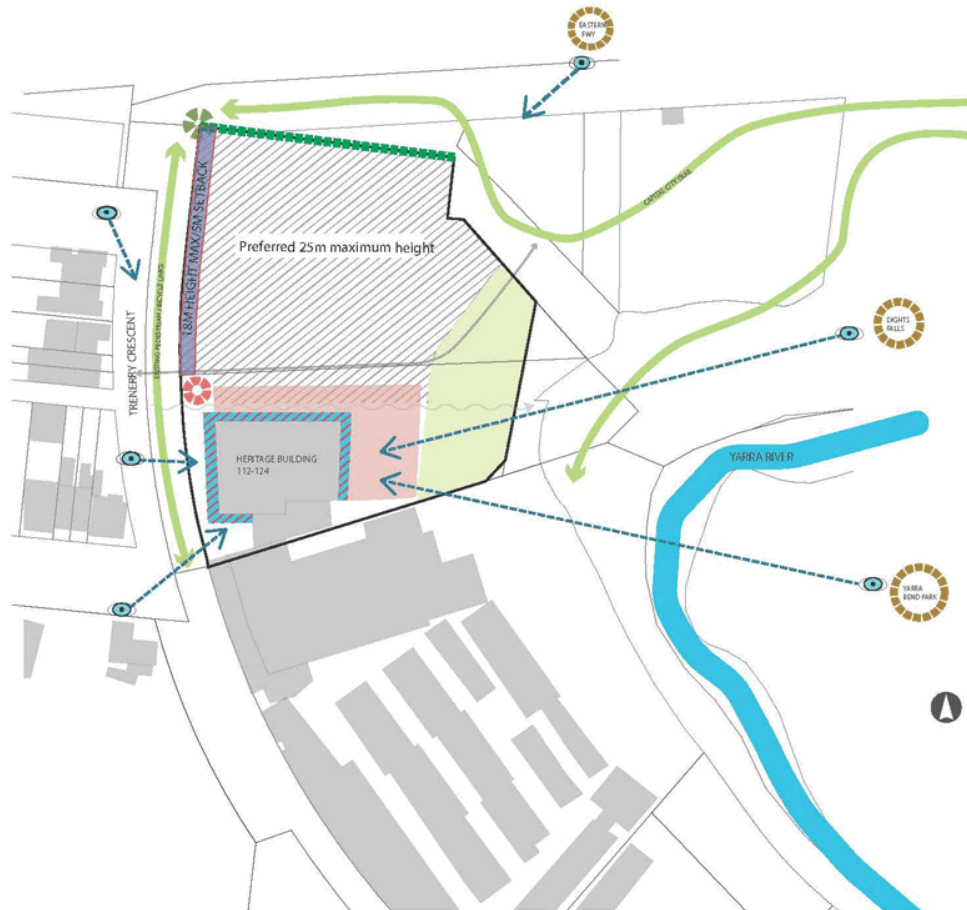
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Figure 1 Indicative Framework Plan



### LEGEND

- |  |   |
|--|---|
| SITE AREA - DDO1 APPLIES   | EXPLORE IMPROVEMENTS TO CORNER FOR PEDESTRIANS AND CYCLISTS THROUGH NEGOTIATIONS WITH LANDOWNER                 |
| EXISTING PEDESTRIAN / BICYCLE LINKS AND CAPITAL CITY TRAIL                                       | HERITAGE SUBSTATION   |
| MAINTAIN VIEWS TO HERITAGE BUILDING FACADES  | WELL DESIGNED AND ARTICULATED BUILT FORM (THE PROVISIONS OF DDO1 AND SLO1 RELATING TO HEIGHT AND SETBACK APPLY) |
| KEY VIEWS TO HERITAGE BUILDING   | POTENTIAL PUBLIC LINK OPPORTUNITY TO BE NEGOTIATED WITH LANDOWNER   |
| MAINTAIN VIEWS TO UPPER LEVELS OF HERITAGE FACADE / DEVELOPMENT TO RESPECT THE HERITAGE BUILDING | RETAIN VISUAL CONNECTION TO YARRA RIVER CORRIDOR THROUGH NEGOTIATION WITH LANDOWNER                             |
| PREFERRED MAXIMUM 18M STREET WALL HEIGHT / 5M SETBACK TO UPPER LEVELS                            |   |
| ENHANCE INTERFACE WITH PUBLIC REALM  |   |

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## Attachment 3 - Amendment C219 Final Version for Adoption

### SCHEDULE 14 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO14**.

#### 112-124 & 126-142 Trenerry Crescent, Abbotsford

This schedule applies to land generally known as:

- 112-124 Trenerry Crescent, Abbotsford
- 126-142 Trenerry Crescent, Abbotsford

#### 1.0 Requirement before a permit is granted

DD/MM/YY  
YY C219

A permit may be granted before a development plan has been approved to allow

- The use of an existing building.
- Minor buildings and works to existing buildings.
- Subdivision of land, provided that the subdivision is the result of a consolidation of all or parts of the site or the re-subdivision of the land and the number of lots is not increased.
- Removal or creation of easements or restrictions.
- Buildings or works associated with the remediation of the land in accordance with or for the purpose of obtaining a Certificate or Statement of Environmental Audit under the Environment Protection Act 1970.

Before any planning permit is granted the responsible authority must be satisfied that the permit will not prejudice the future use and development of the land in an integrated manner and will contribute to the vision of the site.

#### 2.0 Conditions and Requirements for Permits

DD/MM/YY  
YY C219

Except for a permit issued as provided for under Clause 1.0, a permit must contain conditions or requirements which give effect to the provisions and requirements of the approved Development Plan.

In addition to any requirements in other provisions of the scheme, particularly Schedule 1 to the Design and Development Overlay – Yarra (Birrurung) River Corridor Protection, an application must be accompanied by the following information (as appropriate):

- The proposed uses of each building and estimated floor area for each use;
- The number of proposed dwellings, where relevant, including the mix of residential development densities and dwelling types;
- A design response that describes how the development responds to the vision for the site and the design guidelines in the approved development plan;
- A visual impact assessment that provides the following:
  - A 3D model of the development and its surrounds in conformity with the Department of Environment, Land, Water and Planning Infrastructure Technical *Advisory Note – 3D Digital Modelling*. Where substantial modifications are made to the proposed building envelope, a revised 3D digital model must be submitted to the Responsible Authority
  - Site line analysis and 3D modelling of the proposed development from key view points (such as the Yarra River corridor and Dights Falls) in the public realm to enable an assessment of the visual impact of the development on the heritage values of the former Austral Silk and Cotton Mills building and substation at 112-124 Trenerry Crescent
  - Perspectives showing the visual prominence of the development from public vantage points along the Yarra River corridor (including Capital City Trail, Dights Falls and Yarra Bend Park), to the specifications of the responsible authority;



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- A Heritage Impact Statement prepared by a suitably qualified heritage consultant, which outlines how the proposed development has regard to heritage values of the former Austral Silk and Cotton Mills building and substation at 112-124 Trenerry Crescent, along with relevant citations and studies;
- A car parking and traffic impact assessment that considers:
  - the safe entry and exit of vehicles and how these minimise conflicts with any existing pedestrian and cycle links
  - the means proposed to promote reduced car use and promote sustainable travel including opportunities for the provision of a car share system and Green Travel Plan initiatives that promote sustainable transport options including the provision of on-site bicycle storage and end-of-trip facilities
  - the provision of car parking, circulation and layout of car parking, and the recommended bicycle parking provision rates;
  - the impact of any additional traffic on the surrounding road network, and how any necessary mitigation measures should be addressed;
- A Landscape Plan that includes:
  - proposed landscape treatments with the Yarra River Corridor and how this enhances the bushland character of the river corridor and protects and integrates with existing vegetation and planting
- An acoustic report (with a particular focus on the interface with the freeway) prepared by a suitably qualified acoustic engineer assessing, as appropriate, how the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, sleep disturbance criteria and relevant Australian Standards will be met and must prescribe the form of acoustic treatment taking into consideration the agent of change principle.

Comment [BE1]: Change 1

Comment [BE2]: Form and content – Change 14

### 3.0 Requirements for Development Plan

DD/MM/YY  
YY C219

The Development Plan must be consistent with the following Vision for the site, and be generally in accordance with the *Indicative Framework Plan* as shown in Figure 1 to the satisfaction of the responsible authority. In addition the Development Plan must be consistent with any requirements in other provisions of the scheme, particularly Schedule 1 to the Design and Development Overlay – Yarra (Birrarung) River Corridor Protection.

The development plan may be prepared in stages if the responsible authority is satisfied this will not prejudice the preparation of the development plan.

The Development Plan for any part of the development area or for any stage of development may be amended from time to time to the satisfaction of the responsible authority.

#### Vision

The development will:

- support employment generating land uses whilst permitting residential uses and encouraging mixed use activities reflective of the character of the area;
- provide a high quality architectural design, built form and landscaping response which acknowledges the site's prominent location adjoining the Yarra River and the Eastern Freeway, and minimise the visual impact of new buildings when viewed from the Yarra River and adjacent public open space, bicycle and shared paths and bridge crossings;
- utilise materials that are respectful of the natural characteristics of the river corridor and respond to the former industrial character of Trenerry Crescent;

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- sensitively adapt and reuse the former Austral Silk and Cotton Mills warehouse and factory complex and substation at 114-124 Trenerry Crescent to maintain its heritage value and robust industrial character;
- not dominate views to the former Austral Silk and Cotton Mills complex from the Yarra River corridor;
- maintain key views to Yarra River corridor and to the western facade and appropriate views of the upper levels of the former Austral Silk and Cotton Mills complex when viewed from Trenerry Crescent;
- Provide appropriate opportunities for the improvement of the safety of pedestrian and cyclist movements at the north western corner of the site;
- Explore the potential for a publicly accessible shared link as identified on the Indicative Framework Plan;

Comment [BE3]: Change 9

### Components

The Development Plan must include the following to the satisfaction of the responsible authority:

#### Existing Conditions Analysis

- A site context analysis that identifies the key attributes of the land, including:
  - topography;
  - existing vegetation;
  - location of existing buildings and significant trees and vegetation;
  - existing or proposed uses and buildings on adjoining land;
  - the contextual relationship of the site and proposed built form to the Yarra River Corridor, the Eastern Freeway and surrounding road network walking and cycling connections, and public transport;
  - key view-lines to the site from the Yarra River corridor (including Capital City Trail, Dights Falls and Yarra Bend Park) and the Eastern Freeway;
  - views through the site from Trenerry Crescent to the Yarra River Corridor; and
  - key views to the former Austral Silk and Cotton Mills warehouse and factory complex and substation at 114-124 Trenerry Crescent from Trenerry Crescent.
- An arboricultural assessment of any significant vegetation on the land, including advice on the long term health and retention value of such vegetation.

#### Plans and Reports

- A site plan(s) which shows:
  - the existing heritage building with any extensions and alterations;
  - the indicative siting and orientation of other proposed building(s) on the site and the relationship to buildings on adjoining land;
  - the indicative location of car and bicycle parking areas;
  - the vehicle and pedestrian access locations;
  - the location of any areas of public open space; and
  - the anticipated uses of each building.
- Plans showing:
  - Indicative building envelopes and massing diagrams for new buildings including street wall heights, maximum building heights, the separation distances between buildings, the setback from the street frontage, and how the development addresses the street;

## Attachment 3 - Amendment C219 Final Version for Adoption

- The principles for the proposed built form interface to— the Yarra River Corridor (eastern interface), Trenerry Crescent (western interface), the Eastern Freeway (northern interface) and the interface with existing pedestrian/cycle links (including Capital City Trail);
- Shadow diagrams of the proposed building envelopes shown in the proposed Development Plan between 11:00am and 2:00pm on 22 June.
- A Landscape Plan that includes:
  - the location of landscaped areas on all interfaces as appropriate, including the Yarra River Corridor;
  - guidelines for landscape and fencing treatments with the Yarra River Corridor and how this enhances the bushland character of the river corridor and protects and integrates with existing vegetation and planting;
  - details on the management of landscaped areas, including sustainable irrigation treatments such as water sensitive urban design opportunities.
- Proposed staging plan (if relevant).
- A Heritage Impact Assessment prepared for the former Austral Silk and Cotton Mills building and substation at 112-124 Trenerry Crescent by a suitably qualified heritage consultant, that:
  - articulates the significance of the heritage place, its component parts, and its setting (including in relation to the Yarra River corridor);
  - describes the relationship between the heritage place and any neighbouring or adjacent heritage place/s; and
  - establishes principles for managing the significance of the heritage place and its relationship with its surroundings.
- A Traffic Management Report identifying:
  - the safe entry and exit of vehicles and how these minimise conflicts any existing pedestrian and cycle links;
  - the means proposed to promote reduced car use and promote sustainable travel including opportunities for the provision of a car share system and Green Travel Plan initiatives;
  - the recommended car parking and bicycle parking provision rates;
  - other mitigation measures identified through a traffic and car parking report;

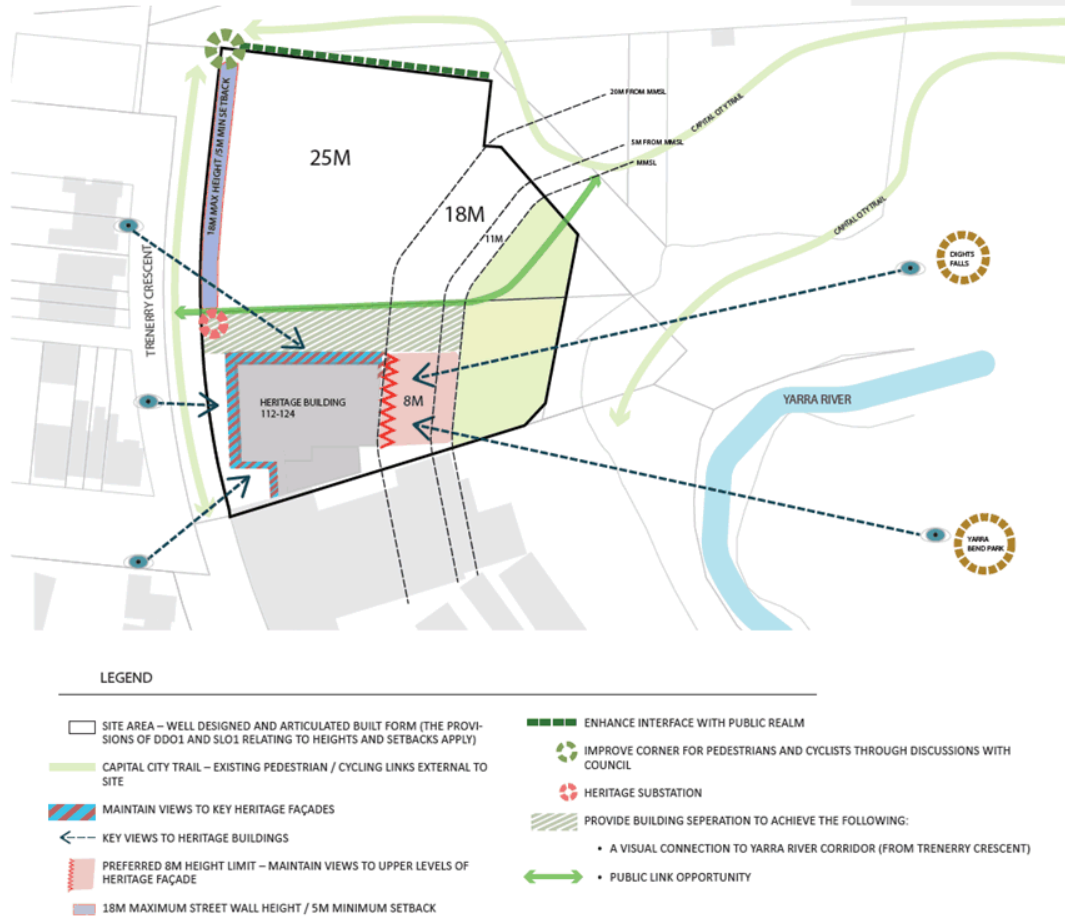
### Design Guidelines

- Design guidelines for the entire site, including but not limited to:
  - The treatments of key interface areas that reflect the principles for each interface and respond to key views;
  - Building materials, treatments, including reflectivity details and architectural styles through the site;
  - The treatments for communal open space;
  - The response of the development to the heritage values of the former Austral Silk and Cotton Mills building and substation at 112-124 Trenerry Crescent as identified in a heritage impact assessment prepared for the place;
  - The treatment of building services, including roof top services/elements, should be screened from the public realm.

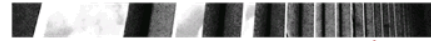
Comment [BE4]: Change 1a

# Attachment 3 - Amendment C219 Final Version for Adoption

Figure 1 Indicative Framework Plan



## Attachment 4 - GJM C218 C219 Post Panel Advice 25 Jan 2018



**GJM Heritage**

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Melbourne, Victoria 3000

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### Memorandum of Advice

**Heritage Advice:** Heritage Implications of Yarra Planning Scheme Amendments C218 and C219

**Prepared for:** Evan Burman, Strategic Planner, City of Yarra

**Date:** 25 January 2018

**File:** 2018-005

#### 1. Introduction

Proponent-led Planning Scheme Amendments to facilitate the redevelopment of two sites on Trenerry Crescent, Abbotsford – at 18-62 Trenerry Crescent and 112-142 Trenerry Crescent – are currently being considered by the City of Yarra (Council).

GJM Heritage (GJM) provided advice on these amendments in May 2017 and Jim Gard'ner, Director of GJM provided expert evidence to Planning Panels Victoria (Panel) in August 2017. Prior to this, in July 2016, GJM prepared Heritage Citations and Statements of Significance for two former industrial properties affected by Amendments C218 (18-62 Trenerry Crescent) and C219 (112-124 and 126-142 Trenerry Crescent).

Panel issued its report into Amendments C218 and C219 on 25 October 2017, which recommended a number of changes to the amendments that were contrary to the position of Council and the evidence provided by its expert witness. Council officers have now prepared a preferred Framework Plan for C218 and a preferred Indicative Framework Plan for C219 for Council consideration and adoption.

Council has requested GJM to undertake the following work:

1. Review Panel's recommended Heritage Citation and Statement of Significance for 18-62 Trenerry Crescent, Abbotsford.
2. Review the Panel-recommended Framework Plan within the C218 Incorporated Plan compared to Council's preferred plan, particularly:
  - The facades recommended for retention and the wording in the legend
  - The setback distance from the façade – noting that Council is seeking to reinstate the 6m setback in their preferred plan.
3. Review the Panel-recommended Indicative Framework Plan within the Schedule to the DPO (C219) against Council's preferred plan, specifically:
  - The pink building envelope on northern edge of building
  - Removal of the height limit from the rear interface (which Council is seeking to reinstate in their preferred plan)
  - The interface at the northern edge of the main building to 'Maintain Key Views to Heritage Façades'.

These matters have been considered in the context of the Panel Report and the expert evidence prepared by Jim Gard'ner, Peter Lovell, Bryce Raworth and Bruce Trethowan.

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**gard'ner jarman martin**

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## Attachment 4 - GJM C218 C219 Post Panel Advice 25 Jan 2018



GJM Heritage

We note that although Panel frequently use the term 'preferred' to describe their recommended form of the Heritage Citation or Framework Plans, this memorandum uses the term 'recommended' for Panel's version and 'preferred' for Council's revised version of the documentation.

## 2. Background

The subject sites (18-62 Trenerry Crescent and 112-142 Trenerry Crescent) are located on the eastern side of Trenerry Crescent, Abbotsford, and are bound to the east by the Yarra River. The majority of Trenerry Crescent is subject to HO337 - Victoria Park Precinct.

### 2.1 Trenerry Crescent

Trenerry Crescent extends generally in a north-south direction from the Eastern Freeway to Johnston Street. It follows the line of the Yarra River and demonstrates very different characteristics on its eastern and western sides, with the western side typified by single-storey Victorian and Edwardian-era dwellings and Victoria Park Oval and the eastern side occupied by a number of late-nineteenth and early-twentieth century former factory buildings. These buildings were deliberately located on the banks of the Yarra River to provide access to water and to allow the easy disposal of liquid waste. Industrial activity in this part of the Yarra dates back to the mid-nineteenth century and the construction of Dights Mill (from 1838) and the associated weir to power the mill, which is now a popular recreational reserve. The former factory and industrial buildings have now been converted to office or multi-unit residential uses.



**Figure 1.** Approximate locations of 18-62 Trenerry Crescent (blue) 112-142 Trenerry Crescent (orange) 126-142 Trenerry Crescent (red) (Google Maps, accessed 19 January 2017)

### 2.2 18-62 Trenerry Crescent

The Former W. Saunders & Son Factory/Warehouse Complex was constructed between 1911 and the 1920s for the extraction of malt and cod liver oil. The building located towards the Yarra River on Turner Street was constructed in the 1920s. In 1984, renowned architect Daryl Jackson AO designed additions as part of the



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adaptive reuse of the complex for the offices of fashion house Esprit de Corps. In 1985 the Jackson-designed alterations and additions were recognised by a Royal Australian Institute of Architects President's Award Citation.

The 1911 building and the 1984 additions are of high integrity and are in good condition. Having undergone later additions, the 1920s structures are of lower integrity. The 1984 conversion of the complex remains a respected example of early adaptive reuse of industrial buildings and demonstrates a sophisticated integration of contemporary additions - in this case as lightweight pavilions and linking elements.

The principal public realm views of the complex are afforded from Trenerry Crescent and Turner Street. Glimpses of the complex – in particular the Jackson-designed additions – are visible from the Yarra River Trail.

The Former W. Saunders & Son Factory/Warehouse Complex (later Esprit de Corps offices) is identified as 'Individually Significant' in *City of Yarra Review of Heritage Overlay Areas 2007 - Appendix 8*, an Incorporated Document pursuant to Clause 81.1 of the Yarra Planning Scheme (Appendix 8).



Figure 2. 18-62 Trenerry Crescent, Abbotsford (23 Dec 2016, ©nearmap)

KEY:      Boundary – dashed blue line  
              1911-1920s brick factory structures shaded in red  
              1984 Esprit de Corps structures shaded in yellow

### 2.3 112-142 Trenerry Crescent

The former Austral Silk and Cotton Mills Factory/Warehouse Complex is a substantial four-storey brick factory building constructed in 1927. The same Stripped Classical architectural treatment has been utilised on all four façades of the building, reflecting the fact that it was designed to be seen in the round as the dominant element within a large factory complex. A single-storey sub-station building in the same style is located immediately to the north of the main building and a two-storey link structure connects the factory/warehouse to the property to the south. The land to the north of the four-storey building was occupied by factory buildings with saw-tooth roofs until at least 1966 and now houses car parking and the Australian Education Union (AEU) building at 126-142 Trenerry Crescent.

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The factory/warehouse building is of a moderate to high level of intactness with changes to the exterior form largely being limited to a lightweight roof-top addition and the removal of a single-storey element on the Trenerry Crescent façade and its replacement with a rendered wall and portico entrance.

The north and west elevations of the building (including the single-storey sub-station building) are the dominant features of the Trenerry Crescent streetscape north of Victoria Park (Abbot Street). The prominent ridge top location and the scale of the building make it a landmark feature when viewed from Trenerry Crescent adjacent to the Dights Falls Reserve, from the Yarra River Trail, and from the Dights Mill site itself.

The Former Austral Silk and Cotton Mills Factory/Warehouse Complex is identified as 'Individually Significant' in Appendix 8.

126-142 Trenerry Crescent is occupied by the AEU building. This building was constructed in the 1980s in a Post-modern style. An at-grade car park occupies what was once the northern part of the Austral Silk and Cotton Mills Factory/Warehouse Complex.

Only the southern part of 126-142 Trenerry Crescent falls within the extent of HO337. The building is not identified as being either 'Contributory' or 'Individually Significant' within the precinct.



**Figure 3:** 112-124 & 126-142 Trenerry Crescent, Abbotsford (23 Dec 2016, ©nearmap)

**KEY:** Boundary – dashed blue line  
Main Austral Silk and Cotton Mills Factory/Warehouse shaded in red  
Two-storey link structure shaded in yellow  
Substation shaded in orange



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## 2.4 Current Planning Controls

Both sites are currently within the Commercial 2 Zone (C2Z) of the Yarra Planning Scheme and are subject to the Design and Development Overlay - Schedule 1 (DDO1) and the Environmental Significance Overlay - Schedule 1 (ESO1). 18-62 Trenerry Crescent, 112-124 Trenerry Crescent and the southern part of 126-142 Trenerry Crescent are subject to the Heritage Overlay (HO337 - Victoria Park Precinct). Part of 18-62 Trenerry Crescent is also affected by the Land Subject to Inundation Overlay (LSIO). Both sites are identified as Areas of Aboriginal Cultural Heritage Sensitivity.

| PS Map Ref | Heritage Place                     | External Paint Controls Apply? | Internal Alteration Controls Apply? | Tree Controls Apply? | Outbuildings or fences which are Not exempt under Clause 43.01-3? | Included on the Victorian Heritage Register under the Heritage Act 1995? | Prohibited uses may be permitted? | Name of Incorporated Plan under Clause 43.01-2   | Aboriginal heritage place? |
|------------|------------------------------------|--------------------------------|-------------------------------------|----------------------|---|--|-----------------------------------|--|----------------------------|
| HO337      | Victoria Park Precinct, Abbotsford | No                             | No                                  | No                   | No  | No   | No                                | Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014 | No                         |

Figure 4. Extract from the Schedule to the Heritage Overlay (Yarra Planning Scheme, accessed 11 Jan 2017)

The Schedule to the Heritage Overlay (Figure 4) does not apply External Paint Controls, Tree Controls or Internal Alteration Controls, but HO337 is subject to an Incorporated Plan containing planning permit exemptions (dated July 2014).

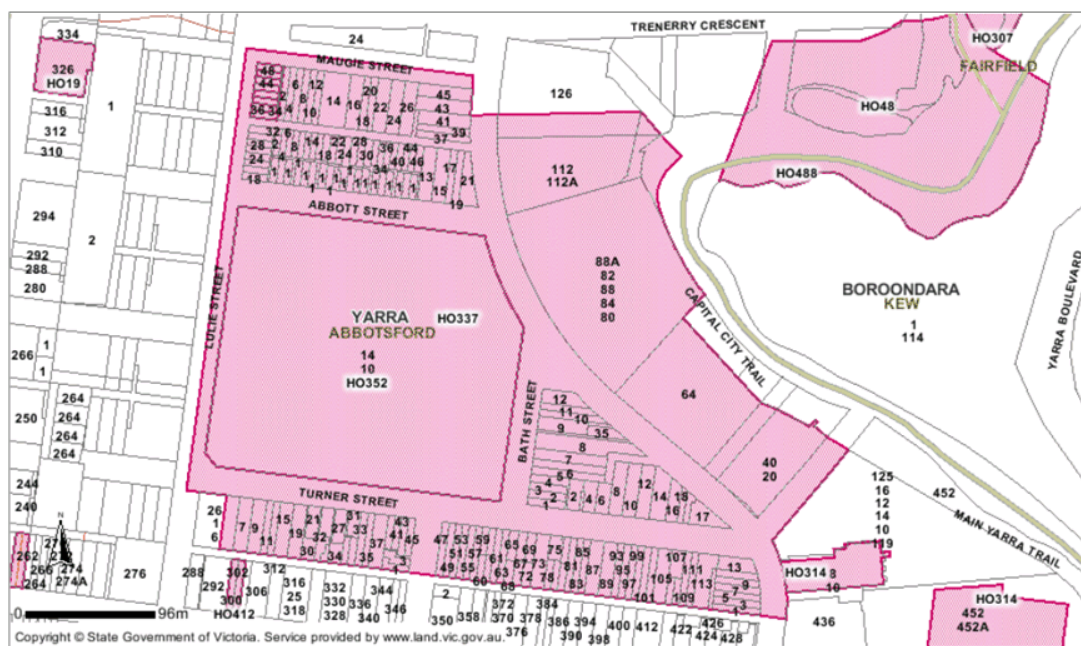
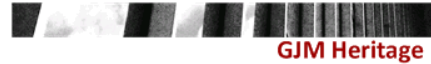


Figure 5. Extent of HO337 – Victoria Park Precinct, Abbotsford (retrieved 18 January 2018)

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### 3. Heritage Citation and Statement of Significance - 18-62 Trenerry Crescent, Abbotsford

GJM has been requested to review Panel's recommended Heritage Citation and Statement of Significance for 18-62 Trenerry Crescent, Abbotsford.

#### 3.1 Background

Although identified as 'Individually Significant' within the HO337, no Statement of Significance had been prepared for 18-62 Trenerry Crescent prior to the July 2016 citation prepared by GJM. The contents of the citation and Statement of Significance were addressed by Messrs. Lovell and Raworth in their expert evidence to Panel.

The citation identified that the 1984 additions and alterations by architect Daryl Jackson AO contributed to the significance of the place. Mr Raworth disagreed with this assertion concluding that no significance could be attributed to the 1980s work, describing these additions as being of 'modest interest'<sup>1</sup>. Mr Raworth also asserted that the property as a whole did not warrant its 'Individually Significant' grading and should more appropriately be identified in Appendix 8 as 'Contributory'.

Mr Lovell's assessment was that the heritage place warranted its 'Individually Significant' grading in Appendix 8, but in relation to the 1984 works stated "...that while recognised at the time in architectural circles and of interest, they are not works which warrant elevation in assigning significance to this place"<sup>2</sup>. While Mr Lovell only attributed 'primary significance' to the 1911 building, Mr Lovell did acknowledge that the 1984 works are of 'contributory significance' to the site, and this is reflected in the amended Statement of Significance provided as part of his evidence.

Panel recommended that Mr Lovell's amended citation, which graded the heritage place 'Individually Significant', be adopted by Council for 18-62 Trenerry Crescent, Abbotsford.

#### 3.2 GJM Commentary and Advice

In response to Panel's recommendation GJM has reviewed the Statement of Significance in Appendix D of the Panel Report. It is our view that revised Statement of Significance adequately describes the heritage place, including the contribution the 1984 additions and alterations make to its significance.

Having said that, we recommend that the following minor amendments be made:

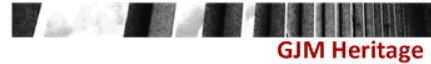
##### Integrity

Page 1: Mr Lovell has changed the integrity of the 1920s building from moderate to low, however in our opinion the integrity of the 1920s building should be considered as moderate as the building retains its original form and scale despite alterations to openings on the Turner Street façade and the addition to rear. We recommend the integrity of this element be described as 'moderate'.

<sup>1</sup> 18-62 Trenerry Crescent Abbotsford - Expert Witness Statement to Panel Amendment C218 to the Yarra Planning Scheme, 4 August 2017 (Bryce Raworth), para. 35.

<sup>2</sup> City of Yarra Amendment C218, Statement of Heritage Evidence and Report to Planning Panel 18-62 Trenerry Crescent, Abbotsford, August 2017 (Peter Lovell), p. 23.

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Place History

Page 3: The first sentence of the Place History states, 'The complex ... comprises four buildings...'. This needs to be clarified to state that these four buildings are comprised of the 1911 building, 1920s building, 1984 building towards the Yarra River, the extensively remodelled 1920s building to the north and the 1984 entrance and linking elements.

Page 4: The final paragraph states, 'The development adapted the three (replacing GJM 'two') early twentieth century buildings...'. This should clarify that these are the 1920s building on the corner of Trenerry Crescent and Turner Street, the 1911 building on Turner Street and the building to the north.

Assessment against Criteria

Pages 8-9: The word 'interest' was introduced into the citation by Mr Lovell a number of times. This term has no recognised meaning in the context of Planning Practice Note 1: *Applying the Heritage Overlay* (July 2015) and should be replaced with the word 'value' or 'significance' (as relevant) to assert heritage value.

Page 9: In the final paragraph '1911' should be deleted and 'respond' replaced by 'responds'.

Statement of Significance

Page 10: Under '*What is significant?*' the statement 'The 1984 new and adapted structures...' needs clarifying and should read 'The new 1984 structures and the 1984 adaption of the 1920s building ... are of contributory significance to the site'.

Page 10: Under '*Why is it significant?*', second paragraph, delete '1911'.

An amended version of the Heritage Citation that incorporates the changes recommended by Peter Lovell and the amendments noted above is provided at Appendix 1. As per the original citation prepared by GJM for the heritage place and that recommended by Panel, the property has been addressed as 20-60 Trenerry Crescent, Abbotsford.

**4. Amendment C218 (18-62 Trenerry Crescent)**

GJM has been requested to review the Framework Plan within the C218 Incorporated Plan recommended by Panel as compared to Council's preferred plan, particularly in respect of the facades recommended for retention, the wording in the legend, and the setback distance from the façade.

This review is limited to a consideration of the Panel-recommended and Council-preferred Framework Plan and does not involve a detailed review of the written Schedule to the Incorporated Plan Overlay.

In Appendix C of their report, Panel provided a recommended version of the Framework Plan (Figure 7), which substantially amended the exhibited version (Figure 6). This has subsequently been further modified by Council as their preferred plan for adoption (Figure 8).

The comments provided below are based on the assumption that any development on the site will demolish the maximum extent of heritage fabric allowed under the plan and will build to the maximum massing allowable.

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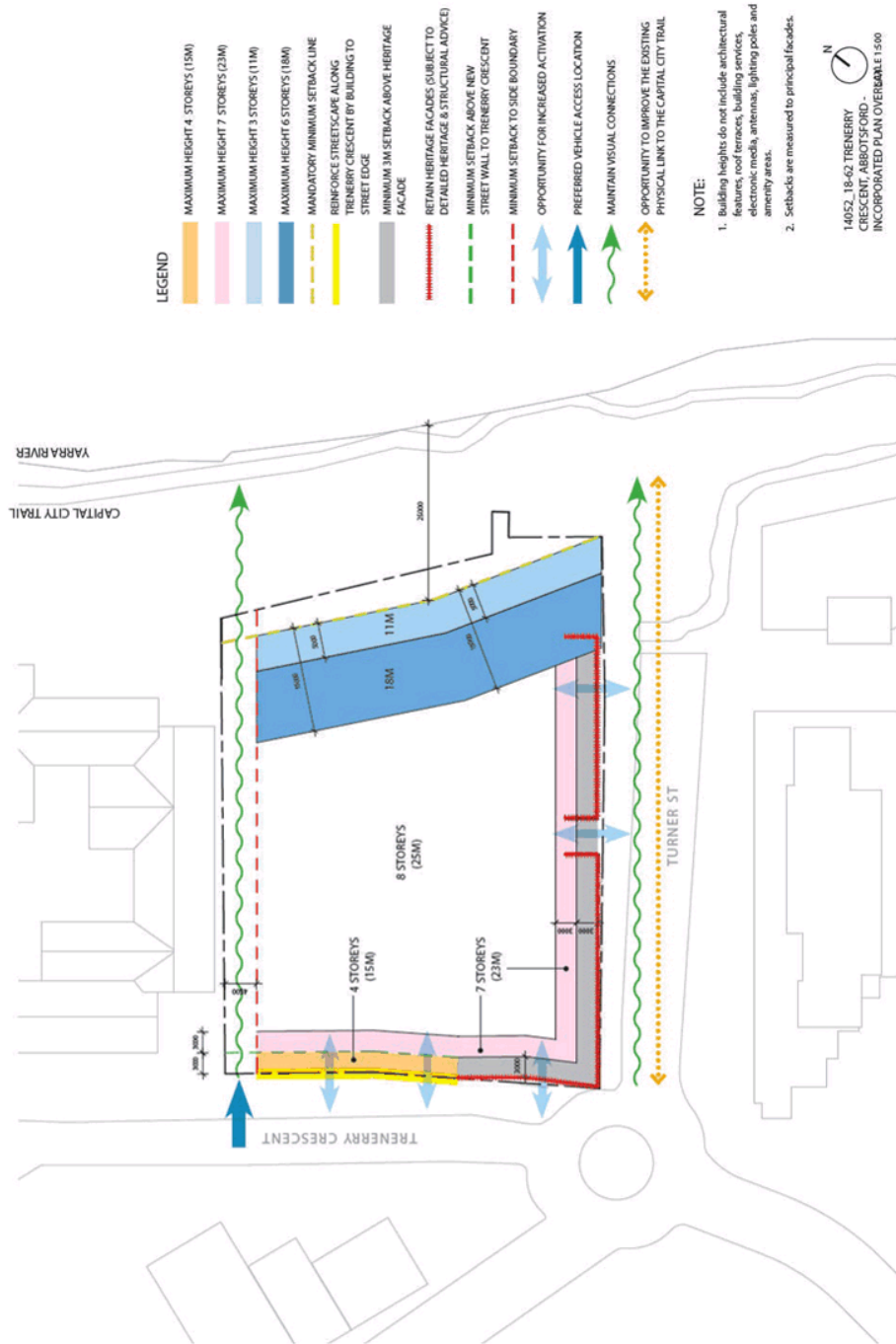


Figure 6. Framework Plan – as exhibited



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Figure 7. Framework Plan - Panel recommended version

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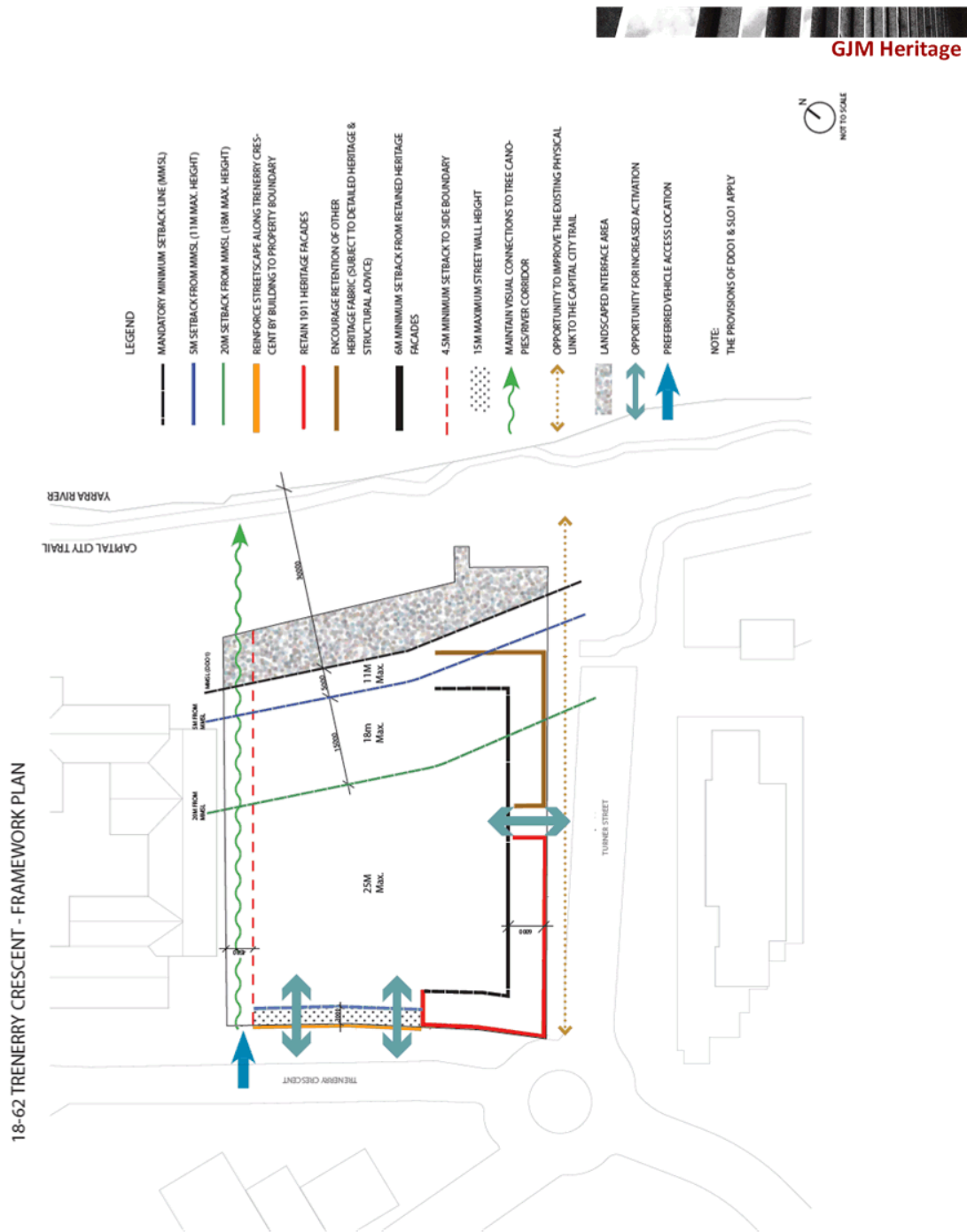


Figure 8. Framework Plan - Council preferred plan for adoption

## Attachment 4 - GJM C218 C219 Post Panel Advice 25 Jan 2018



### 4.1 Framework Plan as Exhibited

Detailed commentary on the exhibited Framework Plan was provided in expert evidence and is discussed in the Panel Report. It is not repeated in this memorandum.

### 4.2 Framework Plan recommended by Panel

Panel's recommended Framework Plan complies with the setbacks identified in DDO1, however we note that the Panel version states that building heights within the Area Boundary for DDO1 – Area C are preferred maximum heights, contradicting DDO1 which states that these are mandatory maximum heights. This inconsistency should be corrected prior to adoption and approval of the amendment to avoid contradictory controls.

The Panel-recommended plan increases the amount of fabric of the Trenerry Crescent façade required to be retained by requiring that "...so much of the return on Trenerry Crescent and Turner Street as necessary to support the retained wall."<sup>3</sup> However, we note that with modern construction techniques for retaining facades this means that the return depth may be no more than the thickness of the masonry wall itself.

Other changes made to the exhibited Framework Plan recommended by Panel will, in our view, have a detrimental impact of the cultural heritage significance of both 18-62 Trenerry Crescent and the contribution it makes to the Victoria Park Precinct (HO337). These impacts include:

- Removal of the requirement to retain the Turner Street façade of the 1920s building
- Reduced requirement to retain return walls of both the 1911 and 1920s buildings on Turner Street
- Reduced setback behind the retained façade of the 1911 building from 3m to a height of 23m and a further 3m to the height to 25m, to 2m.

These changes are contrary to the heritage provisions of the Yarra Planning Scheme as they allow the complete demolition of all the heritage fabric that has been identified as being of contributory significance (that is the 1920s structures and the 1984 additions and alterations) in Panel's recommended Statement of Significance.

In relation to new built form, the reduction in the setback behind the retained façade of the 1911 building from 3m to 2m further increases the likelihood that the new development will not be visually recessive and will dominate the heritage place.

### 4.3 Council's preferred Framework Plan

In response to the Panel Report, Council has prepared an amended Framework Plan (Figure 8). This document reflects the increased setbacks from the Yarra River recommended by Panel and retains the heritage elevations of the 1911 building facing both Trenerry Crescent and Turner Street, including return elevations on both streets.

Council's preferred Framework Plan also encourages the retention of the Turner Street elevation and the returns of this building, including the Daryl Jackson adaptation to the end of this building facing the Yarra River (Figure 10). In addition, the Council-preferred Framework Plan draws on Mr Gard'ner's evidence that a minimum 6m setback from the retain heritage fabric is necessary to retain the cultural heritage significance of the place (Figure 9).

<sup>3</sup> Panel Report - Yarra Planning Scheme Amendments C218 and C219, 25 October 2017, p. 42.

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**Figure 9.** Figure 23 from Mr Gard'ner's evidence showing minimum acceptable setbacks, roof retention and façade retention (including the 1984 link structure and projecting elements on Yarra River elevation of the 1920s factory building)

KEY: ..... minimum set back (6m)    orange roof to be retained    - - - - - façade to be retained

#### 4.3.1 Retention of Heritage Fabric

Consistent with Mr Gard'ner's evidence – and in the absence of any analysis or justification in the Panel Report for the rejection of Council's position – it is our view that the Panel-recommended Framework Plan will allow the demolition of the vast majority of the significant and contributory fabric in an industrial complex that is identified as being 'Individually Significant'. We are of the view that the amount of fabric sought to be retained in the Panel-recommended Framework Plan is insufficient to ensure the cultural heritage significance of the place is conserved. We therefore support the retention of historic fabric of both primary and contributory significance to the heritage place, as broadly articulated in Council's preferred plan. This approach will serve to retain some elements, however modest, of the Jackson designed works that are identified in Panel's recommended version of the Heritage Citation as being of 'contributory significance' to the site.

It is our view that the Council-preferred Framework Plan should not just 'Encourage Retention of Other Heritage Fabric' on Turner Street but require that this fabric be retained. The loss of this fabric will remove any record of the history of development on this site beyond its original 1911 form and would result in the complete removal of all fabric that is identified as 'contributory' in the Panel-recommended version of the Heritage Citation for the place. Council's preferred plan allows for the demolition of much fabric of primary and contributory significance, and it is therefore our view that it is reasonable to require that future development retain the Turner Street facades and the return wall facing the Yarra River (including the 1920s and 1984 works) in order to conserve a physical record of the historic development of the site.

In addition, we recommend that Council require the retention of the glazed link element on Turner Street between the 1911 and 1920s building that was designed by Daryl Jackson (Figure 11). This element is already



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designed to provide vehicle access and could readily be adapted to meet the requirements of the new development.



**Figure 10.** 1984 additions to the 1920s building on Turner Street facing the Yarra River



**Figure 11.** 1984 glazed link on Turner Street

#### 4.3.2 Proposed Setback for Upper Level Development

In the absence of any analysis or justification in the Panel Report for the recommended 2m upper level setbacks, it remains our view that the 6m setback for upper level development in Council's preferred plan represents the minimum depth necessary to retain the perception of the three-dimensional form and depth of the heritage structures in the streetscape. A lesser setback will result in facadism, where the heritage building has no depth beyond the thickness of the wall itself. The 6m depth has been informed by analysis of the historic fabric, particularly the architectural form of the 1911 building that is identified as being of 'primary significance'. The 6m depth equates to the architectural module of the 1911 building as evidenced by the solid wall separating the grouped windows on the Turner Street and courtyard elevations and the structural bays of the saw-tooth roof.

It is our view that a lesser setback, such as those as recommended by Panel, will not achieve the following objectives of Clause 22.02:

- *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.*
- *To preserve the scale and pattern of streetscapes in heritage places.*

A development that is not adequately set back from the retained heritage facades is not considered to meet the policy at Clause 22.02-5.7.1 (General), which is to:

*Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*

- *Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements. Each higher element should be set further back from lower heritage built forms.*
- *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*

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- *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
- *Be visually recessive and not dominate the heritage place.*

In addition, it is our view that a lesser setback is inadequate to achieve the policy at Clause 22.02-5.7.2 (Industrial, Commercial and Retail Heritage Place or Contributory Elements), which is to:

*Encourage new upper level additions and works to:*

- *Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements. Each higher element should be set further back from lower heritage built forms.*

It is also our view that the Panel-recommended Framework Plan fails to achieve the following purposes of Clause 43.01 – Heritage Overlay:

- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*

While the extent of demolition and the 6m setback proposed in the Council-preferred version of the Framework Plan will not create an ideal heritage outcome, it does represent the minimum necessary to retain a meaningful amount of the heritage fabric to ensure the contribution the place makes to the Victoria Park Precinct is conserved.

#### 4.3.3 Application of Mandatory Controls

It is our view that the application of a mandatory upper level setback is reasonable in this case. We note that Panel's recommended version of the Framework Plan has a 2m preferred setback. In our view, this is likely to lead to upper level setbacks of no greater than 2m, which will reduce the three-dimensional form of the heritage buildings to a thin veneer applied to the elevations of the new development.

The guidance provided in Planning Practice Note 60: *The role of mandatory provisions in planning schemes* (June 2015) notes that mandatory controls are the exception. The Practice Note provides a number of criteria for the use of mandatory controls (including those for building setbacks) "...to assess whether or not the benefits of any proposed mandatory provision outweigh any loss of opportunity and the flexibility..."

It is our view that the criteria for the application of a mandatory control is met because a lesser distance will not adequately conserve the cultural heritage significance of this 'Individually Significant' place, nor will it retain an appreciation of the three-dimensional form of the heritage buildings when viewed from the public realm. Noting this, we consider it reasonable to allow open balconies to encroach into a mandatory 6m setback.

#### 4.3.4 Framework Plan Legend

The wording of the legend is considered to be broadly reasonable in the various iterations of the Incorporated Plan, noting that the Panel-recommended version adds the word 'preferred' to the descriptions of maximum height and minimum setback. The appropriateness of mandatory setback controls is discussed in section 4.3.3 above.

We recommend that Council's preferred plan remove the qualifying statement in relation to retained heritage fabric being "Subject to detailed heritage and structural advice". The heritage structures are in good condition and there is no apparent reason why they should not be retained as part of any redevelopment. The onus should be on the developer to undertake any structural work necessary to retain the relatively small amount of fabric that the Framework Plan requires.



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The wording of the 6m minimum setback could also be amended as it is currently unclear if the setback should be applied if the heritage façade of the 1920s building is demolished.

### **5. Heritage Citation and Statement of Significance – 112-124 Trenerry Crescent, Abbotsford**

Panel has recommended the adoption of the Heritage Citation and Statement of Significance for the Austral Silk and Cotton Mills (Austral) prepared by GJM and therefore no changes to this document are recommended.

### **6. Amendment C219 (112-124 and 126-142 Trenerry Crescent)**

GJM has been requested to review Panel's recommended Indicative Framework Plan within the Schedule to the DPO (C219) and Council's preferred Indicative Framework Plan, specifically:

- The pink building envelope on the northern edge of the heritage building
- Removal of height limits from the rear interface (which Council proposes to reinstate)
- The interface at the northern edge of the main building to 'Maintain Key Views to Heritage Façades'.

The following advice is limited to a consideration of the Indicative Framework Plan and does not involve a review of the written Schedule to DPO14.

In Appendix E of their report, Panel provided their recommended version of the Indicative Framework Plan (Figure 13), which amended the exhibited version (Figure 12). This has subsequently been further modified by Council as their preferred plan for adoption (Figure 14).

The following comments are based on the assumption that any development on the site will demolish the maximum extent of heritage fabric allowed under the plan and will build to the maximum massing allowable.

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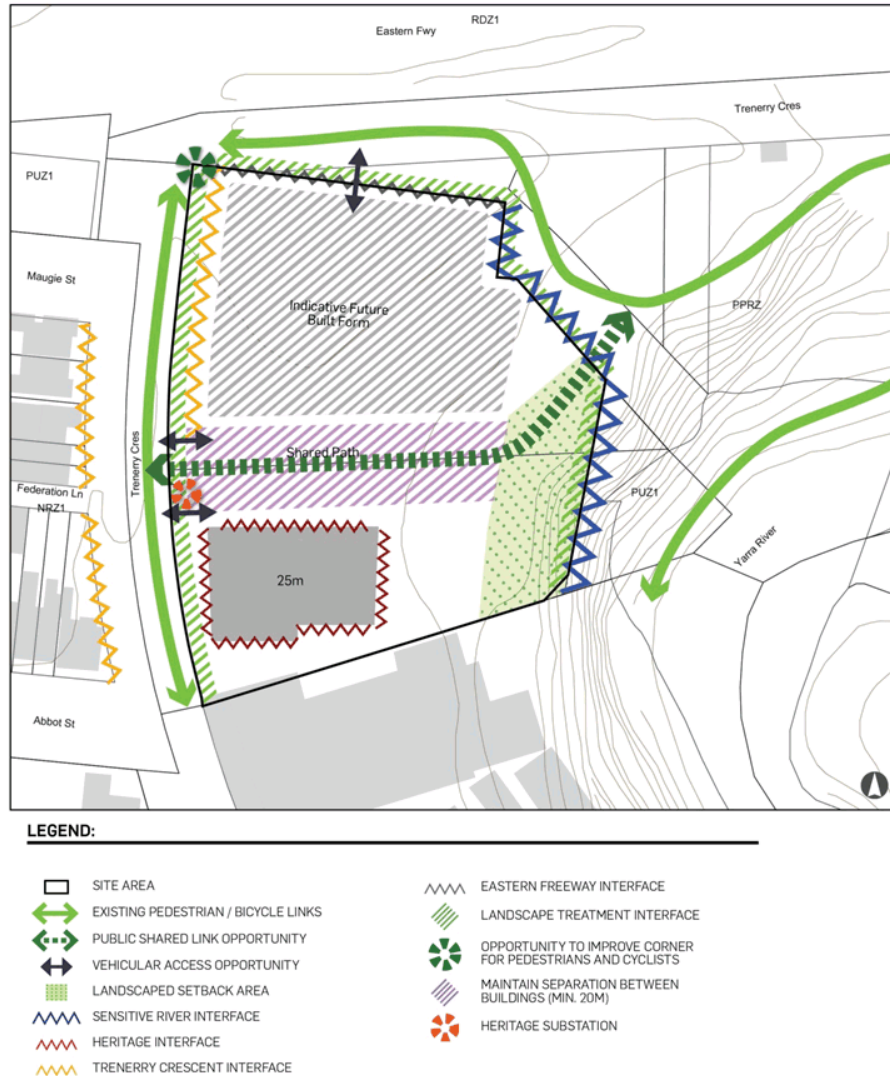
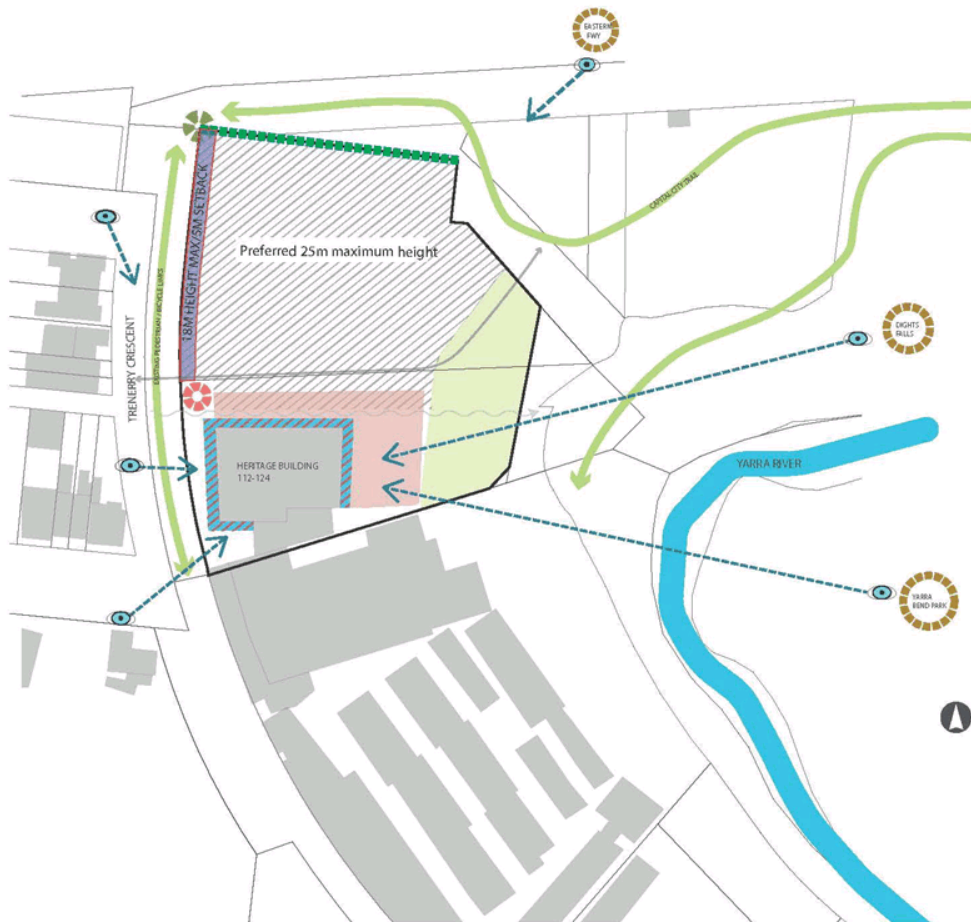


Figure 12. Indicative Framework Plan – as exhibited

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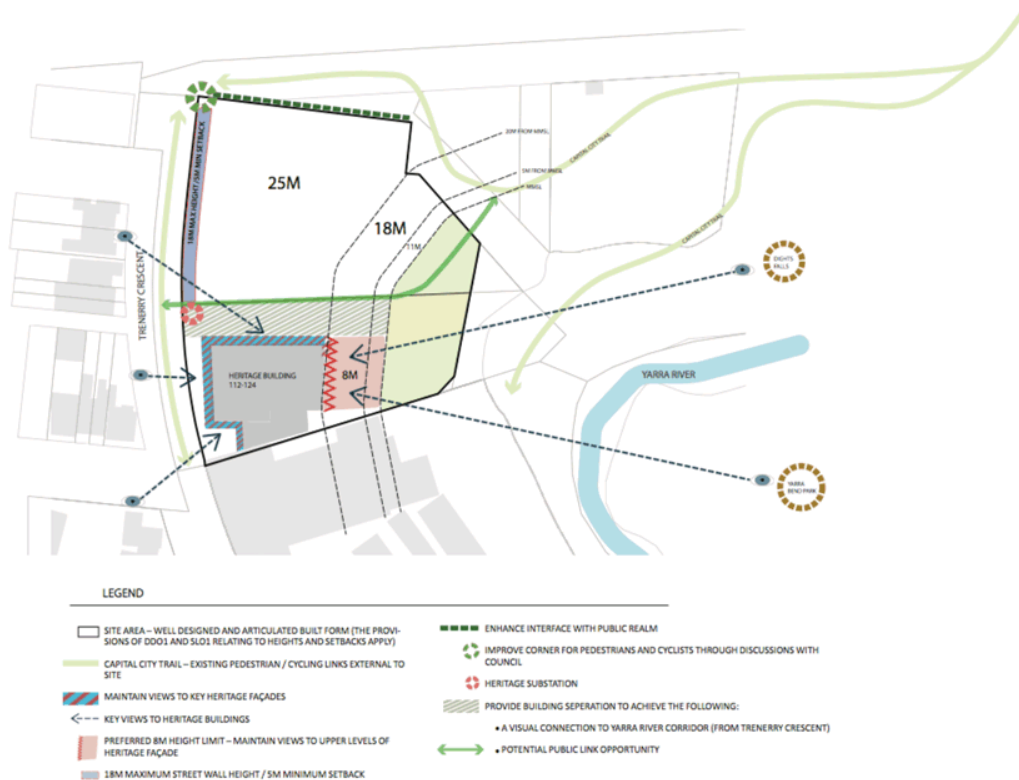


LEGEND

- |  |   |
|--|---|
| SITE AREA - DDO1 APPLIES   | EXPLORE IMPROVEMENTS TO CORNER FOR PEDESTRIANS AND CYCLISTS THROUGH NEGOTIATIONS WITH LANDOWNER                 |
| EXISTING PEDESTRIAN / BICYCLE LINKS AND CAPITAL CITY TRAIL                                       | HERITAGE SUBSTATION   |
| MAINTAIN VIEWS TO HERITAGE BUILDING FACADES  | KEY VIEWS TO HERITAGE BUILDING  |
| MAINTAIN VIEWS TO UPPER LEVELS OF HERITAGE FACADE / DEVELOPMENT TO RESPECT THE HERITAGE BUILDING | WELL DESIGNED AND ARTICULATED BUILT FORM (THE PROVISIONS OF DDO1 AND SLO1 RELATING TO HEIGHT AND SETBACK APPLY) |
| PREFERRED MAXIMUM 18M STREET WALL HEIGHT / 5M SETBACK TO UPPER LEVELS                            | POTENTIAL PUBLIC LINK OPPORTUNITY TO BE NEGOTIATED WITH LANDOWNER   |
| ENHANCE INTERFACE WITH PUBLIC REALM  | RETAIN VISUAL CONNECTION TO YARRA RIVER CORRIDOR THROUGH NEGOTIATION WITH LANDOWNER                             |

Figure 13. Indicative Framework Plan - Panel recommended version

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**Figure 14. Indicative Framework Plan – Council's preferred plan**

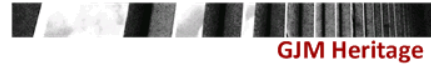
### 6.1 Indicative Framework Plan as Exhibited

Detailed commentary on the exhibited Indicative Framework Plan was provided in expert evidence and is discussed in the Panel Report. It is not repeated in this memorandum.

### 6.2 Indicative Framework Plan recommended by Panel

It appears that Panel's recommended Indicative Framework Plan fails to acknowledge the setback and height requirements of DDO1 resulting in a plan that would contradict the requirements for Area C of DDO1. Like Panel's recommended Framework Plan for Amendment C218, the Indicative Framework Plan for C219 states that the 25m building height within the Area Boundary for DDO1 – Area C is a preferred maximum height. This contradicts DDO1, which contains mandatory maximum heights. These oversights should be corrected prior to the adoption or approval of the amendment to avoid contradictory controls. The Panel-recommended version of DPO14 removes the building height plan included in the exhibited version of the amendment.

Panel's recommended Indicative Framework Plan removes the requirement for a 'landscape treatment interface' along the Trenerry Street boundary, however this is not considered to have any adverse impact on the heritage

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significance of the former Austral Silk and Cotton Mills Factory/Warehouse Complex and is consistent with the expert evidence provided.

Panel also identified key views to the former Austral Silk and Cotton Mills Factory/Warehouse Complex comprising three from Trenerry Crescent to the west, one from what appears to be the north side of Trenerry Crescent opposite the Dights Falls Reserve car park, one from Dights Falls itself, and one from Yarra Bend Park. These are generally considered appropriate, subject to the modification identified at 6.3 below.

#### **6.2.1 The interface of the proposed building envelope at the northern edge of heritage building**

The Indicative Framework Plan recommended by Panel removes the requirement for a 20m building separation between the former Austral Silk and Cotton Mills Factory/Warehouse and any new development and introduces the ability to build against the northern elevation of the heritage building. The objective in the legend states that it is only necessary to “Maintain views to the upper levels of the heritage façade / development to respect the heritage building”. These changes are likely to result in new development that obscures an appreciation of the former Austral Silk and Cotton Mills Factory/Warehouse from the north and would mean that the building can no longer be viewed in the round. It is our view that a development constructed to the north of the heritage building in accordance with the recommended Indicative Framework Plan is unacceptable in heritage terms.

#### **6.2.2 Removal of the height limit from the rear interface**

Panel’s recommended Indicative Framework Plan explicitly introduces the ability to construct a new building east of the former Austral Silk and Cotton Mills Factory/Warehouse, which may obstruct key views of the heritage building from Dights Falls Reserve and Yarra Bend Park. In his evidence, Mr Trethowan stated that any new development east of the heritage building should be limited to one-storey in height and should be set back from the existing eastern façade by 2m<sup>4</sup>. Mr Gard’ner’s evidence suggested that development to a height of approx. 8m (i.e. the height of the top of the second row of windows on the eastern façade) would be acceptable in heritage terms<sup>5</sup> (see Figure 15).

It is our view that a discretionary height control of 8m is necessary to ensure that the height of any new development east of the former Austral Silk and Cotton Mills Factory/Warehouse does not reduce its landmark qualities and visual prominence when viewed from key public vantage points along the Yarra River. The notation in the legend of the Panel-recommended Indicative Framework Plan does not adequately define what constitutes the ‘upper levels’ of the heritage building and could be taken to mean only the upper one or two floors of the building.

<sup>4</sup> Expert Witness Statement (Heritage) for 112-124 and 126-142 Trenerry Crescent Abbotsford, 7 August 2017 (Bruce Trethowan), paras 62-63.

<sup>5</sup> Expert Witness Statement – Heritage for Yarra Amendments C218 and C219, 3 August 2017 (Jim Gard’ner), p.35.



## Attachment 4 - GJM C218 C219 Post Panel Advice 25 Jan 2018



**Figure 15.** 112-124 Trenerry Crescent – from Dights Falls Reserve (arrow indicates maximum height of new built form to the east) – Figure 22 from Mr Gard’ner’s evidence.

### 6.3 Council’s preferred Indicative Framework Plan

In response to the Panel Report, Council officers have prepared an amended Indicative Framework Plan (Figure 14) which ensures consistency with DDO1. It also removes the key view from the north side of Trenerry Crescent, opposite the Dights Falls Reserve car park, which we consider reasonable as this is not a key public realm location from which the public are likely to view the heritage building.

#### 6.3.1 Retention of Heritage Fabric

Mr Trethowan, the proponent’s expert witness, recommended increased retention of heritage fabric including the two-storey link structure to the south of the former Austral Silk and Cotton Mills Factory/Warehouse and the remnants of the brick wall of the 1930s saw-tooth roof buildings that now form the site’s Trenerry Crescent boundary, including those elements outside the extent of HO337. Consistent with evidence of both Mr Gard’ner and Mr Trethowan, Council’s preferred Indicative Framework Plan includes retention of the addition south of the former Austral Silk and Cotton Mills Factory/Warehouse.

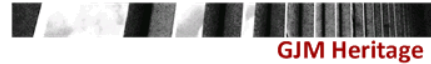
#### 6.3.2 Proposed building separation

It is our view that physical separation between the north elevation of the heritage building and any new development is necessary to retain the three-dimensional form of the former Austral Silk and Cotton Mills Factory/Warehouse.

We note that the Council-preferred Indicative Framework Plan retains a building separation which, although less than the minimum 20m noted in the exhibited amendment, will achieve a satisfactory heritage outcome that allows views of the north façade of the heritage building to be maintained, provides a visual connection to the Yarra River, and allows a potential public access way through the site. In evidence, Mr Gard’ner and Mr Trethowan disagreed that a public (bicycle) link next to the northern façade of the heritage building would have an adverse impact on the heritage significance of the building. It remains our view that a physical separation between the heritage building and any new development can serve as a public link without any adverse impact on the heritage values of the place.

Further, we recommend that a minimum separation distance be annotated on the Indicative Framework Plan. A new building constructed to the edge of the northern wall of the sub-station would provide a separation of



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approx. 15m, and this would appear to provide a satisfactory heritage outcome that protects key views of the northern façade of the former Austral Silk and Cotton Mills Factory/Warehouse.

## **7. Conclusion**

It is our view that the adoption and approval of the Panel-recommended Framework Plan for C218 and Indicative Framework Plan for C219 would result in development that has a substantially greater level of detrimental impact on the two heritage places than the exhibited amendments and is likely to result in development outcomes that are contrary to the heritage provisions of the Yarra Planning Scheme.

Council's preferred Framework Plan and Indicative Framework Plan are likely to result in development that represents an improvement on that recommended by Panel. However, we recommend that the following amendments be made to the Framework Plan for C218 and the Indicative Framework Plan for C219 prior to their adoption by Council:

### **7.1 Recommended amendments to Amendment C218 documentation**

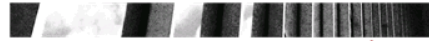
1. Amend the Heritage Citation and Statement of Significance for 20-60 Trenerry Crescent to include the recommended changes in Appendix 1.
2. Amend the legend in the Framework Plan from 'encourage retention' to 'retain' the 1920s structure facing Turner Street and the Yarra River.
3. Amend the Framework Plan to encourage the retention of 1984 elements, including the linking element between the 1911 and 1920s buildings on Turner Street.
4. Clarify if a 6m minimum setback from Turner Street and the Yarra River frontage is required if the heritage facades are not being retained.
5. Remove the qualifying statement in the legend that states heritage fabric is to be retained "Subject to detailed heritage and structural advice".

### **7.2 Recommended amendments to Amendment C219 documentation**

1. Include a minimum dimension for the separation between the northern façade of the former Austral Silk and Cotton Mills Factory/Warehouse and any new development to the north.

**GJM Heritage**

**Attachment 4 - GJM C218 C219 Post Panel Advice 25 Jan 2018**



**GJM Heritage**

**Appendix 1 – Amended Citation for 20-60 Trenerry Crescent incorporating changes recommended by Peter Lovell and identifying subsequent amendments recommended by GJM (highlighted)**

## Attachment 4 - GJM C218 C219 Post Panel Advice 25 Jan 2018



## Heritage Citation

### W. Saunders & Son Factory/Warehouse Complex (later Esprit de Corps offices)

**Address:** 20-60 Trenerry Crescent, Abbotsford

**Prepared by:** GJM Heritage

**Survey Date:** 25 July 2016

|   |  |
|---|--|
| <b>Place type:</b> Factory/warehouse  | <b>Architect:</b> No known (1911, 1920s), Daryl Jackson (1984 alterations) |
| <b>Grading:</b> Individually Significant  | <b>Builder:</b> Not known  |
| <b>Integrity:</b> Moderate-High (1911); Moderate (1920s); High (1984)   | <b>Construction Date:</b> 1911, 1920s, 1984                                |
| <b>Status:</b> Included in the Heritage Overlay (HO337 - Victoria Park Precinct, Abbotsford)<br>No external paint, internal alteration or tree controls apply to Precinct | <b>Extent of Overlay:</b> As existing, refer to plan                       |



Figure 1. 20-60 Trenerry Crescent, Abbotsford: the facade of the 1911 building.

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**Figure 2.** The north-west elevation of the 1911 building (right) with its gabled third-storey, the 1984 glazed walkway and the modified 1920s brick office building (left).



**Figure 3.** The 1920s factory building (right) and 1984 two-storey glazed structure that links the 1920s and 1911 buildings.



**Figure 4.** The subject site (red) and the existing boundary of HO337 Victoria Park Precinct (pink) (2016).

### Historical Context

The following historical context is taken from the HO337 Victoria Park Precinct citation<sup>6</sup>, unless otherwise cited.

The area surrounding Victoria Park to the Yarra River includes parts of Crown Portions 78, 79 and 88, which had been surveyed by Robert Hoddle and sold in 1839 to R Dacre, J D L Campbell (a pastoralist) and J Dight, respectively. John Dight built Yarra House (later the Shelmerdine residence) and a mill on his allotment, and

<sup>6</sup> Victorian Heritage Database (VHD), City of Yarra citation for 'Victoria Park Heritage Precinct', accessed July 2016.



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Campbell built his house, Campbellfield House (later owned by architect and MLA William Pitt as Mikado) on his land overlooking the Yarra River.

In 1878, Edwin Trenerry, a shareholder in a deep lead mining company, subdivided Crown Portions 78, 79 and 88 for residential development, creating the existing street pattern. The design recalled the earlier Darling Gardens development at Clifton Hill, with Victoria Park intended as an ornamental garden square, surrounded by residential properties with 33' frontages to the park. By 1879 much of the land had been sold to David Abbott, with some lots sold to James and John Kelly in the next year. By 1885, all the lots had been sold, and development of many of them had begun.

Trenerry Crescent followed the line of the Yarra River and separated the larger riverside allotments from the smaller residential subdivisions to the west. By the turn of the century, the river frontage allotments along Trenerry Crescent were undergoing a transformation from gentlemen's farms to industrial uses. The Melbourne Flour Milling Company operated at the old Dight's Mill site on the Yarra from 1891, at the north end of Trenerry Crescent, with the Sheldermine's Yarra Hat Works and a quarry located further to the south, both since redeveloped.

Abbotsford emerged as a centre for the textile industry during the interwar period, with much of the vacant land between Johnson Street, Trenerry Crescent and the Yarra River developed with textile mills.<sup>7</sup> The massive Austral Silk and Cotton Mills complex was built at the north end of Trenerry Crescent in 1927 and the Yarra Falls Spinning Mills had also expanded in the area during the early 20th century. Their administrative complex was built in 1919 facing Johnston Street and the landmark 1930s Byfas building was built, facing Trenerry Crescent, to produce textiles during World War Two. The combination of these extensive industrial complexes has a strong built character that is evident from within the Heritage Overlay Area and from distant views down the Yarra River and the Eastern Freeway.

In the last two decades of the 20th century, these large industrial and mill buildings have gradually been decommissioned and recycled for light industrial, commercial or residential uses.

### Place History

The complex at 20-60 Trenerry Crescent comprises four buildings (six structures in total) constructed between 1911 and the mid-1980s: the 1911 building, 1920s building, 1984 building towards the Yarra River, the extensively remodelled 1920s building to the north and the 1984 entrance and linking elements.

From July 1890 Arthur and Isabella Hope owned eight lots on the north side of Trenerry Crescent, which comprised what became Turner Street, and lots to the west. Following the death of both, the lots were transferred to George Hope and William MacLennan in 1900, who on-sold the lots individually from 1906.<sup>8</sup>

The 1901 Melbourne Metropolitan Board of Works Detail Plan (No.1230) indicates that the subject site was vacant at this date. In September 1909, the Abbotsford Manufacturing Company Pty Ltd purchased the lot on the north-west corner of Trenerry Crescent and Turner Street, with a frontage of 20.1 metres (60ft) to Trenerry Crescent.<sup>9</sup> In July 1911, William Stone, clerk, and William Saunders the Younger, malt extract manufacturer of Vaucluse Street, Richmond, purchased the lot.<sup>10</sup>

<sup>7</sup> Gary Vines & Matthew Churchward (1992) 'Northern Suburbs Factory Study', Part One: 63.

<sup>8</sup> Land Victoria (LV), Certificate of Title V:2279/F669.

<sup>9</sup> LV, Certificate of Title, V:3384/F680.

<sup>10</sup> LV, Certificate of Title, V:3384/F680.

## Attachment 4 - GJM C218 C219 Post Panel Advice 25 Jan 2018

The factory building located on the front title boundary was built in 1911 for W. Saunders & Son, manufacturers of malt extract and cod liver oil. The industrial building to the rear, adjoining Turner Street, is believed to have been built in the 1920s for an engineering works.<sup>11</sup>

On 24 May 1919, William Stone became the surviving proprietor, however, on the same date the property was transferred to W. Saunders & Son Pty Ltd, of Trenerry Crescent, Abbotsford.<sup>12</sup> From the 1910s, the lot to the west was also under the same ownership, on separate titles.<sup>13</sup> W. Saunders & Son Pty Ltd was described as 'Pure Malt extract and cod liver oil and Maltocrete manufacturers, agents for Zeestos' in 1920, while billboards advertised 'Saunders' Malt Extract in 1930 (Figure 5).<sup>14</sup>

Aerial photos dating to 1966 show the saw-tooth roof of the 1911 building on the corner of Turner Street, and the parallel gabled-roofs of the 1920s building adjacent to the river. Other buildings are visible on the site at this date, including a tower adjacent to the 1920s building (since removed) (Figures 6 & 7).

In October 1966, Mauri Brothers and Thomson (Aust.) Pty Ltd became joint proprietors of the site, before it was sold to Anco Plastics Pty Ltd, of 18 Trenerry Crescent, in August 1970. The property was subsequently owned by Trenjohn Pty Ltd from 1972, and Bracebridge Pty Ltd from 1981.<sup>15</sup> In May 1982, Bracebridge Pty Ltd consolidated the lots to form a 41.45 metre frontage to Trenerry Crescent (the current 20-60 Trenerry Crescent).<sup>16</sup>

In 1984, architect Daryl Jackson AO designed works to accommodate the reuse of the place by the Esprit de Corps clothing company. The development adapted the three early twentieth century buildings (the 1920s building on the corner of Trenerry Crescent and Turner Street, the 1911 building on Turner Street and the 1920s building to the north) which underwent some alterations, while the new structures comprised glazed links and a new warehouse/workroom building on the north-east corner of the site. Jackson's design integrated a stylised industrial theme appropriate to the site's history and received a citation as a finalist in the Royal Australian Institute of Architects Presidents Award in 1985.<sup>17</sup> In January 1988 the portion of land next to the river was subdivided off. The property was owned by various companies after this date, and is currently under a 30 year lease to Citipower Pty (from 1999).<sup>18</sup>

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<sup>11</sup> Heritage Victoria (HV) assessment of 'Esprit De Corps Complex, 40 Turner Street & 40-60 Trenerry Crescent, Abbotsford', accessed via Hermes 13 Jul 2016.

<sup>12</sup> LV, Certificate of Title, V:3384/F680.

<sup>13</sup> LV, Certificates of Title, V:3694/F664.

<sup>14</sup> Vines & Churchward (1992) 'Northern Suburbs Factory Study', Part Two: 246.

<sup>15</sup> LV, Certificate of Title, V:3384/F680.

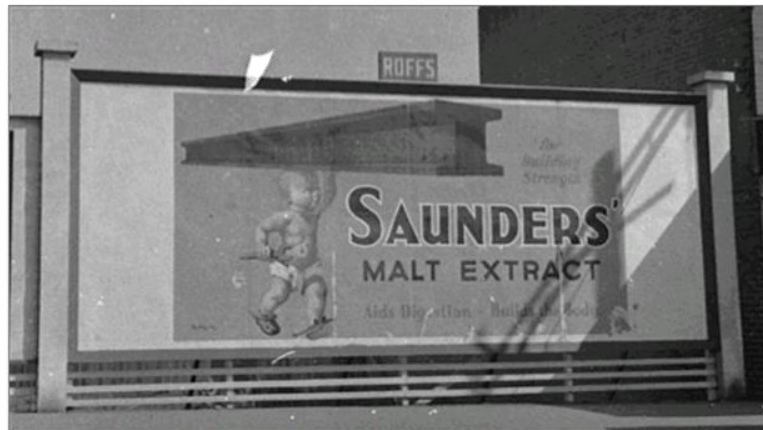
<sup>16</sup> LV, Certificate of Title, V:9464/F422.

<sup>17</sup> HV assessment of 'Esprit De Corps Complex, 40 Turner Street & 40-60 Trenerry Crescent, Abbotsford', accessed via Hermes 13 Jul 2016.

<sup>18</sup> LV, Certificate of Title, V:9464/F422.



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**Figure 5.** A c1930s billboard in Sydney for 'Saunders Malt Extract'  
(Source: State Library of NSW, 'Billboard advertising Saunders', No. 29837).



**Figure 6.** A detail of a 1966 aerial of Trenerry Crescent, showing the subject site (Source: COYL, ID. CL PIC 105).



**Figure 7.** Detail of a second 1966 aerial of Trenerry Crescent and Yarra Falls (Source: COYL, ID. YL CL Pic 104).

This place is associated with the following themes from the *City of Yarra Heritage Review Thematic History* (July 1998):

- 4.0 Developing Local Economies
- 4.2 Secondary Industry

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### Description

The site is occupied by a complex of industrial and office buildings dating from 1911 and the 1920s. In 1984 architect Darryl Jackson AO designed additions and made alterations to the existing buildings to accommodate the site's re-use by the Esprit de Corps clothing company.

The 1911 building presents as a single-storey building fronting Trenerry Street (located on the Trenerry Crescent and Turner Street title boundaries), but extends to three-storeys in height at the rear as the building responds to the topography of the site as it slopes down towards the Yarra River. The brick building retains a saw-tooth roof which is hidden behind parapets on the three main elevations. The façade and parapet is rendered and overpainted. The parapet is defined by string moulds at its top and base. Subtle Classical details are expressed in engaged pilasters that break the façade into five bays and extend above the parapet at the entrance and corners. The central entrance (with a modern aluminum framed door) has a later cantilevered steel porch. Either side of the entrance are pairs of timber-framed casement windows of various sizes. The side elevations are face-brick with rows of single timber-framed casement windows with segmental-arches. Some sills have been replaced (probably during the 1984 development). Vents at ground level on the Turner Street elevation are also later additions dating from the 1980s. The building terminates at the rear with a third-storey with a gabled roof and circular vents to the gabled-ends.

To the rear of the site the original 1920s red-brick engineering works survives as a fragment now largely overbuilt in the 1984 works. This building approximates its original form and scale (see Figures 6 & 7) but the brickwork shows multiple stages of alterations, particularly fronting Turner Street. The windows and sills, the entrance off Turner Street and a large second-storey glazed addition to the rear of the building date from the 1984 development of the site.

The 1984 works include the adapted 1920s red-brick building on northern boundary of the site, the glazed walkway between this building and the 1911 building, a two-storey glazed link between the 1911 and 1920s buildings to the east and a glazed warehouse/workroom building to the rear of the site constructed on an exposed off-form reinforced concrete base.

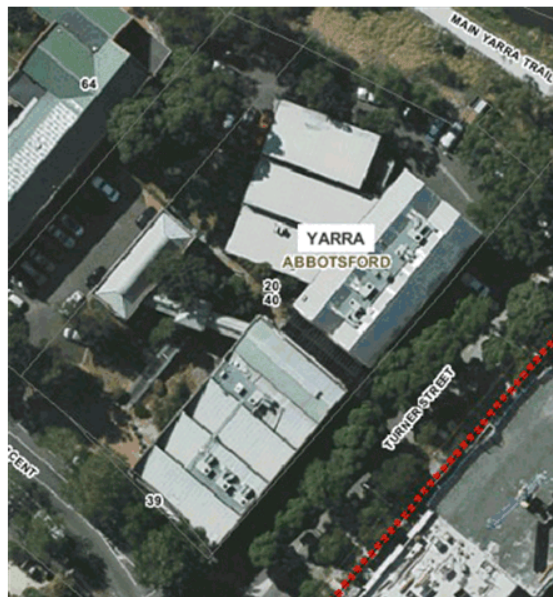


Figure 8. An aerial of the site dating to 2010 (Source: Planning Maps Online, 2016)

## Attachment 4 - GJM C218 C219 Post Panel Advice 25 Jan 2018

### Condition and Integrity

The 1911, 1920s and 1984 buildings have been well maintained and are all in good condition.

The 1911 building retains a moderate to high level of integrity. The 1920s building has a lower level of integrity due to various stages of alterations, most probably dating to the 1980s redevelopment of the site. The 1984 structures retain a high level of integrity.

### Comparative Analysis

This comparative analysis focuses on the 1911 building fronting Trenerry Street which is the earliest and most intact pre- World War II building on the site. The analysis has been informed by a search of the Hermes database and includes places that are individually significant within a precinct-based Heritage Overlay within the City of Yarra.

The following places are comparable in historic use, construction date or architectural style or form:

**Braun, C J & Co, Shoe Manufactures Factory/Warehouse (former), later Blue Laser Jean Company, 92-94 Easey Street, Collingwood (Individually Significant within HO321)**

This brick and render factory was built in 1933 in the Moderne style, with distinctive details such as the sunburst 'keystone', stepped parapet and string mould. The former factory has now undergone a conversion to flats but the façade remains predominantly intact.

Although the W. Saunders & Son Factory/Warehouse Complex was constructed during an earlier period, the 1911 building is comparable to the Easey Street factory in construction materials, the form and scale of the symmetrical façade, both with stepped parapets defined by string moulds and central entrances with flanking windows. The subject site is much grander in scale with a more dominant presence along two streets, in comparison to the more modest Easey Street factory.



Figure 9. 92-94 Easey Street, Collingwood following the conversion to flats © realestate.com

### Former Factory at 40 Reid Street, Fitzroy North (Individually Significant within Precinct HO327)

Constructed between 1900 and 1915, the former factory is a single-storey red-brick construction with a parapet, distinctive parapeted gable and single windows. Pilasters define entrances on the façade. The factory has now been converted to apartments, with additions constructed above the saw-tooth roof level and windows on the side elevations altered. With additions and alterations, the Edwardian fabric retains a moderate level of integrity.



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The W. Saunders & Son Factory/Warehouse Complex is a similar red-brick construction and has a comparable application of architectural treatment, albeit in a slightly different expression. The subject site retains a higher degree of integrity as it retains its original profile and roof form.



**Figure 10.** 40 Reid Street, Fitzroy North (@Google)

### **Former factory at the rear of 16 Arnold Street, Princes Hill (Individually significant within Precinct HO329)**

This former factory, constructed between 1900 and 1915, is a two-storey, face-brick construction with a hipped roof, addressing two streets. It retains a high level of integrity. The factory occupies a similar footprint to the 1911 building at the W. Saunders & Son Factory/Warehouse Complex. While their roof forms differ, they are comparable in terms of the unadorned red-brick elevations with repetitive rows of single window placement. The W. Saunders & Son Factory/Warehouse Complex building has more elaborate architectural treatment and detail to the façade in comparison, but is less intact due to alterations to the windows and sills.



**Figure 11.** Rear of 16 Arnold Street, Princes Hill (@Google)

### **Conclusion**

The W. Saunders & Son Factory/Warehouse Complex has a modestly-scaled façade fronting Trenerry Crescent but a dominant and increasing presence along Turner Street as the buildings respond to the topography as it slopes down towards the Yarra River. Architecturally, the 1911 former factory is typical of factories constructed during the Edwardian period with subtle Classical expression to the Trenerry Crescent façade. The 1984 additions to the complex by Daryl Jackson AO for the Esprit de Corps company are a well resolved contextual design response to the 1911 and 1920s buildings. This design still provides an effective integration of the various buildings on the site and is a successful example of adaptive reuse of former industrial buildings.

## Attachment 4 - GJM C218 C219 Post Panel Advice 25 Jan 2018

### Assessment Against Criteria

Following is an assessment of the place against the heritage criteria set out in *Planning Practice Note 1: Applying the Heritage Overlay* (July 2015).

**Criterion A:** *Importance to the course or pattern of our cultural or natural history (historical significance).*

The place is one of the remaining examples of industrial development in Abbotsford, and particularly on Trenerry Crescent along the Yarra River, where industrial development began from the turn of the century. The 1911 building is of historical value as an example of an Edwardian-era factory, built for W. Saunders & Son, who were manufacturers of malt extract and cod liver oil. The place is of historical value as evidencing subsequent stages of development on an industrial site, including the 1920s building which is believed to have been built for an engineering works and the 1984 additions designed by architect Daryl Jackson for the Esprit de Corps company.

**Criterion E:** *Importance in exhibiting particular aesthetic characteristics (aesthetic significance).*

The Edwardian building is of aesthetic significance for its architectural presence within the early twentieth century industrial streetscape of Trenerry Crescent and within the riverscape of the Yarra River. The building has subtle Classical details to the façade and responds to the topography of the site by increasing in height and presence as the land slopes towards the Yarra River.

The new structures designed by architect Daryl Jackson AO in 1984 are of architectural value, as an example of the innovative adaptive re-use of a set of former factory buildings that respected the forms, materials and architectural language of the early twentieth century industrial context.

### Statement of Significance

*What is significant?*

The W. Saunders & Son Factory/Warehouse Complex at 20-60 Trenerry Crescent, Abbotsford.

The Edwardian building is of primary significance to the site. The new 1984 structures and the 1984 adaption of the 1920s buildings designed by architect Darryl Jackson AO are of contributory significance to the site. Alterations and additions that have occurred since 1984 are not significant.

*How is it significant?*

The W. Saunders & Son Factory/Warehouse Complex is of local historical and aesthetic significance to the City of Yarra.

*Why is it significant?*

The W. Saunders & Son Factory/Warehouse Complex is of historical significance as one of the remaining examples of the industrial development in Abbotsford, and particularly on Trenerry Crescent along the Yarra River, where industrial development began from the turn of the century. The 1911 building is of historical significance as an externally intact example of an Edwardian-era food processing factory, built for W. Saunders & Son, who were manufacturers of malt extract and cod liver oil. The place is of historical value for its ability to demonstrate subsequent stages of development on an industrial site, including the 1920s building which is believed to have been built for an engineering works and the 1984 additions designed by architect Daryl Jackson for the Esprit de Corps company. (Criterion A)

The Edwardian building is of aesthetic significance for its architectural presence within the early twentieth century industrial streetscape of Trenerry Crescent and within the riverscape of the Yarra River. The 1911 building has subtle Classical details to the façade and responds to the topography of the site by increasing in height and presence as the land slopes towards the Yarra River. (Criterion E)



## Attachment 4 - GJM C218 C219 Post Panel Advice 25 Jan 2018

The works designed by architect Darryl Jackson in 1984 are of aesthetic **significance**, as an example of an innovative adaptive re-use of former factory buildings that respects the forms, materials and architectural language of the early twentieth century industrial context. These include the adapted red-brick building on the northern boundary of the site, the glazed walkway between this and the 1911 building, the two-storey glazed link between the 1911 and 1920s buildings and a glazed warehouse building to the rear of the site. The design integrated a stylised industrial theme in consideration of the site's Edwardian and Interwar buildings. (Criterion E)

### Grading and Recommendations

It is recommended that the place continue to be included in the Heritage Overlay of the Yarra Planning Scheme as an individually significant place within the Victoria Park Precinct, Abbotsford (HO337).

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in the Yarra Planning Scheme:

|   |                     |
|---|---------------------|
| External Paint Controls?                                | No                  |
| Internal Alteration Controls?                           | No                  |
| Tree Controls?  | No                  |
| Outbuildings or Fences not exempt under Clause 43.01-3? | No                  |
| Prohibited Uses Permitted?                              | No                  |
| Incorporated Plan?                                      | HO337 Precinct: Yes |
| Aboriginal Heritage Place?                              | Not assessed        |

### Identified by:

Andrew C. Ward & Associates (May 1995), 'Collingwood Conservation Study Review'.

### References:

Andrew Ward C. & Associates (May 1995), 'Collingwood Conservation Study Review'.

City of Yarra Library (COYL) Catalogue, <<http://www.yarracity.vic.gov.au/Libraries/Search-the-catalogue/>>, accessed July 2016.

Graeme Butler and Associates (2007), 'City of Yarra Review of Heritage Overlay Areas, Appendix 8'.

Land Victoria, Certificates of Title.

Melbourne Metropolitan Board of Works Detail Plans

State Library of NSW, online Manuscripts, oral history & pictures collection, <<http://archival-classic.sl.nsw.gov.au/>>, accessed July 2016.

Victorian Heritage Database (VHD), City of Yarra citation for 'Victoria Park Heritage Precinct', accessed July 2016.

Heritage Victoria (HV) assessment of 'Esprit De Corps Complex, 40 Turner Street & 40-60 Trenerry Crescent, Abbotsford', accessed via Hermes 13 Jul 2016.

Vines, Gary & Matthew Churchward (1992) 'Northern Suburbs Factory Study'.

## Attachment 5 - GJM Heritage citation - 112-124 Trenerry Crescent C219



## Heritage Citation

### Austral Silk and Cotton Mills Factory/Warehouse Complex (former)

**Address:** 112-124 Trenerry Crescent, Abbotsford

**Prepared by:** GJM Heritage

**Survey Date:** 25 July 2016

|   |  |
|---|--|
| <b>Place type:</b> Factory/warehouse  | <b>Architect:</b> Not known                          |
| <b>Grading:</b> Individually Significant  | <b>Builder:</b> Not known                            |
| <b>Integrity:</b> Moderate - High   | <b>Construction Date:</b> 1927                       |
| <b>Status:</b> Included in the Heritage Overlay (HO337 - Victoria Park Precinct, Abbotsford)<br>No external paint, internal alteration or tree controls apply to Precinct | <b>Extent of Overlay:</b> As existing, refer to plan |



**Figure 1.** 112-124 Trenerry Crescent, Abbotsford: the main four-storey building and the remaining section of a contemporary building to the north (foreground) (2016).

Attachment 5 - GJM Heritage citation - 112-124 Trenerry Crescent C219



Figure 2. 112-124 Trenerry Crescent, Abbotsford: the single-storey section attached to the south elevation of the main building, and brick chimney to the rear (2016)



Figure 3. The subject site (red) and the existing boundary of HO337 Victoria Park Precinct (pink) (2016).



## Attachment 5 - GJM Heritage citation - 112-124 Trenerry Crescent C219



### Historical Context

The following historical context is taken from the HO337 Victoria Park Precinct citation<sup>1</sup>, unless otherwise cited.

The area surrounding Victoria Park to the Yarra River includes parts of Crown Portions 78, 79 and 88, which had been surveyed by Robert Hoddle and sold in 1839 to R Dacre, J D L Campbell (a pastoralist) and J Dight, respectively. John Dight built Yarra House (later the Shelmerdine residence) and a mill on his allotment, and Campbell built his house, Campbellfield House (later owned by architect and MLA William Pitt as Mikado) on his land overlooking the Yarra River.

In 1878, Edwin Trenerry, a shareholder in a deep lead mining company, subdivided Crown Portions 78, 79 and 88 for residential development, creating the existing street pattern. The design recalled the earlier Darling Gardens development at Clifton Hill, with Victoria Park intended as an ornamental garden square, surrounded by residential properties with 33' frontages to the park. By 1879 much of the land had been sold to David Abbott, with some lots sold to James and John Kelly in the next year. By 1885, all the lots had been sold, and development of many of them had begun.

Trenerry Crescent followed the line of the Yarra River and separated the larger riverside allotments from the smaller residential subdivisions to the west. By the turn of the century, the river frontage allotments along Trenerry Crescent were undergoing a transformation from gentlemen's farms to industrial uses. The Melbourne Flour Milling Company operated at the old Dight's Mill site on the Yarra from 1891, at the north end of Trenerry Crescent, with the Shelmerdine's Yarra Hat Works (Figure 4) and a quarry located further to the south, both since redeveloped.

Abbotsford emerged as a centre for the textile industry during the interwar period, with much of the vacant land between Johnson Street, Trenerry Crescent and the Yarra River developed with textile mills.<sup>2</sup> The massive Austral Silk and Cotton Mills complex was built at the north end of Trenerry Crescent in 1927 and the Yarra Falls Spinning Mills had also expanded in the area during the early 20th century. Their administrative complex was built in 1919 facing Johnston Street and the landmark 1930s Byfas building was built, facing Trenerry Crescent, to produce textiles during World War II. The combination of these extensive industrial complexes has a strong built character that is evident from within the Heritage Overlay Area and from distant views down the Yarra River and the Eastern Freeway.

In the last two decades of the 20th century, these large industrial and mill buildings have gradually been decommissioned and recycled for light industrial, commercial or residential uses. Some of these developments have been innovative in the re-use of significant industrial structures, such as Daryl Jackson's award winning design for the Esprit company at 20-60 Trenerry Crescent in the 1980s.

### Place History

The following place history is taken from the 1992 Gary Vines & Matthew Churchward 'Northern Suburbs Factory Study'<sup>3</sup>, unless otherwise cited.

In 1882 Thomas Shelmerdine, a former manager and lessee of the Denton Hat Mills (48-60 Nicholson St, Abbotsford), purchased 4 acres of land from the Campbellfield or Dights Falls Estate, which included the subject site. Shelmerdine occupied Yarra House (a large mansion with elaborate gardens, originally built by John Dight, of Dight's Falls and Mill)<sup>4</sup> and a hat factory (Figure 4), equipped with machinery imported specially from Europe and driven by one of the first gas engines in the colony. The factory thrived under Victoria's protective import duties and was soon employing 110 hands.

<sup>1</sup> Victorian Heritage Database (VHD), City of Yarra citation for 'Victoria Park Heritage Precinct', accessed July 2016.

<sup>2</sup> Gary Vines & Matthew Churchward (1992) 'Northern Suburbs Factory Study', Part One: 63.

<sup>3</sup> Vines & Churchward (1992), Part Two: 250-51.

<sup>4</sup> VHD citation for 'Victoria Park Heritage Precinct'.

## Attachment 5 - GJM Heritage citation - 112-124 Trenerry Crescent C219



Following Shelmerdine's death in 1900, the factory, house and land passed on to his executors. In 1902 the property was split so that the factory (Hat Mills), was rated separately from the house (mills £300, house £100). In 1905, the hat mills were purchased by Abraham Kosminsky, manufacturer. At this date, the property had a NAV (Net Annual Value, approximately 10% of the total value) of £150.<sup>5</sup>

In 1907, Sir Alexander Peacock, Abraham Kozminsky and Samuel Warnock were listed as occupants, and in 1909 they were listed as director, manufacturer and director, respectively, of Austral Hat Mills. The company purchased 80' of vacant land to the south (lot 6 and part of lot 7) in 1909 and the adjacent 64' 8" of land in 1911. Between 1919 and 1926 John Fox of the Wool Exchange, Melbourne, was listed as owner of the property.

In 1926, Yarra Falls Spinning Mills Pty Ltd purchased the 144' 8" of land (including the subject site), and the factory known as United Felt Hats Ltd (built 1920)<sup>6</sup> numbered 98 and 110 Trenerry Crescent (to the south of the subject site). In 1927, Yarra Falls Spinning Mills Pty Ltd built cotton mills, Austral Silk and Cotton Mills, at 112-120 Trenerry Crescent (the subject site) as a subsidiary of Yarra Falls Pty Ltd; in 1927 the NAV of the mills totalled £2000<sup>7</sup>.

A drawing of the factory dated March 1943 provided a birds-eye-view of the site (Figure 5). The façade of the multi-storey building was shown with a smaller section to the right (south), which remains in 2016. The façade of the multi-storey building had a projecting one-storey (two-storey at the south end) section (since removed). The parapet read 'Austral Silk & Cotton Mills'. To the left (north) were saw-tooth factory buildings which were demolished post-1966.

An aerial photo dating to 1966 (Figure 6) showed the multi-storey building and the saw-tooth factory buildings to the north which have since been demolished. In 1992 the property was owned by the Victorian Teachers Federation.

Modern additions have since been constructed on the rooftop to extend the fourth floor, while a modern entrance porch, with stairs and ramp, has been constructed at the entrance. In 2016 the building is occupied by the Australian Education Union.

This place is associated with the following themes from the *City of Yarra Heritage Review Thematic History* (July 1998):

- 4.0 Developing Local Economies
- 4.2 Secondary Industry

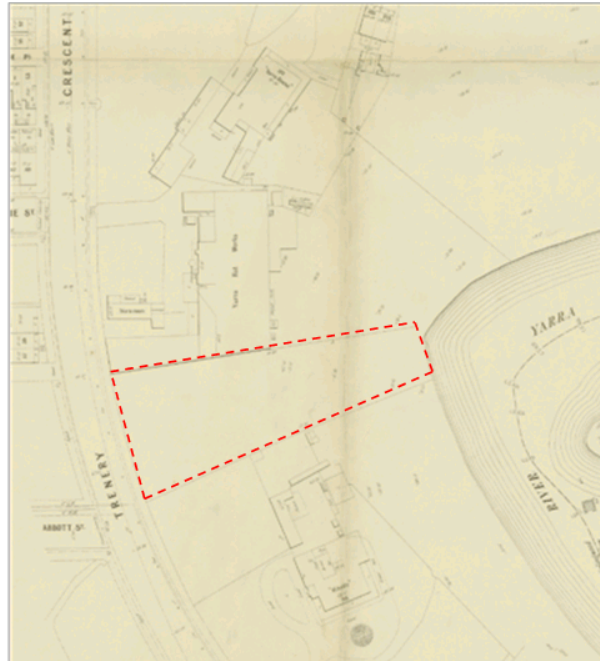
<sup>5</sup> Rate Books, as cited in Andrew C. Ward & Associates (May 1995), 'Collingwood Conservation Study Review', Part C: 618.

<sup>6</sup> Vines & Churchward 1992, Part One: 151.

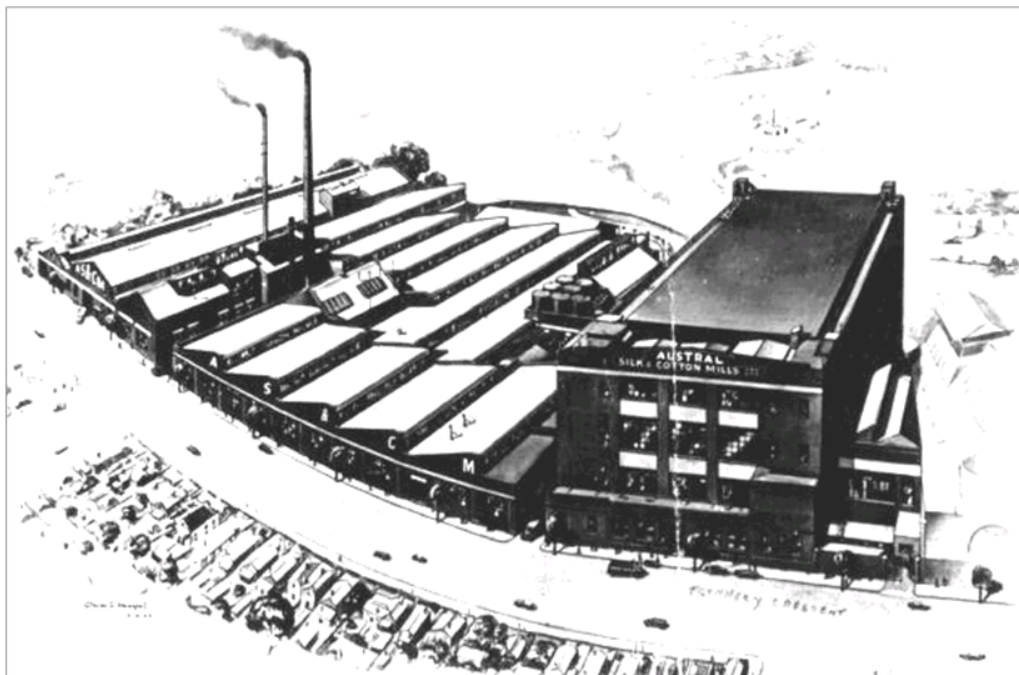
<sup>7</sup> Rate Books as cited in Ward, 1995: 619.



**Attachment 5 - GJM Heritage citation - 112-124 Trenerry Crescent C219**

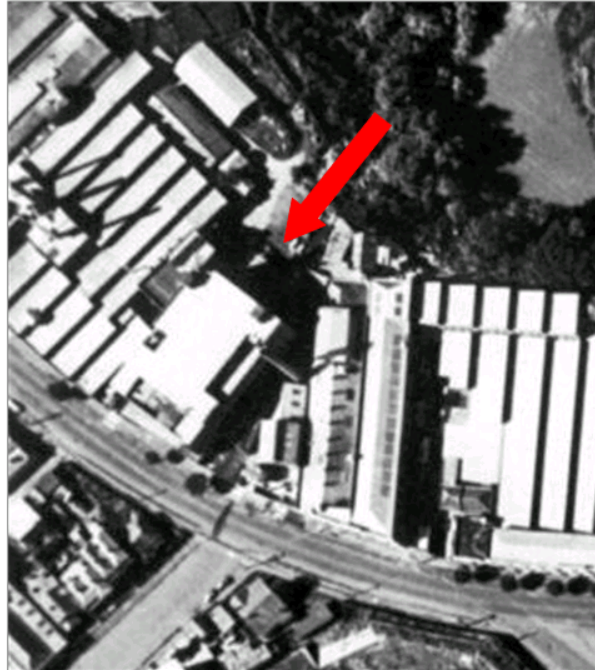


**Figure 4.** The 1905 MMBW Detail Plan showing the vacant subject site (shown in red), Yarra Hat Works and 'Yarra House' to the north and 'Mikado' to the south. West of Trenerry Crescent was the smaller residential development.



**Figure 5.** 'Sketch of Austral Silk and Cotton Mills' dated 3 March 1943, by artist Oscar S. Hempel (Source: COYL ID. CL PIC 179).

## Attachment 5 - GJM Heritage citation - 112-124 Trenerry Crescent C219



**Figure 6.** Detail of a 1966 aerial of Trenerry Crescent showing the existing multi-storey building (with arrow) and the other factory buildings (left) which have since been demolished (Source: COYL ID. CL PIC 105).

### Description

The complex is occupied by a substantial four-storey factory building constructed in 1927, which has a small setback from the front (west) title boundary. The restrained architectural treatment reflects the industrial use, however, the Stripped Classical details strongly suggests that the building was designed by an architect. The building is a landmark in the streetscape and surrounding area due to its substantial size and assertive form. Other original or early structures on the site include a single-storey section attached to the south of the building, and the remnant front section of a now largely demolished single-storey factory building (visible in Figure 5) which stands on the front title boundary, north of the main building. At-grade car parking occupies the remainder of the site. A freestanding brick chimney is located on the neighbouring property at 88 Trenerry Crescent.

112-124 Trenerry Crescent is a four-storey building (the fourth storey towards the street façade is a contemporary addition) with a semi-basement level. Constructed in red-brick, the façade has three groups of windows surmounted by a brick parapet with a central rendered panel (overpainted), which is decorated at cornice level with toothed brickwork. Below the cornice is a band of render (overpainted). Concrete spandrels separate large windows between floors, while brick pilasters divide them vertically. To the corners of the building are horizontally and vertically proportioned rows of glazed windows and blind windows (with vents to the rear of the building). The windows have concrete sills (overpainted). At the north-east corner of the building is a projecting 'turret' element providing access to the roof with a cantilevered timber walkway and bull-nosed profile roof, which may have originally served to watch over the complex to the north. The small building attached to the south elevation is contemporaneous with the main building in design and has had a section removed from the façade (see Figure 5), as confirmed by bricked-in openings.

## Attachment 5 - GJM Heritage citation - 112-124 Trenerry Crescent C219



GJM Heritage

An original one and two-storey section was removed from the façade of the four-storey building (see Figure 5) at an unknown date; this was adjoined where the render is applied, while at the south end of the façade it is evident where a door was bricked-in to close access to the two-storey section.

The modern portico, stairs and access ramp are in a sympathetic post-modern design. The modern windows to the building occupy the original openings and are highly sympathetic in design, most likely reflecting the original steel-framed multi-paned windows.

North of the main building is the remaining section of a single-storey factory building (see Figure 6 for original extent). This red-brick building is of the same architectural style, with toothed brickwork to the cornice and rendered dressings which remains unpainted at the cornice. An entrance door fronts Trenerry Crescent flanked by engaged brick pilasters, with modern aluminum vents to the facade. The side elevations have been rendered.

### Integrity & Condition

The 1927 buildings and contemporary structures are in very good condition and are reasonably intact with largely sympathetic later reglazing, entrance portico and other additions. The overall level of integrity as a result of alterations is considered moderate to high.

### Comparative Analysis

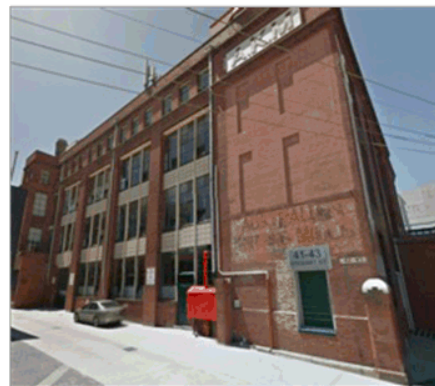
The comparative analysis has been informed by a search of the Hermes database and includes places that are individually significant within the City of Yarra. The following places are comparable in historic use, construction date or architectural style or form:

#### **Australian Knitting Mills Ltd (former), 41-43 Stewart Street, Richmond (Individually Significant within Precinct HO332)**

The multi-storeyed red-brick building was constructed in 1922-24 (with some sections that date to 1899 and possibly 1912). The building retains 'Kookaburra Underwear' and 'Golden Fleece' logos on the parapet. It is identified as being architecturally significant, and a key part of the significant sub-precinct of the original AKM complex. The factory retains a fair level of integrity.

The Austral Silk and Cotton Mills Factory/Warehouse Complex and Stewart Street factory are contemporaneous buildings that are highly comparable in form, scale, construction materials and in their overall architectural design. Both buildings have windows of various sizes including large sections of glazing separated by horizontal spandrels and vertical brick piers.

The main Austral Silk and Cotton Mills Factory/Warehouse Complex building is a more substantial building, while both buildings are broadly comparable in terms of integrity.



Figures 7 and 8: 41-43 Stewart Street, Richmond (© Google)



## Attachment 5 - GJM Heritage citation - 112-124 Trenerry Crescent C219



GJM Heritage

### **Whybrow's Boot Factory (former), 198-210 Hoddle Street, Abbotsford (Individual HO, HO18)**

The former Whybrow's Boot Factory, built in 1919, is a large four-storey red-brick building with a façade broken into bays by brick pilasters. Repetitive fenestration comprises pairs of single timber-framed windows with rendered lintels and sills. Larger windows appear on the side elevations. The roof is hidden by a parapet that rises at the corners of the façade. The building retains a high level of integrity but has a modern entrance and fan-shaped cantilevered glass canopy over the main entrance. The former Whybrow's Shoe Factory is of local architectural and historical significance. The building is enhanced by its large scale and repetitive fenestration, and is an important heritage element in the streetscape. Historically, the building is the last major remnant of one of Melbourne's largest and most progressive boot manufacturing companies.

The Austral Silk and Cotton Mills Factory/Warehouse Complex and the Hoddle Street factory are comparable in size and scale and construction materials. The main Austral Silk and Cotton Mills Factory/Warehouse Complex building has a lower degree of integrity due to alterations to the windows and removal of some original fabric, while both have an altered entrance. Both are dominant heritage buildings within the streetscape.



**Figure 9: 198-210 Hoddle Street, Abbotsford (@ Google)**

### **British United Shoe Machinery Co. Pty Ltd Factory (former), 200 Alexandra Parade, Fitzroy (Individually Significant within Precinct HO334)**

Dating to the Interwar period (built 1932), this former factory is a substantial and intact four-storey red-brick building which has a dominant presence along Alexandra Parade. Rows of steel-framed multi-paned windows alternate with horizontal (probably rendered) bands, with distinctive Moderne detailing to the entry.

The subject site is comparable in terms of scale and construction materials and in the repetitive use of large windows to all elevations. The Austral Silk and Cotton Mills Factory/Warehouse Complex has a lower degree of integrity due to alterations. However, architectural detail is confined to the entrance of the Alexandra Parade factory, while the subject site incorporates Interwar Stripped Classical architectural detail more widely, possibly reflecting a more considered design approach.

## Attachment 5 - GJM Heritage citation - 112-124 Trenerry Crescent C219



Figure 10: 200 Alexandra Parade, Fitzroy (© Google)

### **Julius Kayser (Aust) Pty Ltd Factory (former), 28 Tanner Street, Richmond (Individually Significant within Precinct HO332)**

Designed by architects Plottel & Bunnett and constructed in 1929-30, the former factory is a substantial multi-storey red-brick construction with bold horizontal spandrels and narrow vertical brick piers, defining large multi-paned glass windows. A rendered parapet is accentuated with an Art Deco motif within the larger central bay. The former factory has since been converted to apartments, which may have included the construction of rooftop apartments. The Interwar building has a modern entrance and door, but appears to retain a high level of integrity.

The Austral Silk and Cotton Mills Factory/Warehouse Complex is comparable in the application of architectural detail, both with subtle architectural elements (of differing styles) to the façade. They are comparable in their construction materials and form, as evident in the use of concrete spandrels and vertical brick piers to separate large multi-paned windows. The Austral Silk and Cotton Mills Factory/Warehouse Complex has a lower degree of integrity in comparison to the former factory at Tanner Street, but is comparable in its dominant form and scale and significant contribution to the streetscape.



Figure 11: 28 Tanner Street, Richmond (© Google)



## Attachment 5 - GJM Heritage citation - 112-124 Trenerry Crescent C219



### Conclusion

The main Austral Silk and Cotton Mills Factory/Warehouse Complex building is a dominant building in the streetscape, which reflects its Interwar construction date in its materials, architectural style and Stripped Classical detailing. It is a substantial example of a factory for this period, with a dominant form and scale that makes a significant contribution to the local streetscape and heritage precinct. It is broadly comparable in design quality, visual prominence and intactness to other factory buildings of this period that are included in the Heritage Overlay.

### Assessment Against Criteria

Following is an assessment of the place against the heritage criteria set out in *Planning Practice Note 1: Applying the Heritage Overlay* (July 2015).

**Criterion A:** *Importance to the course or pattern of our cultural or natural history (historical significance).*

The Austral Silk and Cotton Mills Factory/Warehouse Complex is one of the remaining notable examples of industrial development in Abbotsford, and particularly on Trenerry Crescent along the Yarra River, where industrial development began from the turn of the century. It is of historical value as an example of a factory building associated with the textile industry, which was prominent in the Abbotsford area during the Interwar period. It was one of the last of the Yarra Falls Company buildings to be erected, demonstrating the ultimate extent of land-holdings of this firm.

**Criterion E:** *Importance in exhibiting particular aesthetic characteristics (aesthetic significance).*

The multi-storey 1927 building (along with the neighbouring contemporary brick chimney) is a landmark in the streetscape and the wider area, dominating the surrounding low-scale residential development and visible from distant views down the Yarra River and the Eastern Freeway. The building has subtle Stripped Classical expression, and is one of the most substantial and distinctive buildings in Trenerry Crescent.

### Statement of Significance

*What is significant?*

The Austral Silk and Cotton Mills Factory/Warehouse Complex at 112-124 Trenerry Crescent, Abbotsford.

The 1927 four-storey brick building, the single-storey section attached to the southern elevation of the three-storey building, and the single-storey free-standing building located to the north all contribute to the significance of the place.

Later additions and alterations to the buildings are not significant.

*How is it significant?*

The Austral Silk and Cotton Mills Factory/Warehouse Complex is of local historical and aesthetic significance to the City of Yarra.

*Why is it significant?*

The Austral Silk and Cotton Mills Factory/Warehouse Complex is one of the remaining notable examples of industrial development in Abbotsford, and particularly on Trenerry Crescent along the Yarra River, where industrial development began from the turn of the century. It is of historical value as an example of a factory building associated with the textile industry, which was prominent in the Abbotsford area during the Interwar period. It was one of the last of the Yarra Falls Company buildings to be erected, demonstrating the ultimate extent of land-holdings of this firm. (Criterion A)

The multi-storey 1927 building (along with the neighbouring contemporary brick chimney) is a landmark in the streetscape and the wider area, dominating the surrounding low-scale residential development and visible from distant views down the Yarra River and the Eastern Freeway. The building has subtle Stripped Classical expression, and is one of the most substantial and distinctive buildings in Trenerry Crescent. The

## Attachment 5 - GJM Heritage citation - 112-124 Trenerry Crescent C219



four-storey brick building reflects its Interwar construction date in its Stripped Classical architectural style, and was probably architect designed. The remaining contemporary buildings on site are also of aesthetic significance, as physical remnants of the once-larger former factory complex. (Criterion E)

### Grading and Recommendations

It is recommended that the place continue to be included in the Heritage Overlay of the Yarra Planning Scheme as an individually significant place within the Victoria Park Precinct, Abbotsford (HO337).

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in the Yarra Planning Scheme:

|  |                     |
|--|---------------------|
| <b>External Paint Controls?</b>                                | No                  |
| <b>Internal Alteration Controls?</b>                           | No                  |
| <b>Tree Controls?</b>  | No                  |
| <b>Outbuildings or Fences not exempt under Clause 43.01-3?</b> | No                  |
| <b>Prohibited Uses Permitted?</b>                              | No                  |
| <b>Incorporated Plan?</b>                                      | HO337 Precinct: Yes |
| <b>Aboriginal Heritage Place?</b>                              | Not assessed        |

### Identified by:

Andrew C. Ward & Associates (May 1995), 'Collingwood Conservation Study Review'.

### References:

Andrew C. Ward & Associates (May 1995), 'Collingwood Conservation Study Review'.

City of Yarra Library (COYL) Catalogue, <<http://www.yarracity.vic.gov.au/Libraries/Search-the-catalogue/>>, accessed July 2016.

Graeme Butler and Associates (2007), 'City of Yarra Review of Heritage Overlay Areas, Appendix 8'.

Melbourne Metropolitan Board of Works Detail Plans

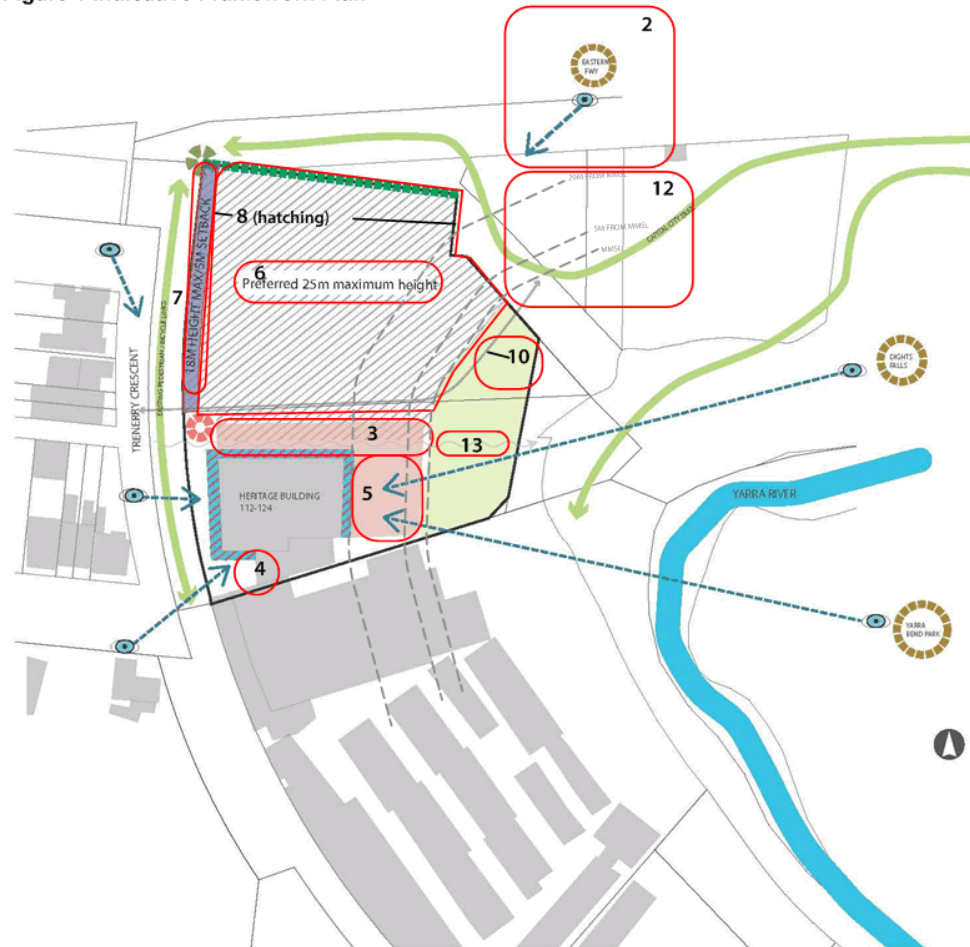
Vines, Gary & Matthew Churchward (1992) 'Northern Suburbs Factory Study'.

Victorian Heritage Database (VHD), City of Yarra citation for 'Victoria Park Heritage Precinct', accessed July 2016.

# Attachment 6 - Yarra C219 Panel Recommended Plan (Officer Changes)

Yarra Planning Scheme Amendments C218 and C219 Panel Report 25 October 2017

Figure 1 Indicative Framework Plan



## LEGEND

- SITE AREA - DDO1 APPLIES
- ↔ EXISTING PEDESTRIAN / BICYCLE LINKS AND CAPITAL CITY TRAIL
- MAINTAIN VIEWS TO HERITAGE BUILDING FACADES
- KEY VIEWS TO HERITAGE BUILDING
- 5 MAINTAIN VIEWS TO UPPER LEVELS OF HERITAGE FACADE / DEVELOPMENT TO RESPECT THE HERITAGE BUILDING
- 7 PREFERRED MAXIMUM 18M STREET WALL HEIGHT / 5M SETBACK TO UPPER LEVELS
- ENHANCE INTERFACE WITH PUBLIC REALM
- ✱ EXPLORE IMPROVEMENTS TO CORNER FOR PEDESTRIANS AND CYCLISTS THROUGH NEGOTIATIONS WITH LANDOWNER
- ✱ HERITAGE SUBSTATION
- 8 WELL DESIGNED AND ARTICULATED BUILT FORM (THE PROVISIONS OF DDO1 AND SLO1 RELATING TO HEIGHT AND SETBACK APPLY)
- 11 POTENTIAL PUBLIC LINK OPPORTUNITY TO BE NEGOTIATED WITH LANDOWNER
- 13 RETAIN VISUAL CONNECTION TO YARRA RIVER CORRIDOR THROUGH NEGOTIATION WITH LANDOWNER
- 14

Appendices

## Attachment 7 - Municipal Strategic Statement Clause 21.11 - Amendment C219

### YARRA PLANNING SCHEME

#### 21.11

19/10/2017  
C21935

#### REFERENCE DOCUMENTS

##### General

*Council Plan 2005-2009.*  
*Inner Melbourne Action Plan (October 2005).*  
*Yarra City Council Access and Inclusion Policy (November 2004)*  
*City of Yarra Access and Inclusion strategy 2004-2009*  
*Disability Action Plan 2001—2004*

##### Land Use

*Yarra Residential Interface Study 2001 (City of Yarra, 2001)*

##### Accommodation and housing

*Inner Regional Housing Statement (January 2006)*  
*Retail, entertainment and the arts*  
*Yarra City Council Arts and Cultural Plan, 2005-2009*  
*Inner City Entertainment Precincts Taskforce "A Good Night for All"*

##### Industry, office and commercial

*Yarra Economic Development Strategy 2001-2004*  
*Yarra Industrial and Business Land Strategy Review (Hansen Partnerships & Charter, Keck, Cramer, September 2004).*

##### Parks, gardens and public open space

*Yarra City Council Recreation Strategy Plan 2003/2008*

##### Built Form

##### Heritage

[Heritage Citation: 112-124 Trenerry Crescent, Abbotsford, GJM Heritage, July 2016.](#)  
*Heritage Gap Study: Review of 17 Precincts Stage 2 Report August 2014, Revised 16 October 2016 (Context Pty Ltd)*  
*Heritage Review of Predefined Areas In Abbotsford & Collingwood Stage 2 Report July 2015 (Context Pty Ltd).*  
*Heritage Gap Study: Review of Central Richmond, Stage 2 Final Report, November 2014 (Context Pty Ltd).*  
*City of Yarra Heritage Gaps Study July 2014 – Smith Street South (Anthemion Consultancies)*  
*City of Yarra Heritage Gaps Review One 2013 [Appendix A and B includes Statements of Significance] Incorporated Plan under the provisions of clause 43.01 Heritage Overlay - methodology report, July 2014*  
*City of Yarra Heritage Gaps Review Two 2013*  
*City of Yarra Heritage Gaps Study October 2012 – 233-251 Victoria Street, Abbotsford (Anthemion Consultancies)*  
*World Heritage Environs Area Strategy Plan: Royal Exhibition Building and Carlton Gardens (Department of Planning and Community Development, 2009)*

## Attachment 7 - Municipal Strategic Statement Clause 21.11 - Amendment C219

### YARRA PLANNING SCHEME

*City of Yarra Review of Heritage Overlay Areas 2007 (Graeme Butler and Associates)  
[Appendix 7 includes Statements of Significance]*  
*Yarra Heritage Database 2007 including photos*  
*Development Guidelines for Heritage Places (City of Yarra, 1999)*  
*"City of Yarra Heritage Review", Allom Lovell and Associates, 1998.*  
*"City of Yarra Heritage Review", Building Citations Volume 2 Part I and II, Allom Lovell and Associates*  
*"Protecting Archaeological Sites in Victoria", Heritage Victoria, 1998.*  
*The Australian ICOMOS Charter for the Conservation of Places of Cultural Significance*  
*"Fitzroy Urban Conservation Study Review", Allom Lovell and Associates, 1992.*  
*"Collingwood Conservation Study", Andrew Ward and Associates, 1989.*  
*"Richmond Conservation Study", J and T O'Connor and Coleman and Wright Architects, 1985.*  
*"Carlton, North Carlton and Princes Hill Conservation Study", Nigel Lewis and Associates, 1984.*  
*"City of Northcote Urban Conservation Study", Graeme Butler Architect, 1982.*  
*"South Fitzroy Conservation Study", Jacob Lewis Vines Architects, 1979.*  
*"North Fitzroy Conservation Study", Jacob Lewis Vines Architects, 1978.*

#### **Built form character**

*Urban Design Guidelines for the Yarra River Corridor (City of Yarra, 1998), as amended April 2004*  
*City of Yarra Built Form Review 2003*

#### **Transport**

*Yarra Strategic Transport Statement City of Yarra 2006*  
*Encouraging and increasing walking strategy, City of Yarra 2005*

#### **Environmental Sustainability**

*The Yarra Environment Strategy: Our Sustainable Future (City of Yarra, November 2000).*  
*Review of Policies and Controls for the Yarra River Corridor: Punt Road to Burke Road: Consultant Report (Planisphere and Jones & Whitehead, June 2005).*  
*Middle Yarra Concept Plan (Dept. of Planning and Urban Growth, Dept. of Conservation and Environment, 1990)*  
*Lower Yarra (Punt Road to Dights Falls) Concept Plan (Ministry for Planning and Environment, 1986)*  
*Lower Darebin Creek Concept Plan (Darebin Creek Co-ordinating Committee, 1995)*  
*Merri Creek Management Plan (Merri Creek Management Committee, 1997)*  
*Merri Creek Concept Plan (Draft) (Merri Creek Management Committee, 1997)*  
*Yarra River Corridor Strategy (City of Yarra, 1999)*  
*Yarra Catchment Action Plan (YarraCare, 1996)*  
*Port Phillip and Western Port Regional Catchment Strategy 2004 – 2009 (Port Phillip and Westernport Catchment Management Authority 2004)*  
*Herring Island Enhancement Plan (Acer Wargon Chapman and EDAW AUST, 1995)*  
*Environmental Guidelines for Major Construction Sites (Environment Protection Authority, 1996)*  
*Yarra Bend Park Strategy Plan (Parks Victoria, 1998)*



## Attachment 7 - Municipal Strategic Statement Clause 21.11 - Amendment C219

### YARRA PLANNING SCHEME

*Yarra Bend Park Environmental Action Plan (Parks Victoria, April 2000)*

*Yarra Bend / Fairfield Area: Development Opportunities (Chris Dance Land Design and Fulcrum Town Planners, 1997)*

*City of Yarra Stormwater Management Plan (AWT, December 2000)*

#### **Neighbourhood Plans**

*Smith / Wellington Streets Mixed Use Precinct Urban Design Framework, March 2005*

*Victoria Street Activity Precinct Urban Design Framework, July 2004;*

*Victoria Street East Precinct, Richmond, Urban Design Framework prepared for the City of Yarra 16 November 2005 (mgs in association with Jones and Whitehead Pty Ltd)*

## Attachment 8 - Development Guidelines for sites subject to the Heritage Overlay

### YARRA PLANNING SCHEME

#### 22.02

19/10/2017  
C21935

#### DEVELOPMENT GUIDELINES FOR SITES SUBJECT TO THE HERITAGE OVERLAY

This policy applies to all land within a Heritage Overlay.

#### 22.02-1

30/09/2010  
C85

##### Policy Basis

The MSS highlights the importance of heritage to the identity and character of the municipality and one of its objectives is to protect and enhance the City's heritage places.

This policy provides guidance for the protection and enhancement of the City's identified places of cultural and natural heritage significance.

#### 22.02-2

30/09/2010  
C85

##### Definitions of Words used in this Policy

- Adaptation: modifying a place to suit the existing use or a proposed use.
- Architectural integrity: the quality of closely reflecting the architecture of the period in which a building was created.
- Conservation: the process of looking after a place so as to retain its cultural significance.
- Cultural significance: aesthetic, historic, scientific, social or spiritual value for past, present or future generations.
- Fabric: all the physical material of the place including components and fixtures, and can include building interiors.
- Heritage place: anything subject to the Heritage Overlay and can include a site, area, land, landscape, tree, building or other work, or group of buildings of heritage significance, and may include components or spaces. When used in the context of a building graded individually significant, the heritage place is initially the individually significant building and then the broader heritage area. When used in the context of a contributory building, the heritage place is the broader heritage area.
- Maintenance: the continuous protective care of the fabric and setting of a place. It is distinguished from repair which involves restoration and reconstruction.
- Preservation: maintaining the fabric of a place in its existing state and retarding deterioration.
- Reconstruction: returning a place to a known earlier state and is distinguished from restoration by the introduction of new material into the fabric.
- Restoration: returning the existing fabric of a place to a known earlier state and is distinguished from reconstruction by no introduction of new material into the fabric (note a permit is only required for works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials).

#### 22.02-3

19/10/2017  
C235

##### Levels of Significance

Every building of cultural significance has been assessed and graded according to its heritage contribution. The levels of significance used are:

- Individually significant: The place is a heritage place in its own right. Within a Heritage Overlay applying to an area each individually significant place is also Contributory.
- Contributory: The place is a contributory element within a larger heritage place. A contributory element could include a building, building groups and works, as well as building or landscape parts such as chimneys, verandahs, wall openings, rooflines and paving.

## Attachment 8 - Development Guidelines for sites subject to the Heritage Overlay

### YARRA PLANNING SCHEME

- Not contributory: The place is not individually significant and not contributory within the heritage place.

The level of significance of every building is identified in the incorporated document, *City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8* (as updated from time to time). Details of methodology used to determine levels of significance can be found in *City of Yarra Review of Heritage Overlay Areas 2007 (Graeme Butler and Associates)*, *City of Yarra Heritage Gaps Review Two 2013*, *City of Yarra Heritage Gaps Study July, 2014 – Smith Street South (Anthemion)*, and *Heritage Gap Study: Review of Central Richmond, Stage 2 Final Report, November 2014*.

#### 22.02-4 Objectives

30/09/2010  
C85

- To conserve Yarra's natural and cultural heritage.
- To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.
- To retain significant view lines to, and vistas of, heritage places.
- To preserve the scale and pattern of streetscapes in heritage places.
- To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places.
- To ensure the adaptation of heritage places is consistent with the principles of good conservation practice.
- To ensure that additions and new works to a heritage place respect the significance of the place.
- To encourage the retention of 'individually significant' and 'contributory' heritage places.
- To protect archaeological sites of cultural heritage significance.

#### 22.02-5 Policy

19/10/2017  
C235

- It is policy to:

#### 22.02-5.1 Demolition

19/10/2017  
C235

##### Full Demolition or Removal of a Building

Generally encourage the retention of a building in a heritage place, unless

- The building is identified as being not contributory.
- The building is identified as a contributory building, and
  - new evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document, *City of Yarra Review of Heritage Areas 2007 Appendix 8* (as updated from time to time) and
  - the building does not form part of a group of similar buildings.

*Note: The poor condition of a heritage place should not, in itself, be a reason for permitting demolition.*

Encourage the retention of original street furniture and bluestone road or laneway materials and details (where relevant).

An application for demolition is to be accompanied by an application for new development.

##### Removal of Part of a Heritage Place or Contributory Elements

Encourage the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place.

Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:

## Attachment 8 - Development Guidelines for sites subject to the Heritage Overlay

### YARRA PLANNING SCHEME

- That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).
- For a contributory building:
  - that part is not visible from the street frontage (other than a laneway), abutting park or public open space, and the main building form including roof form is maintained; or
  - the removal of the part would not adversely affect the contribution of the building to the heritage place.
- For individually significant building or works, it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place.

#### 22.02-5.2 Original Location

30/09/2010  
C85

Encourage the retention of a heritage place or a contributory element to a heritage place in its original location unless:

- The location is not an important component of the cultural significance of the heritage place.
- It can be shown that the relocation is the only reasonable means of ensuring the survival of the heritage place.

#### 22.02-5.3 Reconstruction and Restoration

30/09/2010  
C85

Encourage restoration of a heritage place or contributory element if evidence exists to support its accuracy.

Encourage the reconstruction of a building or works which previously existed in a heritage place if:

- The reconstruction will enhance the heritage significance of the heritage place
- Evidence exists to support the accuracy of the reconstruction.

Encourage the reconstruction of original or contributory elements where they have been removed. These elements include, but are not limited to, chimneys, fences, verandahs, roofs and roof elements, wall openings and fitting (including windows and doors), shopfronts and other architectural details and features.

#### 22.02-5.4 Painting and Surface Treatments

30/09/2010  
C85

Encourage the removal of paint from originally unpainted masonry surfaces.

Encourage the retention of historic painted signs.

Discourage the sand blasting of render, masonry or timber surfaces; and the painting of unpainted surfaces.

Encourage paint colours to be consistent with the period of the heritage place.

#### 22.02-5.5 Culturally Significant Trees

30/09/2010  
C85

Encourage the retention of culturally significant trees in a heritage place unless:

- The trees are to be removed as part of a maintenance program to manage loss of trees due to deterioration caused by old age or disease.
- The trees are causing structural damage to an existing structure and remedial measures (such as root barriers and pruning) cannot be implemented.

Ensure additions and new works respect culturally significant trees (and where possible, significant garden layouts) by siting proposed new development at a distance that ensures the ongoing health of the tree.

## Attachment 8 - Development Guidelines for sites subject to the Heritage Overlay

### YARRA PLANNING SCHEME

#### 22.02-5.6 Subdivision

30/09/2010  
C85

Support the subdivision of sites which do not detract from the heritage value of the place or contributory element.

Where appropriate, use a building envelope plan to protect the heritage values of the place. The building envelope plans should:

- Reflect the original rhythm of the streetscape.
- Allow sufficient space surrounding the heritage place or contributory element to a heritage place to retain its significance or contribution.

#### 22.02-5.7 New Development, Alterations or Additions

30/09/2010  
C85

##### 22.02-5.7.1 General

30/09/2010  
C85

Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:

- Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.
- Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.
- Be visually recessive and not dominate the heritage place.
- Be distinguishable from the original historic fabric.
- Not remove, cover, damage or change original historic fabric.
- Not obscure views of principle façades.
- Consider the architectural integrity and context of the heritage place or contributory element.

Encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.

Encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height.

Minimise the visibility of new additions by:

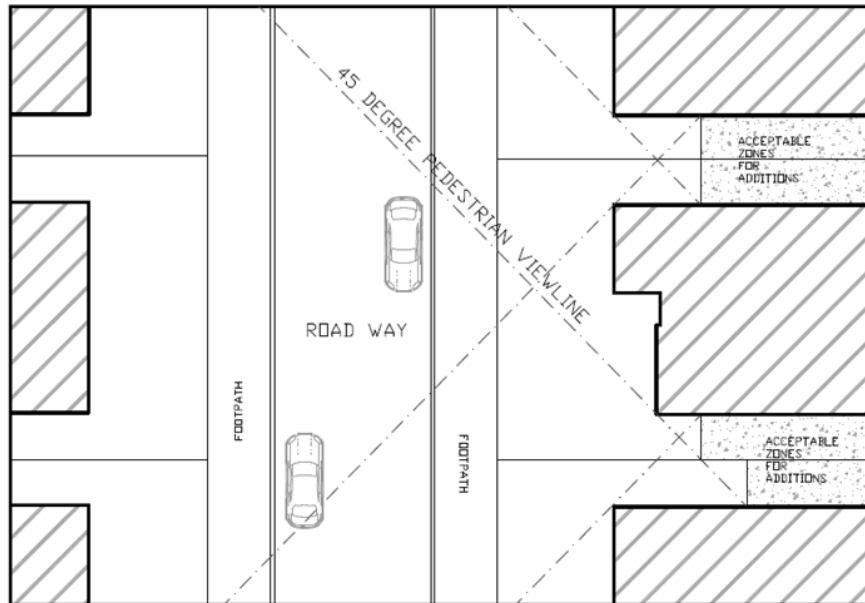
- Locating ground level additions and any higher elements towards the rear of the site.
- Encouraging ground level additions to contributory buildings to be sited within the 'envelope' created by projected sight lines (see Figure 1)
- Encouraging upper level additions to heritage places to be sited within the 'envelope' created by projected sight lines (for Contributory buildings refer to Figure 2 and for Individually significant buildings refer to Figure 3).
- Encouraging additions to individually significant places to, as far as possible, be concealed by existing heritage fabric when viewed from the front street and to read as secondary elements when viewed from any other adjoining street.

Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.

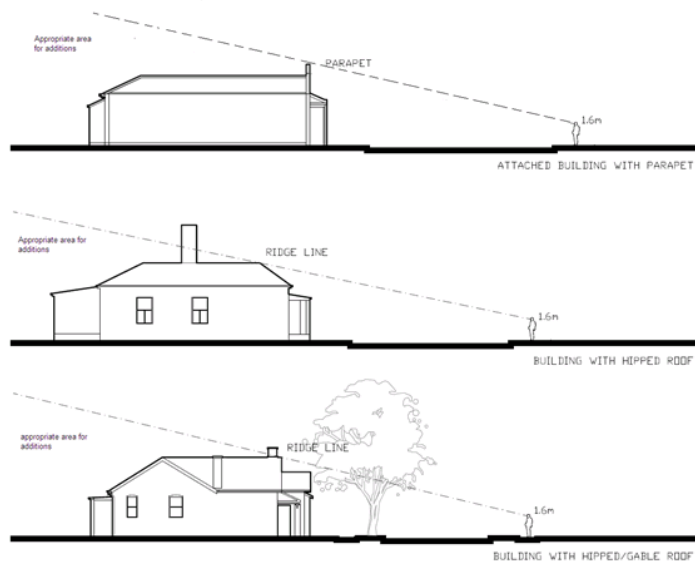


# Attachment 8 - Development Guidelines for sites subject to the Heritage Overlay

## YARRA PLANNING SCHEME



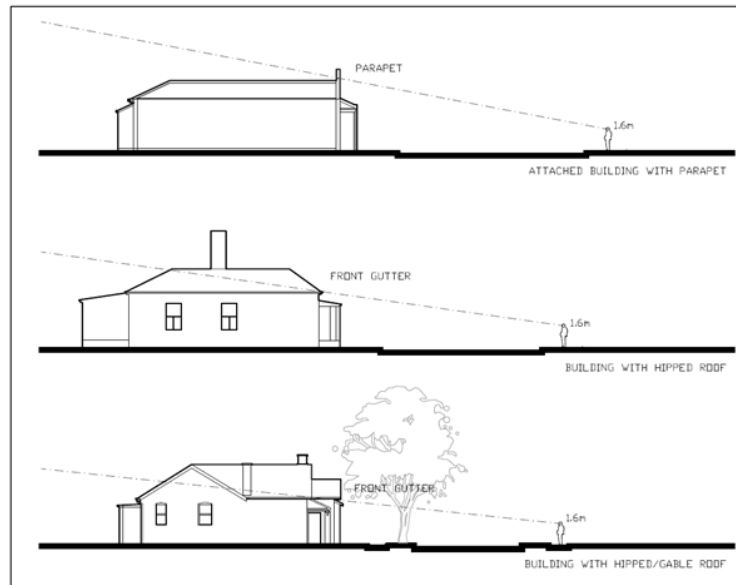
**Figure 1** acceptable areas for ground level additions are sited within the area created by drawing a 45 degree view line from the opposite footpath through the front corner of the subject building and the corners of adjacent buildings.



**Figure 2** – appropriate areas for upper level additions to contributory buildings are sited within the ‘envelope’ created by projecting a sight line from 1.6 metres above ground level (eye level of average adult person) from the footpath on the opposite side of the street through the top of the front parapet or the ridge line of the principal roof form.

## Attachment 8 - Development Guidelines for sites subject to the Heritage Overlay

### YARRA PLANNING SCHEME



**Figure 3** – appropriate areas for upper level additions to individually significant buildings are sited within the ‘envelope’ created by projecting a sight line from 1.6 metres above ground level (eye level of average adult person) from the footpath on the opposite side of the street through the top of the front parapet or the gutter line of the principal roof form.

#### 22.02-5.7.2 Specific Requirements (where there is a conflict or inconsistency between the general and specific requirements, the specific requirements prevail)

30/09/2010  
C85

##### Corner Sites and Sites with Dual Frontages

Encourage new building and additions on a site with frontages to two streets, being either a corner site or a site with dual street frontages, to respect the built form and character of the heritage place and adjoining or adjacent contributory elements to the heritage place.

Encourage new buildings on corner sites to reflect the setbacks of buildings that occupy other corners of the intersection.

##### Residential Upper Storey Additions

Encourage new upper storey additions to residential heritage places or contributory elements to heritage places to:

- Preserve the existing roof line, chimney(s) and contributory architectural features that are essential components of the architectural character of the heritage place or contributory elements to the heritage place.
- Respect the scale and form of the heritage place or contributory elements in the heritage place by stepping down in height and setting back from the lower built forms.

Sightlines should be provided to indicate the ‘envelope’ from the street of proposed upper storey additions (refer to the sightline diagrams in 22.02-5.7.1).

##### Industrial, Commercial and Retail Heritage Place or Contributory Elements

Encourage new upper level additions and works to:

- Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form

## Attachment 8 - Development Guidelines for sites subject to the Heritage Overlay

### YARRA PLANNING SCHEME

elements. Each higher element should be set further back from lower heritage built forms.

- Incorporate treatments which make them less apparent.

#### Carports, Car Spaces, Garages, and Outbuildings

Encourage carports, car spaces, garages and outbuildings to be set back behind the front building line (excluding verandahs, porches, bay windows or similar projecting features) of the heritage place or contributory element or to be reasonably obscured. New works should be sited within the 'envelope' shown in Figure 1 of 22.02-5.7.1.

Discourage:

- new vehicle crossovers in streets with few or no crossovers
- high fencing, doors and boundary treatments associated with car parking that are unrelated to the historic character of the area
- new vehicle crossovers in excess of 3 metres wide in residential streets.

#### Front Fences and Gates

Encourage front fences and gates to be designed to

- allow views to heritage places or contributory elements from surrounding streets
- be a maximum of 1.2 metres high if solid or 1.5 metres high if more than 50% transparent (excluding fence posts)
- be consistent with the architectural period of the heritage place or contributory element to the heritage place.

#### Ancillaries and Services

Encourage ancillaries or services such as satellite dishes, shade canopies and sails, access ladders, air conditioning plants, wall and roof top mounted lighting, roof top gardens and their associated planting, water meters, and as far as practical aerials, to contributory or significant buildings, to be concealed when viewed from street frontage.

Where there is no reasonable alternative location, ancillaries and services which will reduce green house gas emissions or reduce water consumption, such as solar panels or water storage tanks, or provide universal access (such as wheel chair ramps), may be visible but should be sensitively designed.

Encourage ancillaries or services in new development to be concealed or incorporated into the design of the building.

Encourage ancillaries or services to be installed in a manner whereby they can be removed without damaging heritage fabric.

#### 22.02-6 Archaeological Sites

30/09/2010  
C85

Encourage applicants to consult with Heritage Victoria where any proposed buildings or works may affect archaeological relics to facilitate compliance with Part 6 of the *Heritage Act 1995* (Protection of Archaeological Places).

#### 22.02-7 Decision Guidelines

30/09/2010  
C85

Before deciding on an application the responsible authority will consider:

- Whether there should be an archival recording of the original building or fabric on the site.
- The heritage significance of the place or element as cited in the relevant Statement of Significance or Building Citation.

## Attachment 8 - Development Guidelines for sites subject to the Heritage Overlay

### YARRA PLANNING SCHEME

#### 22.02-8

#### References

19/10/2017  
C21935

[Heritage Citation: 112-124 Trenerry Crescent, Abbotsford. GJM Heritage, July 2016.](#)

Heritage Gap Study: Review of 17 Precincts Stage 2 Report August 2014, Revised 16 October 2016 (Context Pty Ltd)

Heritage Review of Predefined Areas In Abbotsford & Collingwood Stage 2 Report July 2015 (Context Pty Ltd).

Heritage Gap Study: Review of Central Richmond, Stage 2 Final Report, November 2014 (Context Pty Ltd).

City of Yarra Heritage Gaps Study July 2014 – Smith Street South (Anthemion Consultancies)

City of Yarra Heritage Gaps Review One 2013 [Appendix A and B includes Statements of Significance] Incorporated Plan under the provisions of clause 43.01 Heritage Overlay - methodology report, July 2014

City of Yarra Heritage Gaps Review Two 2013

City of Yarra Heritage Gaps Study October 2012 – 233-251 Victoria Street, Abbotsford (Anthemion Consultancies)

City of Yarra Review of Heritage Overlay Areas 2007 (Graeme Butler and Associates) [Appendix 7 includes Statements of Significance]

Yarra Heritage Database 2007 including photos

“City of Yarra Heritage Review”, Allom Lovell and Associates, 1998.

“City of Yarra Heritage Review”, Building Citations Volume 2 Part I and II, Allom Lovell and Associates

“Protecting Archaeological Sites in Victoria”, Heritage Victoria, 1998.

The Australian ICOMOS Charter for the Conservation of Places of Cultural Significance

“Fitzroy Urban Conservation Study Review”, Allom Lovell and Associates, 1992.

“Collingwood Conservation Study”, Andrew Ward and Associates, 1989.

“Richmond Conservation Study”, J and T O’Connor and Coleman and Wright Architects, 1985.

“Carlton, North Carlton and Princes Hill Conservation Study”, Nigel Lewis and Associates, 1984.

“City of Northcote Urban Conservation Study”, Graeme Butler Architect, 1982.

“South Fitzroy Conservation Study”, Jacob Lewis Vines Architects, 1979.

“North Fitzroy Conservation Study”, Jacob Lewis Vines Architects, 1978.

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**11.3 Planning Changes Proposed for Land at 64 Alexandra Parade, Clifton Hill - Council Submission**

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### **Executive Summary**

#### **Purpose**

The purpose of this report is:

- (a) to outline the proposed planning provision changes to land at 64 Alexandra Parade, Clifton Hill; and
- (b) for Council to adopt a position on Amendment C244 and make a submission for lodgement with the Advisory Committee prior to the deadline of 23 February 2018.

#### **Key Issues**

The land at 64 Alexandra Parade, Clifton Hill is now considered surplus land following the termination of the East West Link Project. The Department of Treasury and Finance (DTF) is managing the sale of the land along with proposing site specific planning provision changes (via Amendment C244), including:

- (a) rezoning the land from General Residential Zone (GRZ4) to Mixed Use Zone; and
- (b) applying a new Design and Development Overlay (DDO), drafted by Urbis Planning Consultants.

The existing overlays that apply to 64 Alexandra Parade, including DDO2 and HO317 are not proposed to be removed as part of this process.

Council officers have reviewed Amendment C244 and have recommended a number of changes to the exhibited documents to ensure that future development of the site strengthens the character of Alexandra Parade, maintains key views to the Shot Tower, provides affordable and diverse housing, and protects neighbouring residential amenity.

#### **Financial Implications**

The costs associated with the exhibition of the Amendment, statutory fees, and panel fees would be met by the proponent (DTF). Other aspects would be met by the strategic planning 2017/18 budget.

#### **PROPOSAL**

Council should make a submission to the Advisory Committee based on the officer recommendations outlined in this report and Attachment 3 and request to be heard at the public hearing on 15 March 2018.



### 11.3 Planning Changes Proposed for Land at 64 Alexandra Parade, Clifton Hill - Council Submission

Trim Record Number: D18/29538

Responsible Officer: Senior Coordinator Strategic Planning

#### Purpose

1. The purpose of this report is:
  - (a) to outline the proposed planning provision changes to land at 64 Alexandra Parade, Clifton Hill; and
  - (b) for Council to adopt a position on Amendment C244 and make a submission for lodgement with the Advisory Committee prior to the deadline of 23 February 2018.

#### Background

2. The land at 64 Alexandra Parade, Clifton Hill (the site) was acquired by the Victorian Government for the previously proposed East West Link Project (EWL Project). As the EWL Project is no longer proceeding, 64 Alexandra Parade has been declared 'surplus land' and must be sold, in accordance with requirements of the *Victorian Government Landholding Policy and Guidelines* (Policy). Amongst other things, the purpose of the Policy is to promote the highest and best use of land by providing the opportunity for government agencies to unlock the value inherent in their land.
3. The Department of Treasury and Finance (DTF) is managing the sale of the land along with proposing site-specific planning provision changes via Planning Scheme Amendment C244. While Council officers provided preliminary advice on the changes, Council has no formal role in the preparation or management of Amendment C244 (other than as an affected party that must be notified as part of the process).
4. The Minister for Planning has appointed the Government Land Standing Advisory Committee (Advisory Committee) to provide independent advice on Amendment C244 and is publically exhibiting the Amendment from **15 January - 23 February 2018** (six weeks).
5. Following exhibition and a public hearing (15 March 2018) on Amendment C244, the Advisory Committee will provide a report on their recommendations to the Minister for Planning by mid-2018. The Minister then makes a decision on the recommendations (the Advisory Committee report does not come back to Council).

#### Site Context

6. The large corner site (approx. 3,000sqm with frontage to Alexandra parade of 72m and to Gold Street of 42m) contains a mix of one and two storey buildings and has been used for industry since the latter part of the 19<sup>th</sup> century (Figure 1). The former Box's Hair Curling Works factory fronting Alexandra Parade is the oldest building on the site (constructed c. 1880) and is 'contributory' to the wider heritage precinct (HO317). The two-storey timber-framed structure has been altered over time, with most of the building's original cladding replaced with corrugated iron.
7. Laneways running along the site's northern (in part) and western boundaries provides separation from the more sensitive residential interfaces to the west and north. Alexandra Parade to the south is characterised by large 1-3 storey industrial buildings and the visually dominant Shot Tower, which is of local (Heritage Overlay - HO85) and state (Victorian Heritage Register H0709) significance. The freestanding Shot Tower is the tallest structure in the locality and there are clear, long-range views to the tower from the intersection of Brunswick Street and Alexandra Parade, the Eastern Freeway and Darling Gardens.
8. While the site is not located within an activity centre, it is situated along a major boulevard that offers good access to the Eastern Freeway, services, open space and public transport,

including buses, trains and trams. It is also in close proximity to the Smith and Brunswick Street Major Activity Centres and the Queens Parade Neighbourhood Activity Centre.

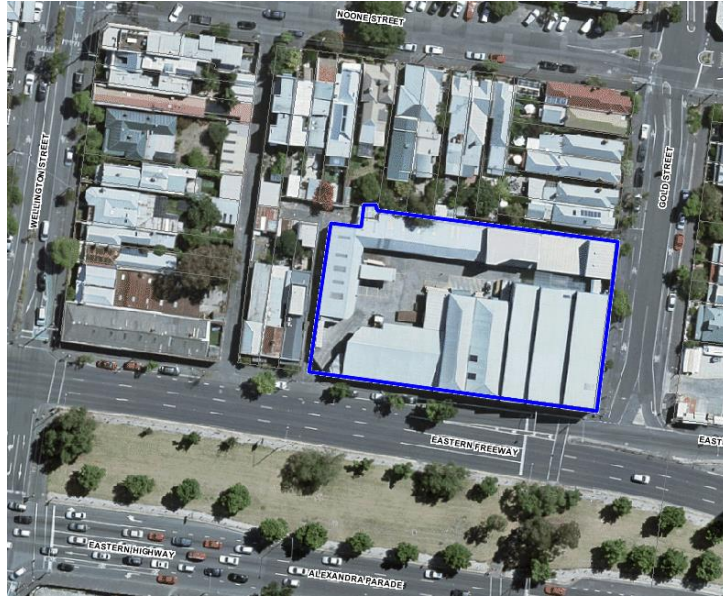


Figure 1: 64 Alexandra Parade, Clifton Hill and surrounds

#### Existing Planning Controls

9. The existing planning controls for the site are as follows:
  - (c) Schedule 4 to the General Residential Zone (GRZ4 – this has an 11.5m maximum building height);
  - (d) Schedule 2 to the Design Development Overlay (DDO2 - Main Roads and Boulevards); and
  - (e) Heritage Overlay (HO317 - Clifton Hill Western Precinct).
10. The site is not a nominated strategic redevelopment site in Council's Municipal Strategic Statement, however it has the site attributes to be considered an infill development site. The planning scheme built form policies provide some guidance about building heights being in the range of 5-6 storeys.
11. Council's landmarks policy seeks to protect the views to the heritage Shot Tower, located further to the east on Alexandra Parade. The views to the Shot Tower from the west are a consideration when preparing development guidelines for this site.
12. Amendment C244 proposes to retain the existing Heritage Overlay on the site as well as the Design and Development Overlay. As such, the overlays will continue to remain relevant in assessing any proposed development for the site in the future.

#### **Proposed Planning Controls**

13. Amendment C244 proposes the following changes (**Attachment 1**):
  - (a) rezone the land from General Residential Zone (GRZ4) to Mixed Use Zone (MUZ); and
  - (b) apply Schedule 19 to the Design and Development Overlay (DDO19), drafted by Urbis Planning Consultants.
14. If the Minister for Planning approves Amendment C244, Council as the Responsible Authority would assess planning applications for new development and for Section 2 uses at the site. Council would be required to consider the impact of any proposal (that requires a planning permit) on the amenity of the surrounding area, in accordance with the decision guidelines of Clause 65, the MUZ and DDO19. Notice of application requirements and third party rights would still apply.

15. Amendment C244 has been informed by the *64 Alexandra Parade East Clifton Hill Urban Context Report*, May 2017 (UCR) prepared by Urbis (Attachment 2). In summary the UCR concludes:
  - (a) a preferred maximum of eight (8) storeys (approximately 25 metres) would be appropriate;
  - (b) taller buildings should be setback from Alexandra Parade to frame views to the Shot Tower, particularly when viewed from the western approach; and
  - (c) setbacks to the north and west should be incorporated to limit overshadowing to the adjoining residential properties between 11am-2pm on the September 22nd equinox.

## Discussion

### Proposed Rezoning

16. The purpose of the MUZ is to provide for a range of residential, commercial, industrial, and other uses, which complement the mixed-use function of the locality. Its purpose is also to provide for housing at higher densities whilst responding to the existing or preferred neighbourhood character of the area. No specific height limit applies within the MUZ, although meeting the height requirements of DDO19 and ResCode objectives to residential boundaries would be required.

#### *Officer Recommendation:*

17. State Policy (*Plan Melbourne 2017-2050*) recognises that a number of former industrial sites around Melbourne are currently underutilised and encourages government (at all levels) to repurpose these sites to create jobs and accommodate housing growth.
18. It is considered that the MUZ is the most appropriate zone for the former industrial site, given its size, corner location on a major boulevard and good access to key services, employment, and transport. The rezoning would support mid-rise development for the corner site. *Note: the existing residential zone (GRZ4) specifies a maximum height of 11.5 metres or a three storey building.*
19. If rezoned, the site would become available for a wider range of uses in accordance with provisions of the zone and would help facilitate a revitalisation of this section of Alexandra Parade. The Victorian government is proposing that there would be a mix of retail and commercial uses at ground level and residential uses above.

### Proposed Schedule 19 to the Design and Development Overlay

20. Proposed DDO19 applies site-specific discretionary requirements relating to the design and built form of new development.

#### Building Height and setbacks

21. In summary, DDO19 includes a discretionary maximum height of 8 storeys (25 metres), with a street wall height of 3 storeys fronting Alexandra Parade and Gold Street. The overall height of any new building would need to protect the retention of views to the upper third of the shot tower to the east.
22. The setbacks to the west and north would be determined to ensure that heights and setbacks prevent overshadowing, provide a transition in heights and manage overlooking and building mass.

#### *Officer Recommendation:*

23. It is considered the proposed maximum height requirement of 8 storeys could achieve an appropriate mid-rise building form within the site without dominating the Alexandra Parade boulevard character and low rise residential settings. The proposed height would also not result in overshadowing to the east/ north/ west/ south (when taking into consideration the site's significant size and the laneways running along its northern (in part) and western boundaries).

24. The submission by the State Government's consultant examines possible scenarios for different building heights on the site which demonstrates this height still retains views of the Shot Tower.
25. The maximum street wall height of 3 storeys (12 metres) proposed for Alexandra Parade and Gold Street is also considered to be appropriate for a site that is situated along a wide and prominent boulevard.
26. The discretionary height requirements for the site, along with the other design objectives should ensure that new development appropriately responds to the site's context, whilst providing enough flexibility to accommodate innovative design.

#### Building Form and Design

27. The built form and design guidelines aim to respond to identified heritage values of the site and broader precinct, including primary views to the Shot Tower, the changing context along Alexandra Parade and neighbouring and internal amenity.

#### *Officer Recommendation:*

28. Collectively, the built form and design guidelines provide clear guidance on the preferred type and design of new development. However, it is recommended that DDO19 include additional guidelines to ensure that future development strengthens the boulevard character of Alexandra Parade, does not encroach on key views to the Shot Tower, provides an appropriate transition to adjoining low rise residential areas and provides well designed, horizontal awnings/verandahs along Alexandra Parade and Gold Street.

#### Heritage

29. The DDO provides detailed guidance on maintaining views to the significant Shot Tower. Specifically DDO19 identifies primary views and requires new development to provide adequate setback and building separation to maintain the Shot Tower primacy when viewed in the round.
30. Advice from Council's heritage consultants recommends that, to ensure views to the Shot Tower, there needs to be sufficient building separation and that the tower should remain the highest element within the streetscape by ensuring its top third is visible.
31. The DDO does not provide any guidance regarding the site's contributory building (Box's Hair Curling Work factory and yard). The *Heritage Report for 64 Alexandra Parade, Clifton Hill* (May 2017, Trethowan Pty Ltd) prepared in support of Amendment C244 determines that the building is a significant component of the site and the crossovers and courtyards are contributory features that should be retained and considered in any proposed redevelopment of the site.
32. The DDO relies only on design of a development incorporating reference to the industrial history of the site. Images of modelling of development options indicates that the Victorian government's preferred option does not retain the factory building.

#### *Officer Recommendation:*

33. It is recommended that DDO19 be amended to encourage new development to retain and sensitively incorporate the original Box's Hair Curling Works factory, crossovers and internal courtyard into its design and layout and also encourage its adaptive reuse.

### **Other Issues**

#### Management of Potential Site Contamination

34. The site has been used for timber manufacturing and other industrial uses, which could be potential sources for contamination, along with off-site sources including the Shot Tower and the former Fitzroy Gasworks.
35. The site is already zoned for residential purposes and no Environmental Audit Overlay exists over the land. The remediation of the site is therefore not occurring through the statutory environmental audit process.

36. An Environmental Assessment Report (EAR) has been prepared by Senversa environmental consultants to assess the potential for soil and groundwater contamination. The EAR identified some individual chemical concentrations that were greater than adopted criteria and notes that this could be appropriately managed by a future mixed use development (commercial on the ground floor with residences above).
37. The EAR recommends that further soil, soil vapour, and groundwater investigations may be still be required. As such, DDO19 includes a requirement for any permit application to include a Contamination Assessment of the site (prepared by a suitably qualified and experienced person).

*Officer Recommendation:*

38. It is considered that the proposed approach to managing potential site contamination is appropriate, given the advice by Senversa. The 'application requirement' included in DDO19 will ensure that any potential contamination can be managed as part of a normal development application process.
39. The provision should, however be strengthened by ensuring the report provides for a strategy for the remediation of the site and validation that the remediation has been completed and that the site is suitable for sensitive uses.

Affordable housing / housing diversity

40. Amendment C244 does not mandate the provision of any affordable housing, which is inconsistent with Council's adopted *Policy Guidance Note for Affordable Housing in Significant Redevelopments*, November 2017 (Policy Guidance Note). The Policy Guidance Note outlines Yarra's expectations relating to affordable housing outcomes at significant redevelopment sites. As part of significant rezonings, it is expected that a development proponent will provide for at least 5% affordable housing at sites likely to yield around 50 dwellings or more and to partner with a Registered Housing Association/Provider to deliver affordable housing.

*Officer Recommendation:*

41. It is considered that Council should pursue the provision of a minimum 5% of the overall number of dwellings as affordable housing. This would be secured by way of a Section 173 Agreement being included on the land title. This should be entered into prior to sale of the land.
42. Council should also seek an additional application requirement in DDO19 requiring applications to include a Housing Diversity Report. The purpose of a Housing Diversity Report is to undertake a demographic analysis of the types of people and households anticipated to live within the development and demonstrate how the development plan responds to the particular housing needs of the occupants across their lifetime - proposed dwelling design and bedroom mix.

**Summary of Officer Recommendations**

43. It is recommend that Council makes submission to the Advisory Committee seeking the provision of 5% of the overall number of dwellings as affordable housing via a section 173 agreement and also seeking an amended DDO (**Attachment 3**) that includes:
  - (a) a new application requirement for residential development to provide a Housing Diversity Report;
  - (b) a new built form guideline that requires new development to respond to the boulevard character of Alexandra Parade;
  - (c) two new built form guidelines to ensure buildings are expressed in the round and are articulated;
  - (d) two new built form guidelines that encourages development to retain and sensitively incorporate the original Box's Hair Curling Works factory, crossovers and internal courtyard into its design and layout and encourage its adaptive reuse;



- (e) a new built form guideline that encourages well designed horizontal awnings/verandahs along Alexandra Parade and Gold Street;
  - (f) a new guideline to ensure that development does not encroach on key views to the Shot Tower; and
  - (g) correction of minor drafting errors.
44. It is proposed that Council's position to the Advisory Committee at the Public Hearing will be based on the submission outlined in this report and **Attachment 3**.

### **External Consultation**

45. Exhibition of the proposal is being managed by the Advisory Committee. Council provided advice on the extent of notification. In summary notification included:
- (a) public viewing file of at the Yarra City Council Planning Counter (Richmond Town Hall), Yarra City Council Information Centre (Collingwood Town Hall) and Fitzroy Library;
  - (b) exhibition documentation on the DELWP website;
  - (c) notice of preparation in the Age newspaper (15 January 2018); and
  - (d) letters, including an information sheet, sent to 269 property owners and occupiers, stakeholders and interest groups.
46. The Advisory Committee held a public information session on 5 February 2018 that included presentations from the proponent (DTF), consultants (Urbis) and Department of Environment, Land, Water, and Planning (DEWLP). Council officers attended the meeting to observe the process.

### **Internal Consultation (One Yarra)**

47. Officers have sought internal comments from urban design, and statutory planning. These comments have informed the changes proposed exhibited documents.

### **Financial Implications**

48. The costs associated with the exhibition of the Amendment, statutory fees, and panel fees would be met by the proponent (DTF). Other aspects would be met by the strategic planning 2017/18 budget.

### **Economic Implications**

49. The economic implications of the planning provision changes are likely to include:
- (a) managing the growth in the local housing market in Yarra;
  - (b) flow on effects for Yarra's local economy as the municipality accommodates a growing population, with more people moving into the area and utilise local businesses and services; and
  - (c) reduce Council resources spent on complex decision making process.

### **Sustainability Implications**

50. The Amendment provides for additional dwellings, in proximity to major activity centres, a neighbourhood activity centre, services and public transport.

### **Social Implications**

51. Council advocates for more affordability housing and housing diversity.

### **Human Rights Implications**

52. There are no anticipated human rights implications.

### **Communications with CALD Communities Implications**

53. The Advisory Committee has prepared all of the exhibition material independent of Council.

### **Council Plan, Strategy and Policy Implications**

54. The Yarra Council Plan (2017-2021) identifies the need to actively plan and manage growth in Yarra.
55. The proposed planning changes implements relevant objectives of the State Planning Policy Framework (SPPF), including Clause 16 – Housing Clause 16.01 (Residential Development). Clause 16 encourages consolidation of residential activities within existing urban areas and development in existing residential areas.
56. The current vision for housing in Yarra as outlined in the MSS is that by 2020 the City will accommodate a diverse range of people, including families, the aged, the disabled, and those who are socially or economically disadvantaged.

### **Legal Implications**

57. There are no known legal implications for Council associated with this report.

### **Conclusion**

58. The DTF are proposing the following changes to the Yarra Planning Scheme via Amendment C244 (Attachment 1):
  - (a) rezone the land from General Residential Zone (GRZ4) to Mixed Use Zone (MUZ); and
  - (b) apply Schedule 19 to the Design and Development Overlay (DDO), drafted by Urbis Planning Consultants.
59. The existing overlays that apply to 64 Alexandra Parade, including DDO2 and HO317 are not proposed to be removed as part of this process.
60. Council officers have reviewed proposed Amendment C244 and recommended a number of changed to the exhibited documents to ensure that future development and use of the site strengthens the character of Alexandra Parade, maintains key views to the Shot Tower, provides affordable and diverse housing and protects neighbouring residential amenity.
61. Council should make a submission to the Advisory Committee based on the officer recommendations outlined in this report and **Attachment 3** and request to be heard at the public hearing on 15 March 2018.

### **RECOMMENDATION**

1. That Council:
  - (a) notes the officer report in relation the Amendment C244 which seeks to rezone the land at 64 Alexandra Parade, Clifton Hill from General Residential Zone (GRZ4) to Mixed Use Zone; and apply Schedule 19 to the Design and Development Overlay;
  - (b) notes the process being undertaken by the Department of Treasury and Finance including to the sale of 64 Alexandra Parade, Clifton Hill and proposing site-specific planning provision changes via Planning Scheme Amendment C244;
  - (c) adopts a position on Amendment C244 generally in accordance with the officer's response contained in this report and Attachment 3;
  - (d) submits a written submission to the Advisory Committee on the proposed planning provision changes (Amendment C244) for lodgement with the Victorian Government prior to 23 February 2018;
  - (e) requests to be heard at the Public Hearing to advocate for Council's adopted position; and
  - (f) pursue an agreement with the land owner of 64 Alexandra Parade, Clifton Hill, under Section 173 of the *Planning and Environment Act 1987*, requiring a least 5% of the overall number of dwellings on the site to be affordable housing, in partnership with a Registered Housing Association or a Registered Housing Provider.

**CONTACT OFFICER:** Alayna Chapman  
**TITLE:** Strategic Planner  
**TEL:** 9205 5332

**Attachments**

- 1** Amendment C244 Exhibited Documents
- 2** Urban Context Report, Urbis
- 3** Amended Schedule 19 to the Design and Development Overlay

## Attachment 1 - Amendment C244 Exhibited Documents

**32.04 MIXED USE ZONE**19/09/2017  
VC132

Shown on the planning scheme map as **MUZ** with a number (if shown).

**Purpose**

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.

To provide for housing at higher densities.

To encourage development that responds to the existing or preferred neighbourhood character of the area.

To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

**32.04-1 Objectives**15/07/2013  
VC100

A schedule to this zone may contain objectives to be achieved for the area.

**32.04-2 Table of uses**15/07/2013  
VC100**Section 1 – Permit not required**

| Use   | Condition   |
|---|---|
| Animal keeping (other than Animal boarding) | Must be no more than 2 animals.   |
| Bed and breakfast                           | No more than 10 persons may be accommodated away from their normal place of residence.<br>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence. |
| Dependent person's unit                     | Must be the only dependent person's unit on the lot.  |
| Dwelling (other than Bed and breakfast)     |   |
| Food and drink premises                     | The leasable floor area must not exceed 150 square metres.  |
| Home occupation                             |   |
| Informal outdoor recreation                 |   |
| Medical centre                              | The gross floor area must not exceed 250 square metres.   |
| Minor utility installation                  |   |
| Office (other than Medical centre)          | The leasable floor area must not exceed 250 square metres.  |
| Place of worship                            | The gross floor area of all buildings must not exceed 250 square metres.  |
| Railway                                     |   |
| Residential aged care facility              |   |
| Shop (other than Adult sex bookshop)        | The leasable floor area must not exceed 150 square metres.  |
| Tramway                                     |   |

## Attachment 1 - Amendment C244 Exhibited Documents

| Use                            | Condition                                   |
|--------------------------------|---|
| Any use listed in Clause 62.01 | Must meet the requirements of Clause 62.01. |

**Section 2 - Permit required**

| Use   | Condition  |
|---|--|
| Accommodation (other than Dependent person's unit, Dwelling and Residential aged care facility) |  |
| Agriculture (other than Animal keeping and Apiculture)  |  |
| Animal boarding   |  |
| Animal keeping (other than Animal boarding) – if the Section 1 condition is not met             | Must be no more than 5 animals.                            |
| Industry (other than Materials recycling and Transfer station)                                  | Must not be a purpose listed in the table to Clause 52.10. |
| Leisure and recreation (other than Informal outdoor recreation)                                 |  |
| Place of assembly (other than Carnival, Circus and Place of worship)                            |  |
| Retail premises (other than Food and drink premises and Shop)                                   |  |
| Utility installation (other than Minor utility installation and Telecommunications facility)    |  |
| Warehouse   | Must not be a purpose listed in the table to Clause 52.10. |
| Any other use not in Section 1 or 3   |  |

**Section 3 - Prohibited**

| Use                 |
|---------------------|
| Adult sex bookshop  |
| Brothel             |
| Materials recycling |
| Transfer station    |
| Stone extraction    |

32.04-3

15/07/2013  
VC100**Use for industry and warehouse****Amenity of the neighbourhood**

The use of land for an industry or warehouse must not adversely affect the amenity of the neighbourhood, including through:

- The transport of materials or goods to or from the land.
- The appearance of any stored materials or goods.
- Traffic generated by the use.
- Emissions from the land.



## Attachment 1 - Amendment C244 Exhibited Documents

**32.04-4 Subdivision**15/07/2013  
VC100**Permit requirement**

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

| Class of subdivision | Objectives and standards to be met   |
|----------------------|--|
| 60 or more lots      | All except Clause 56.03-5.   |
| 16 – 59 lots         | All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.                   |
| 3 – 15 lots          | All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6. |
| 2 lots               | Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.                        |

**32.04-5 Construction and extension of one dwelling on a lot**15/07/2013  
VC100**Permit requirement**

A permit is required to construct or extend one dwelling on a lot of less than 300 square metres.

A development must meet the requirements of Clause 54.

**No permit required**

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.

**32.04-6 Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**13/04/2017  
VC136**Permit requirement**

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and

## Attachment 1 - Amendment C244 Exhibited Documents

- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

A permit is not required to construct one dependent person's unit on a lot.

### Transitional provisions

Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

### 32.04-7 Requirements of Clause 54 and Clause 55

15/07/2013  
VC100

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

### 32.04-8 Buildings and works associated with a Section 2 use

15/07/2013  
VC100

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2.

### 32.04-9 Buildings on lots that abut another residential zone

15/07/2013  
VC100

Any buildings or works constructed on a lot that abuts land which is in a General Residential Zone, Residential Growth Zone, Neighbourhood Residential Zone or Township Zone must meet the requirements of Clauses 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary.

### 32.04-10 Maximum building height requirement

27/03/2017  
VC110

A building must not be constructed that exceeds the maximum building height specified in a schedule to this zone.

A building may exceed the maximum building height specified in a schedule to this zone if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height of the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.

## Attachment 1 - Amendment C244 Exhibited Documents

- It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.
- It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.

An extension to an existing building may exceed the maximum building height specified in a schedule to this zone if it does not exceed the building height of the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

The maximum building height requirement in this zone or a schedule to this zone applies whether or not a planning permit is required for the construction of a building.

### Building height if land is subject to inundation

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

## 32.04-11 Application requirements

19/09/2017  
VC132

### General

Any application requirements specified in a schedule to this zone.

### Use for industry and warehouse

Unless the circumstances do not require, an application to use land for an industry or warehouse must be accompanied by the following information:

- The purpose of the use and the types of activities to be carried out.
- The type and quantity of materials and goods to be stored, processed or produced.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 is required, a licence under the *Dangerous Goods Act 1985* is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
- How land not required for immediate use is to be maintained.
- The likely effects, if any, on the neighbourhood, including noise levels, traffic, air-borne emissions, emissions to land and water, light spill, glare, solar access and hours of operation (including the hours of delivery and dispatch of materials and goods).

### Buildings and works associated with a Section 2 use

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A site analysis and descriptive statement explaining how the proposal responds to the site and its context.
- Plans drawn to scale and dimensioned which show:
  - The layout of proposed buildings and works.
  - An elevation of the building design and height.

## Attachment 1 - Amendment C244 Exhibited Documents

- Setbacks to property boundaries.
- All proposed access and pedestrian areas.
- All proposed driveway, car parking and loading areas.
- Existing vegetation and proposed landscape areas.
- The location of easements and services.

### 32.04-12 Exemption from notice and review

15/07/2013  
VC100

#### Subdivision

An application for subdivision is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

#### Other applications

A schedule to this zone may specify that an application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

### 32.04-13 Decision guidelines

29/08/2017  
VC139

#### General

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.

#### Use for industry and warehouse

- The effect that existing uses on adjoining or nearby land may have on the proposed use.
- The design of buildings, including provision for solar access.
- The availability and provision of utility services.
- The effect of traffic to be generated by the use.
- The interim use of those parts of the land not required for the proposed use.
- Whether the use is compatible with adjoining and nearby land uses.
- For non-residential uses, the proposed hours of operation, noise and any other likely off-site amenity impacts.

#### Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

#### Construction and extension of one dwelling on a lot

- The objectives, standards and decision guidelines of Clause 54.

## Attachment 1 - Amendment C244 Exhibited Documents

### **Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

- For two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.
- For an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.

#### **32.04-14 Advertising signs**

15/07/2013  
VC100

*Notes:*

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.

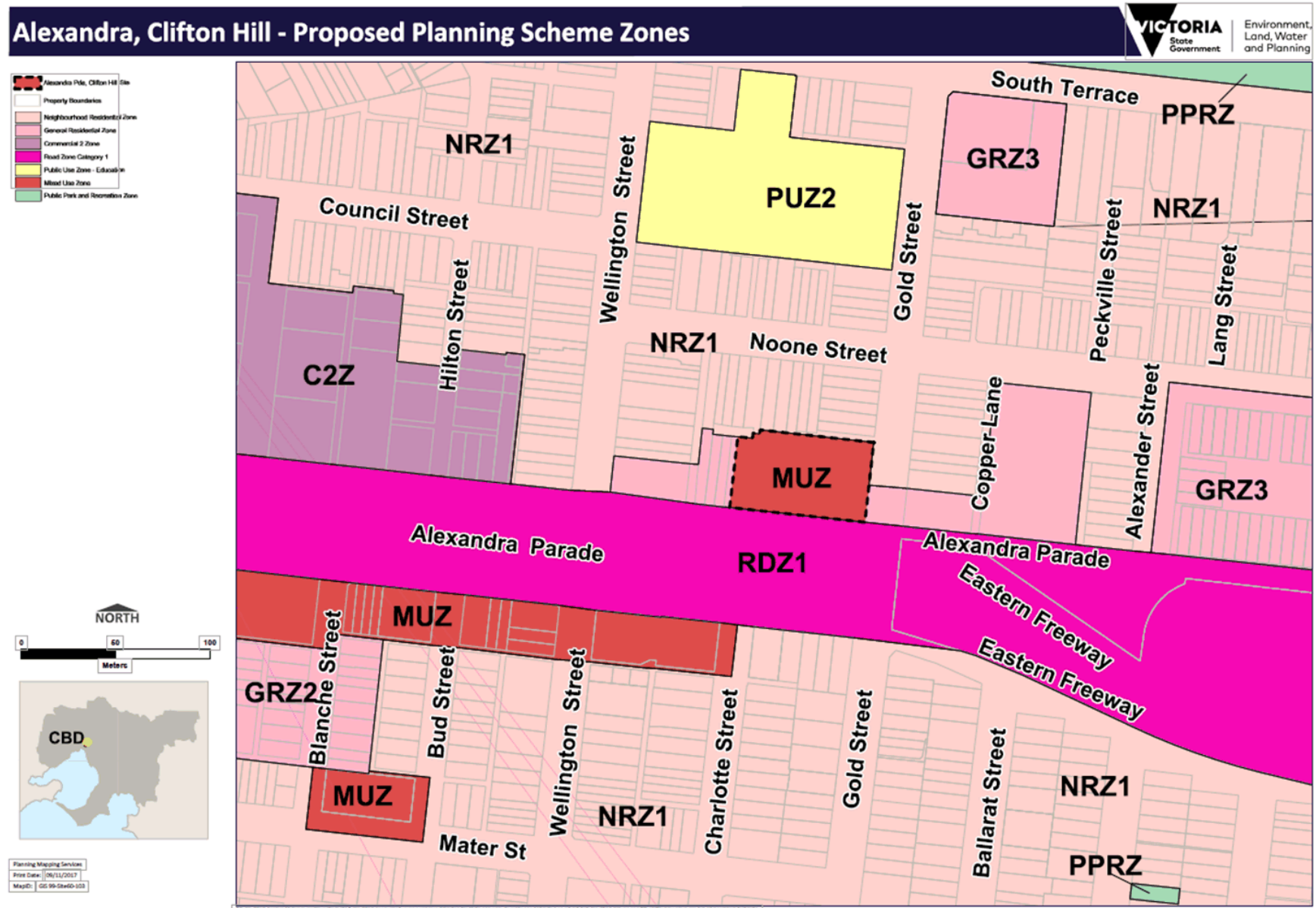
*Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.*

*Check whether an overlay also applies to the land.*

*Other requirements may also apply. These can be found at Particular Provisions.*



Attachment 1 - Amendment C244 Exhibited Documents



## Attachment 1 - Amendment C244 Exhibited Documents

## YARRA PLANNING SCHEME

--/20--  
C--

## SCHEDULE [NUMBER] TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO[number]**.

### 64 ALEXANDRA PARADE, CLIFTON HILL

#### 1.0

--/20--  
C--

#### Design objectives

- To facilitate a future development that provides for a mix of commercial uses at street level with residential uses above.
- To facilitate a development that will provide a range of dwelling types, as appropriate, to allow for a diversity of households.
- To enable a scale and density of development which takes advantage of the site's strategic location including its proximity to the CBD, local activity nodes, public transport, other established amenities.
- To provide an appropriate built form response to any recognised heritage features of the site.
- To retain the visual prominence of at least a third of the individually significant Shot Tower from primary views.
- To ensure development appropriately considers the amenity impacts on neighbouring development and achieves a high standard of internal amenity within the development.
- To encourage the development above the street wall to be designed as a series of separate development parts with building separation to enable views to the sky.

#### 2.0

--/20--  
C--

#### Buildings and works

A permit is required to construct a building or construct or carry out works.

##### Built Form Guidelines

The following Built Form Guidelines should be met:

##### Height and Setbacks

- Buildings on the site should be a preferred maximum 8 storeys (25 metres).
- Future development on the site should provide a consistent street wall height to the public realm along Alexandra Parade and Gold Street of a preferred maximum of 3 storeys (12 metres).
- The maximum height and massing of a future development should be positioned to the south-east corner of Alexandra Parade and Gold Street, responding to the limited sensitivity at these interfaces.
- Future building form should deliver an appropriate interface arrangement and minimise visual bulk and mass when viewed from neighbouring properties.
- Upper levels of development should be appropriately sited so as not to diminish the appreciation of, or impact primary views to at least a third of the height of the Shot Tower from the west on Alexandra Parade.

## Attachment 1 - Amendment C244 Exhibited Documents

### YARRA PLANNING SCHEME

#### Building Form and Design

- Avoid repetitive stepped built form at upper levels of development.
- Deliver a high quality architectural response through building form, massing, materials and finishes.
- Ensure activation at ground level of Alexandra Parade and Gold Street through design measures including glazing, active uses and pedestrian entries.
- Avoid a single mass form for development above the street wall.
- Provide passive surveillance to streets and footpaths.
- Locate car parking within the site and be screened from the public realm.

#### Heritage

- To incorporate reference to the former industrial history of the site and any specific identified heritage values, such as in the form of public artwork, architecture and heritage interpretation.
- Preserve identified primary views to the Shot Tower, particularly from the south west corner of Brunswick Street and Alexandra Parade by providing adequate setback and building separation to retain the prominence of at least the top one third of the height of the structure.
- Preserve identified primary views to at least the top one third of the Shot Tower, particularly from the Eastern Freeway (west of the overpass) by providing clear sky in the backdrop of at least the top one third of the height of the structure.

#### Vehicle Access and Traffic

- Ensure vehicle entrances do not impact on high traffic flows on Alexandra Parade, by locating entrances to onsite parking on Gold Street.
- Ensure vehicle access is located to limit impact on the pedestrian safety or street amenity.

#### Amenity

- Provide a good level of onsite amenity for future residents of the development through the layout and orientation of dwellings.
- Ensure the form and scale of proposed development is not the detriment of existing adjacent uses, particularly residences.
- Limit additional shadow cast to neighbouring residential properties to the west and north between 11am and 2pm at 22 September.
- Limit opportunities for overlooking to properties to the north and west.

#### Public Realm

- Provide streetscape improvements including sufficient footpath width along Alexandra Parade and Gold Street to enable the improved future use by retailers and pedestrians and enable sufficient activation of the street interfaces.
- To provide opportunities for additional tree planting where possible along Alexandra Parade and Gold Street.
- Provide a high quality response to the corner of Alexandra Parade and Gold Street to allow safe pedestrian movement.

#### Application Requirements

Unless with the written consent of the Responsible Authority, an application for development on the land must provide:

## Attachment 1 - Amendment C244 Exhibited Documents

## YARRA PLANNING SCHEME

- An Urban Context Report
- Perspectives showing the form, massing, profile, material finishes and detailed design of the proposed building(s).
- A Traffic and Transport Impact Assessment prepared by a suitably qualified traffic engineer.
- A Green Travel Plan prepared by a suitably qualified person outlining site-specific initiatives and actions to encourage the use of more sustainable transport options.
- A Heritage Impact Assessment prepared by a suitably qualified heritage consultant.
- For residential development, an acoustic report prepared by a suitably qualified acoustic engineer.
- A Sustainability Management Plan (SMP) for 10 or more dwellings to Council's specifications (in accordance with the Application Requirements of Clause 22.17).
- A Waste Management Plan prepared by a suitably qualified waste management expert.
- A Contamination Assessment of the site prepared by a suitably qualified and experienced person and include recommendations and an implementation strategy to be undertaken in the event that any part of the is contaminated. The assessment must be submitted to and approved by and to the satisfaction of the Responsible Authority and make reference to the Department of Sustainability and Environment (DSE), General Practice Note – Potentially Contaminated Land, June 2005.

**3.0 Subdivision**

—/—/20—  
C—

None specified

**4.0 Advertising signs**

—/—/20—  
C—

None specified

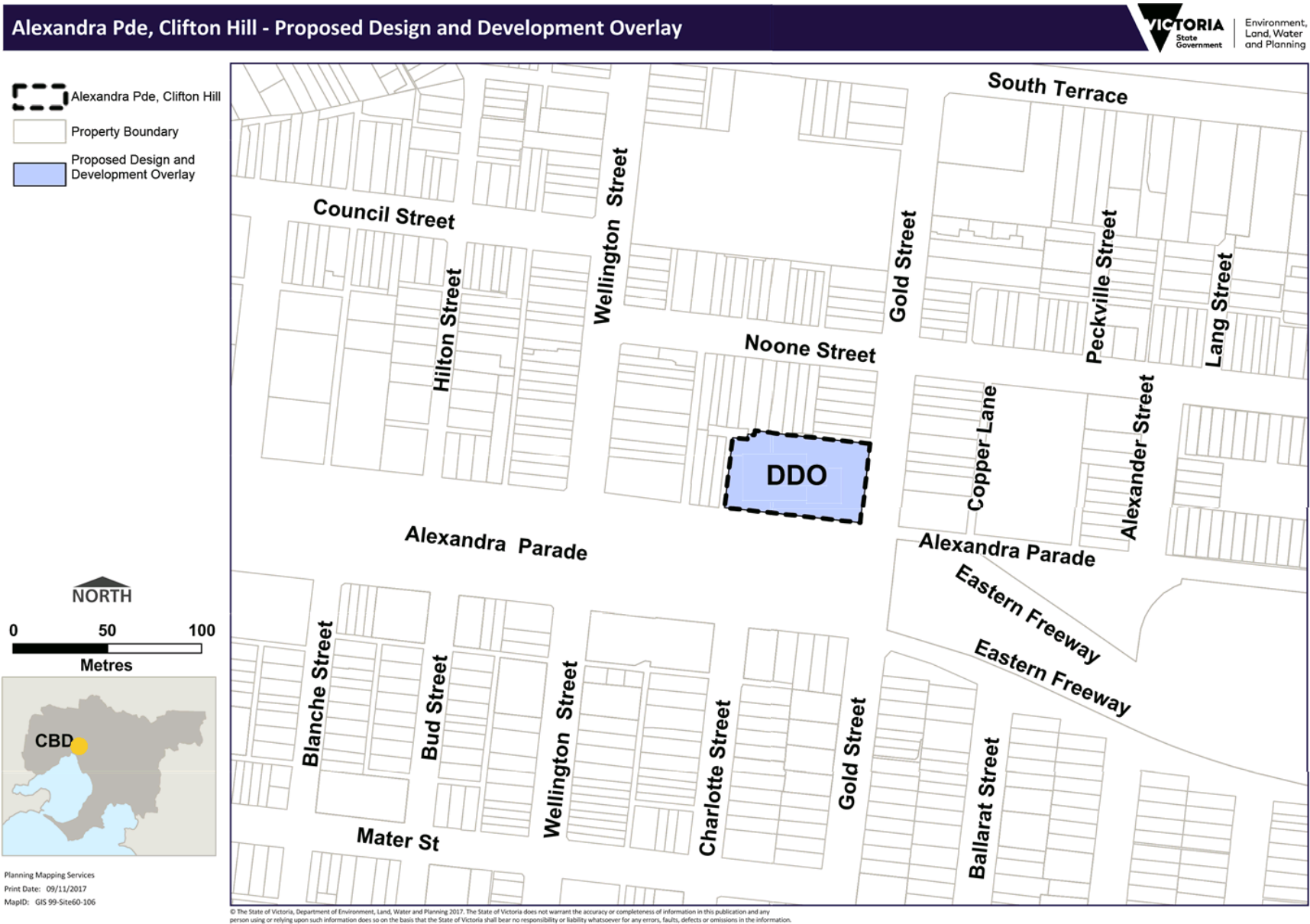
**5.0 Decision guidelines**

—/—/20—  
C—

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The design, height, massing and scale of the development in relation to the site context.
- The effect of the development on the amenity of neighbouring properties and the public realm.
- How the proposal improves the street environment for pedestrians along street frontages.
- The response to identified heritage values of the site and broader precinct, including primary views to at least a third of the height of the Shot Tower.
- The impact of traffic generated by the proposal.

# Attachment 1 - Amendment C244 Exhibited Documents



Attachment 2 - Urban Context Report, Urbis



# **64 ALEXANDRA PARADE EAST CLIFTON HILL**

## **URBAN CONTEXT REPORT**

PREPARED FOR  
**DEPARTMENT OF TREASURY & FINANCE**  
8 MAY 2017



## Attachment 2 - Urban Context Report, Urbis

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# INTRODUCTION

## THIS DOCUMENT

This document investigates the urban design opportunities and issues that relate to the site and provides an analysis of potential massing outcomes to inform future built form controls at 64 Alexandra Parade East, Clifton Hill. The urban design analysis includes contextual mapping and investigations to understand:

- The location of the site and its access opportunities
- The land use arrangement of the area
- Built form character zones of the wider precinct and how the site relates to these
- Heritage elements on and surrounding the site
- Public realm character and opportunities

The document sets out the design principles that have been established with reference to the context analysis. The massing studies at the rear of the document analyse different development massing proposals against the design principles. The aim of the study is to provide a high level assessment of a range of scenarios on the site in order to inform the recommended approach with regard to building height and setbacks.

## SITE OVERVIEW

The site presents an exceptional opportunity for significant redevelopment in response to the site's context and urban conditions and to make the most of this large inner city site. The site's redevelopment has the potential to respond to the following:

- Its excellent location, 2.5km from the CBD and in proximity to the Smith Street retail and lifestyle corridor and Wellington Street.
- The role of the Alexandra Parade corridor as a gateway to the CBD from the east.
- The evolving nature of the Alexandra Parade corridor and the opportunity to develop a new character that provides a well-considered response for such a key location.
- The proximity of established public transport networks and pedestrian and cycle access to the surrounding established community and CBD.
- The opportunity to develop a new character/urban typology along Alexandra Parade.

## STRATEGIC CONTEXT

The following key points describe the site's context which inform the appropriate design response:

- Alexandra Parade remains a recognised premier boulevard for the City of Yarra, which is expected to play a role in supporting Melbourne's projected commercial and residential growth.
- The 2016 Census showed that 77.2% of the dwellings in Clifton Hill were medium or high density, compared to 84.9% in the City of Yarra. The 2016 population for Clifton Hill was 6,341 and is forecast to grow to 7,331 by 2036, creating demand for new housing.
- The directions and support for growth in key locations such as Alexandra Parade are set out in Plan Melbourne - Metropolitan Planning Strategy, State Planning Policy and Local Planning Policy.
- A key element of the Plan Melbourne strategy is increasing choice in the housing sector. Demographic changes including an increasing population and smaller household sizes mean that a diversity of housing is required in established areas.

Plan Melbourne quotes that:

- *A challenge will be to provide housing to accommodate these changes in demand for new dwellings, locally, so that family connections can be maintained.*
- *This includes redeveloping underutilised and well-located urban areas to house more people and create opportunities for new investment in businesses and services. Smart technologies can improve the load capacity and efficiency of existing transport, water, waste and energy infrastructure in established urban areas.*
- *'There are many areas in Melbourne's established middle and inner rings which have the capacity to substantially increase their population, which would further support business growth. These suburbs have excellent amenities such as transport infrastructure and access to health services, as well as commercial and recreational services.'*  
– Urban Development Institute of Australia
- Alexandra Parade as a whole is recognised within Plan Melbourne as an urban renewal opportunity that is to be

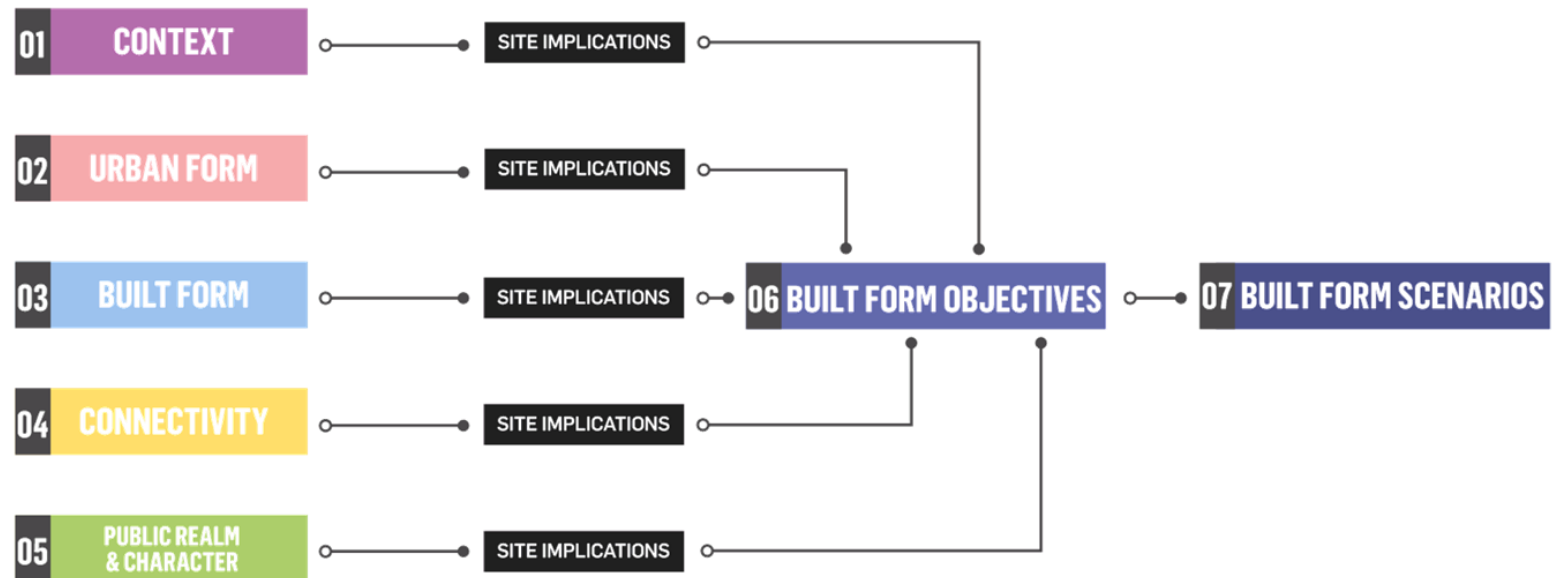
investigated for improvements to the amenity of the area in the short term.

- The site has the potential to provide a greater density of development and a greater dwelling mix to the area.
- The site is strategically located approximately 2.5 kilometres of the Melbourne CBD, with nearby access to public transport and a range of services and facilities benefiting residential uses and development. Alexandra Parade is currently subject to change and this is recognised by the current zoning and local policy applicable to the precinct.
- The site is not within a specific activity centre, structure plan or overlay which dictates precinct specific built form guidelines, therefore built form guidance will be drawn from Council's local built form policies, including in this case the Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay.

## Attachment 2 - Urban Context Report, Urbis

### DOCUMENT STRUCTURE

The following diagram illustrates the structure of the document.



## Attachment 2 - Urban Context Report, Urbis





## Attachment 2 - Urban Context Report, Urbis

# 1.0 CONTEXT

### An Opportunity Site

The site is very well located, approximately 2.5km from the heart of the Melbourne CBD as seen in Figure 1. The site sits on the edge of the sought-after suburb of Clifton Hill, along Victoria Parade East, near the start of the Eastern Freeway. In addition to being within walking distance to the lifestyle precincts of the inner north, the site is serviced by a number of tram routes, the Hurstbridge and South Morang rail lines and numerous cycle routes.

Alexandra Parade is an important east-west connection within Melbourne's inner north, illustrated in Figure 2. Alexandra Parade East connects to the Eastern Freeway which provides access to the eastern suburbs of Melbourne and through to the southern suburbs via Eastlink. Alexandra Parade East forms a gateway into the city, celebrating the point where the freeway transitions into a lower speed urban road.



Clifton Hill Shot Tower



Eastlink Tunnel Portal

### SITE IMPLICATIONS

- The scale of development should take advantage of site's proximity to the CBD and other established amenities.
- The site contributes as a gateway into the city from the Eastern Freeway and should celebrate this opportunity potentially through verticality.

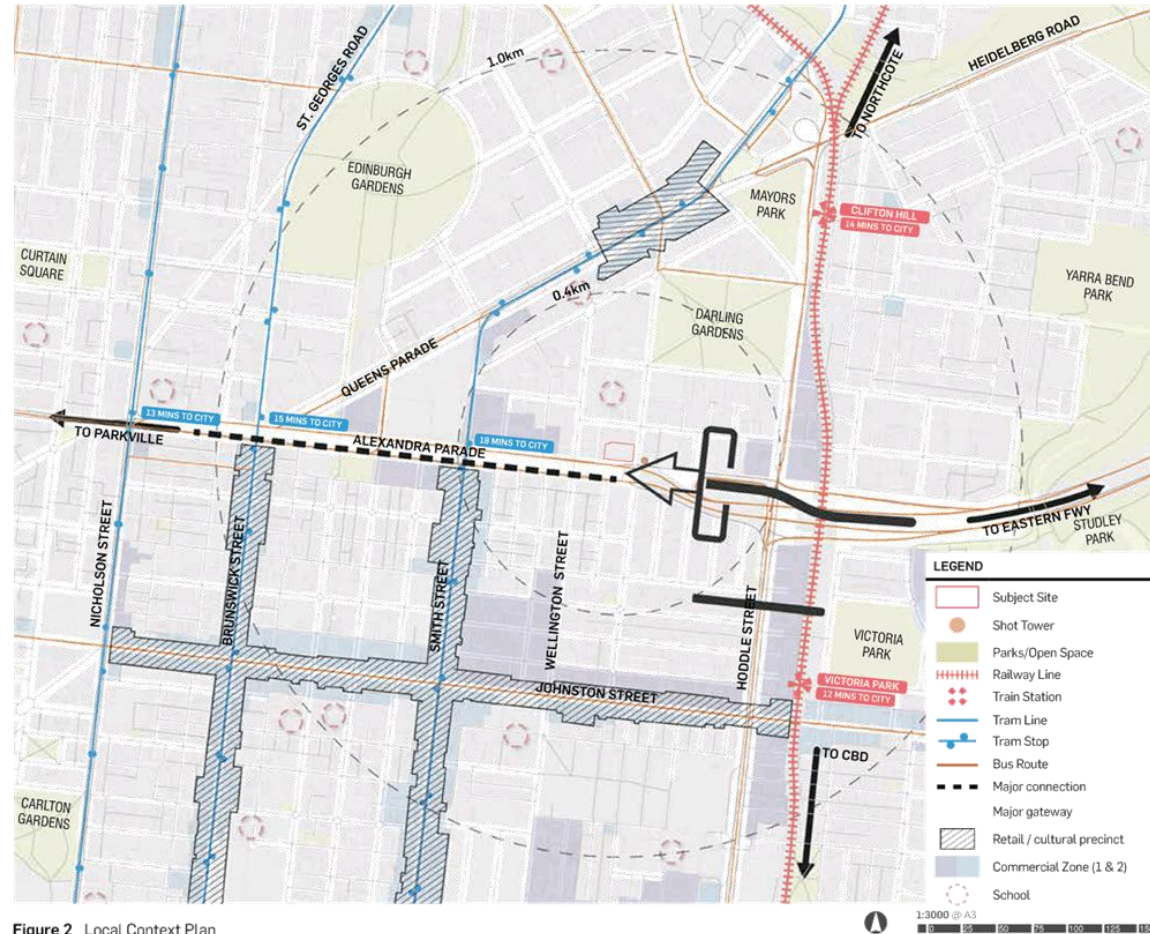


Figure 2 Local Context Plan



## Attachment 2 - Urban Context Report, Urbis

# 2.0 URBAN FORM

### Existing Context

It is recognised that this area of Alexandra Parade, particularly to the east, does not include many recent medium or higher density developments. This is considered to be a result of the ongoing uncertainty around the execution of the previously proposed East-West link, rather than the appropriateness of the context to facilitate such developments.

### An Emerging Local Character

The local area is characterised by the major street pattern and the land use response along the streets. Linear corridors of non-residential uses frame the major streets and break up the pockets of low density residential and character housing. These corridors have been the focus for incremental redevelopment and change. A number of the corridors (seen in Figure 3) have undergone a structure planning and or design review processes and masterplanning process that encourages redevelopment and investment. These include:

- Smith Street Structure Plan
- Victoria Street Structure Plan
- Johnston Street Local Area Plan
- Queens Parade Built Form Review
- Brunswick Street Streetscape Masterplan
- North Fitzroy Gasworks Precinct Urban Design Framework

A number of developments are under construction or approved within the local area. These are typically over 8 storeys and upwards of 11 storeys. The majority of these are along key activity spines such as Smith Street and Johnston Street. These developments are identified on Figure 4 with further information provided on page 10.

Alexandra Parade provides a key opportunity for redevelopment, with much of its interface composed of large allotments, many of which are occupied by redundant or expiring industrial buildings. Behind the Alexandra Parade interface is largely fine grain residential development, much of which is covered by a heritage overlay. These areas are compact and tightly held, with little opportunity for redevelopment. This places additional pressure on the Alexandra Parade corridor to accommodate growth within the

area. The various urban typologies surrounding the site are outlined in Figure 4.

### City of Yarra - Urban Design Strategy

Adopted in 2011, the strategy identifies Alexandra Parade within its Boulevard and Main Road category. It identifies existing built form as low scale and out of scale with the wide road corridor. The document earmarks main roads including Alexandra Parade for higher density developments and the need for consistent guidelines for boulevard built form to be developed. Further to this, the strategy acknowledges that existing built form controls do not address long term change along main roads which are a focus for higher density developments. The strategy also expresses that public transport rich locations are not fully utilised. As noted, 64 Alexandra Parade East is well serviced by tram, bus and train stations within short walks. Accessibility and connectivity is further analysed in Figure 9.

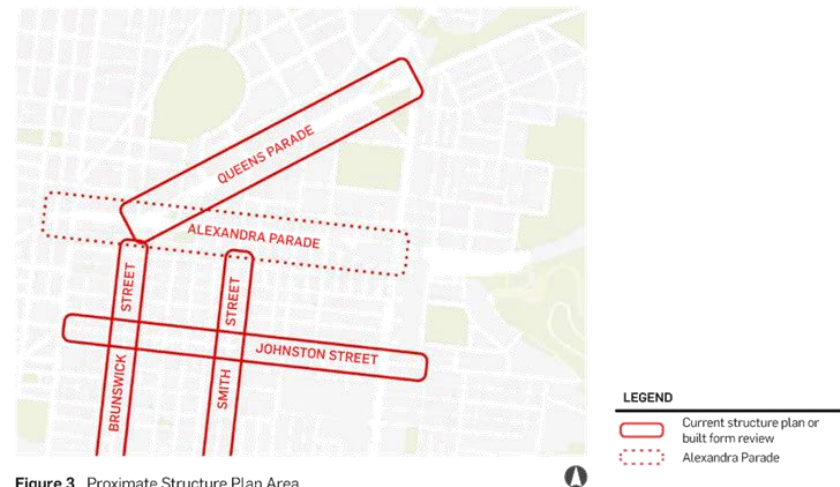
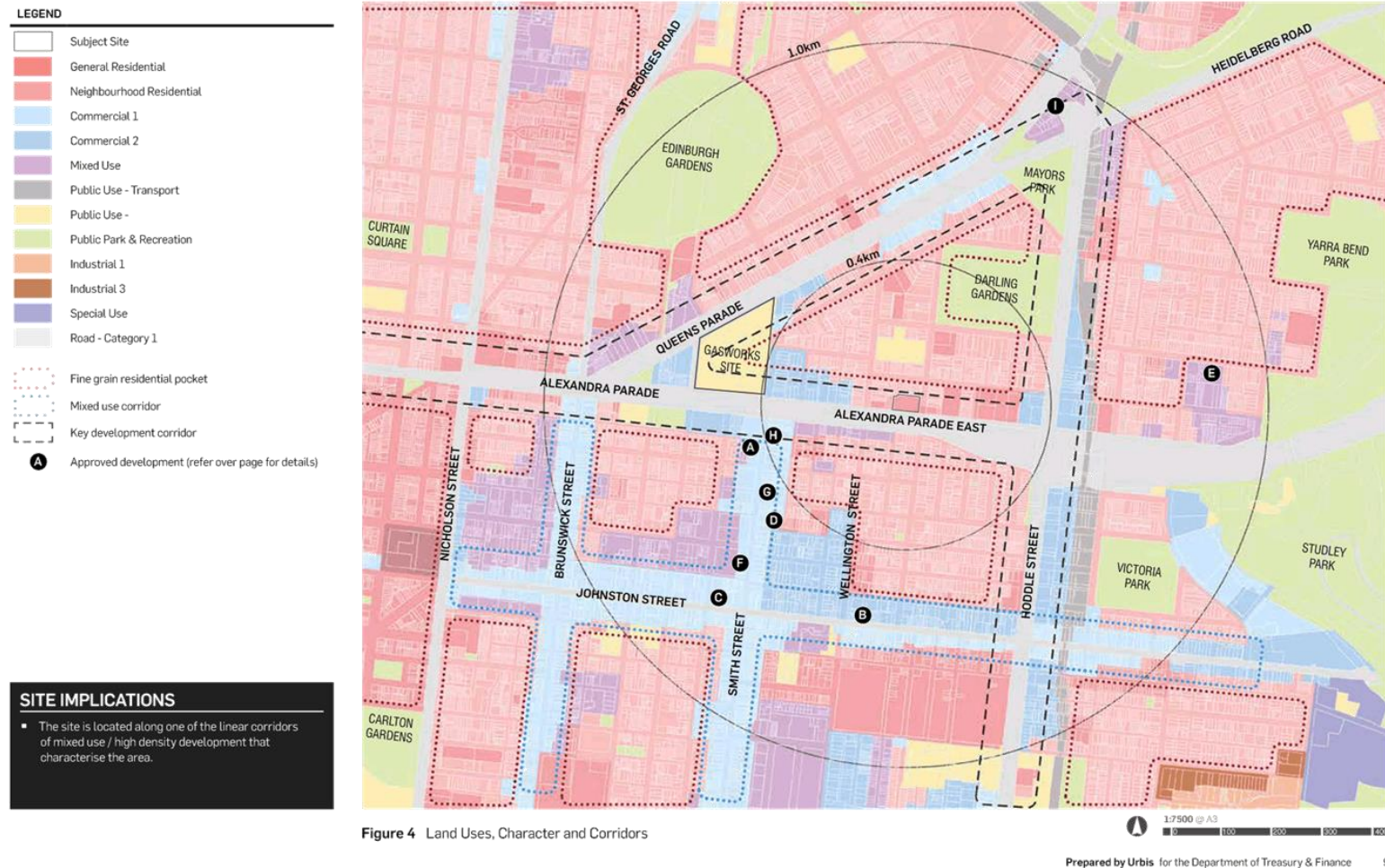


Figure 3 Proximate Structure Plan Area

## Attachment 2 - Urban Context Report, Urbis



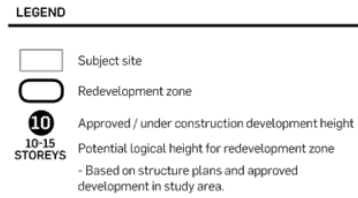
## Attachment 2 - Urban Context Report, Urbis



|          | ADDRESS                           | PROPOSED                  | LAND AREA           | STATUS               |
|----------|-----------------------------------|---------------------------|---------------------|----------------------|
| <b>A</b> | 150 CECIL STREET, FITZROY         | 7 STOREYS                 | 490M <sup>2</sup>   | REGISTRATION & SALES |
| <b>B</b> | 80-90 JOHNSTON STREET, FITZROY    | 9 STOREYS, MIXED USE      | 7,918M <sup>2</sup> | APPROVED             |
| <b>C</b> | 239-249 JOHNSTON STREET, FITZROY  | 11 STOREYS, 160 DWELLINGS | 2,118M <sup>2</sup> | APPROVED             |
| <b>D</b> | 6-10 KEELE STREET, COLLINGWOOD    | 8 STOREYS, 45 DWELLINGS   | 942M <sup>2</sup>   | REGISTRATION & SALES |
| <b>E</b> | 122-138 ROSENEATH STREET          | 5 STOREYS, 67 DWELLINGS   | 2,985M <sup>2</sup> | REGISTRATION & SALES |
| <b>F</b> | 365 - 379 SMITH STREET, FITZROY   | 9 STOREYS, MIXED USE      | 911M <sup>2</sup>   | APPROVED             |
| <b>G</b> | 416-422 SMITH STREET, COLLINGWOOD | 8 STOREYS, 113 DWELLINGS  |                     | UNDER CONSTRUCTION   |
| <b>H</b> | 466-482 SMITH STREET, COLLINGWOOD | 10 STOREYS, 106 DWELLINGS | 1,289M <sup>2</sup> | UNDER CONSTRUCTION   |
| <b>I</b> | 247 QUEENS PARADE, FITZROY NORTH  | 11 STOREYS                |                     | APPROVED             |



## Attachment 2 - Urban Context Report, Urbis



### SITE IMPLICATIONS

- A height of 8-10 storeys on the site would not be out of context given the role of Alexandra Parade.

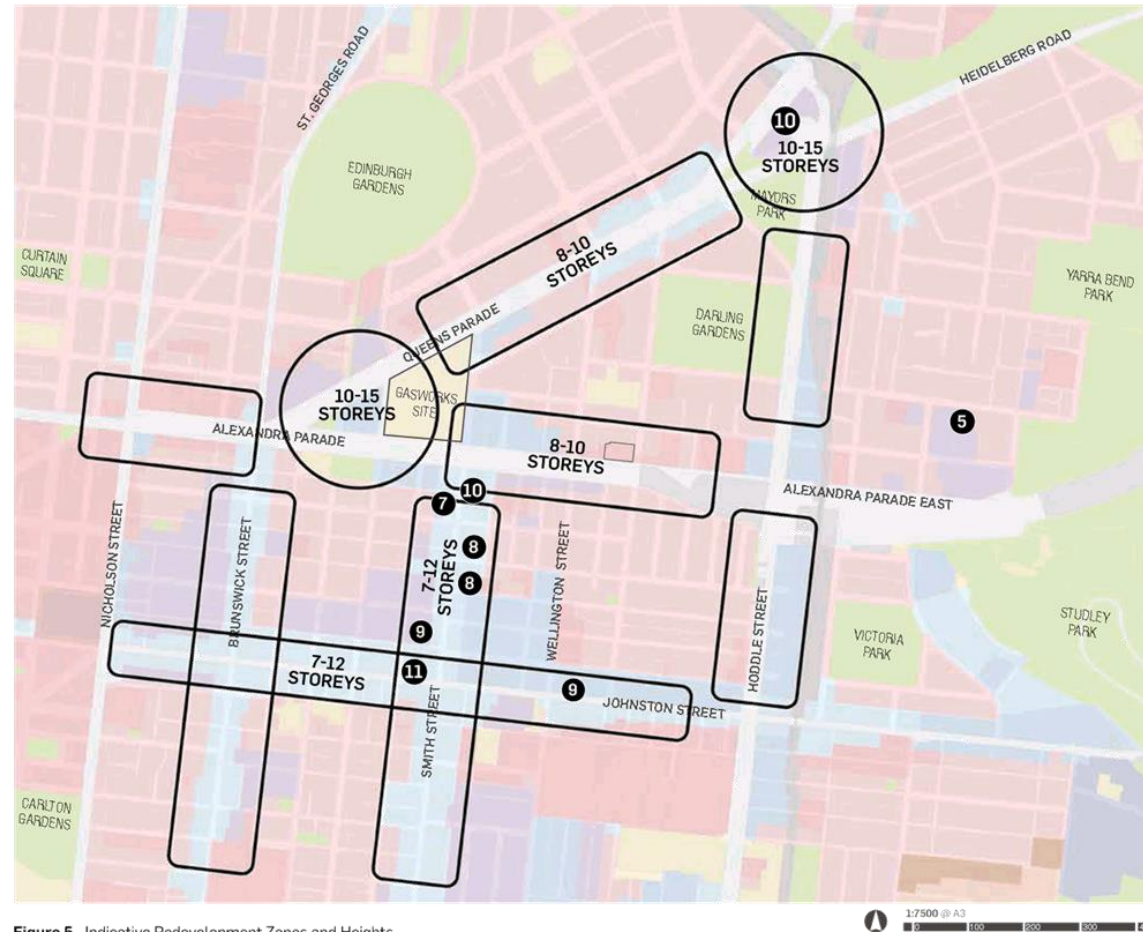


Figure 5 Indicative Redevelopment Zones and Heights

## 3.0 BUILT FORM

The study area for a more detailed urban analysis (400m radius from site) is composed of a diverse mix of late 19th century to mid-20th century residential, industrial, civic and some religious buildings most typically of the Victorian era. Buildings are typically low rise, predominantly consisting of 1-2 storey buildings.

The Clifton Hill Shot Tower represents the tallest element along Alexandra Parade and its surroundings, standing at a significant 81 metres. Other tall elements in the area include the spire of St. John's Baptist Church at 45 metres in height.

There are a number of recent urban renewal and infill developments typically consisting of townhouses or perimeter blocks of generally 3-4 storeys. There are also examples of unit developments of similar heights. Building typologies are explored in Figure 6.

There is limited development opportunity in the tightly held residential pockets, that exist between the major linear corridors. These include narrow fine grain detached or semi attached residential buildings, often with a heritage overlay, restricting opportunity for redevelopment and site consolidation.

The boulevard typology of Alexandra Parade presents the most development opportunities with larger allotments containing industrial buildings, many of which are redundant or expiring.

### BUILDING TYPOLOGIES OF ALEXANDRA PARADE AND CLIFTON HILL

LOW CHANGE



HIGH CHANGE



**TYPOLGY 5**

Special use building of educational / cultural uses. Generally a pavilion type building with a tall feature such as a spire or turret.



**TYPOLGY 1**

Fine grain, compact residential dwellings, typically of 1-2 storeys and mostly under heritage overlay.



**TYPOLGY 2**

Less compact mostly detached residential dwellings, typically 1-3 storeys under heritage overlay.



**TYPOLGY 3**

Relatively recent medium density residential developments. Typically either flat-blocks or courtyard style complexes of 3-4 storeys. Approximately half under heritage overlay.

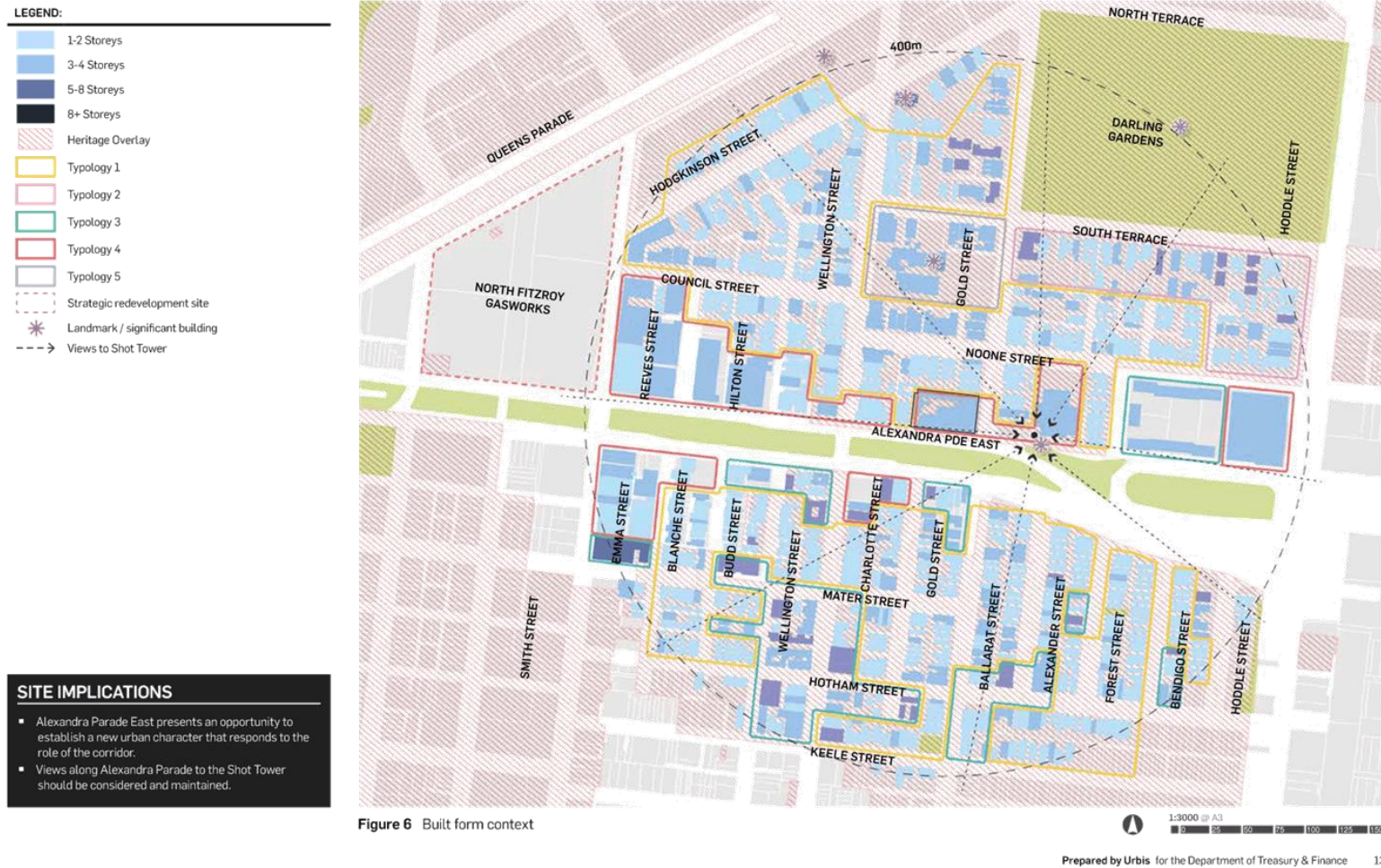


**TYPOLGY 4**

Large warehouse style industrial buildings, some of which are redundant, on large properties typically abutting Alexandra Parade. Typically 1-3 storeys with high ground level ceilings.



## Attachment 2 - Urban Context Report, Urbis





## Attachment 2 - Urban Context Report, Urbis

### SITE BUILDINGS

*Text on this page is provided by heritage consultants at Trethowan Architecture:*

The subject site falls within Heritage Overlay H0317 Clifton Hill Western Precinct and is contributory to the precinct. The subject site adjoins H085 Shot Tower which is an individually significant site best known for its prominent shot tower.

Summary of the Statement of Significance notes:

- The main development period for the precinct is the Victoria-era. Contributions from the Edwardian and Inter-War periods do however play a part.
- The precinct is largely residential with some industrial, civic and religious buildings.
- Alexandra Parade and Hoddle Street are notable as the site of Victorian-era industrial development.
- There are few remaining industrial sites along Alexandra Parade within the precinct with the subject site and the Shot Tower providing the bulk of the evidence of this historical use of the area.
- The subject site fits within both the Victorian-era development period and the industrial development clustered along Alexandra Parade.
- The subject site is important in demonstrating the nature of Victorian suburban life which did not isolate homes from industry. Secondly, for the strong industrial theme, seen in the south of the area with several 19th Century industrial buildings.
- The subject site is significant to the precinct by linking it to Victorian-era patterns of city development.

Contributory elements within the precinct include well preserved buildings, including one storey houses plus one and two storey industrial buildings from the pre-Second World War era. The subject site's contributory grading is likely due to its including a two-storey, timber-framed factory building from the Victorian era. The subject site also includes public infrastructure, expressive of the Victorian and Edwardian-eras such as bluestone pitched road paving, crossings, stone kerbs, and channels. There are two bluestone pitched site crossings with bluestone kerbs. These features form part of the original development of the subject site and contribute to its significance to the precinct. Figure 7 illustrates the scale and size of existing buildings on site.

#### LEGEND:

- 1 Storey
- 2 Storeys
- Contributory feature (2 storeys)
- ↔

 Bluestone crossing



Figure 7 On site buildings

## Attachment 2 - Urban Context Report, Urbis



### SITE IMPLICATIONS

- Consideration of the historic urban fabric including the 1880's factory building and bluestone crossings

## Attachment 2 - Urban Context Report, Urbis

## 4.0 CONNECTIVITY

The site is easily accessible by all modes of transport. Connectivity and access to the site is summarised in the following points:

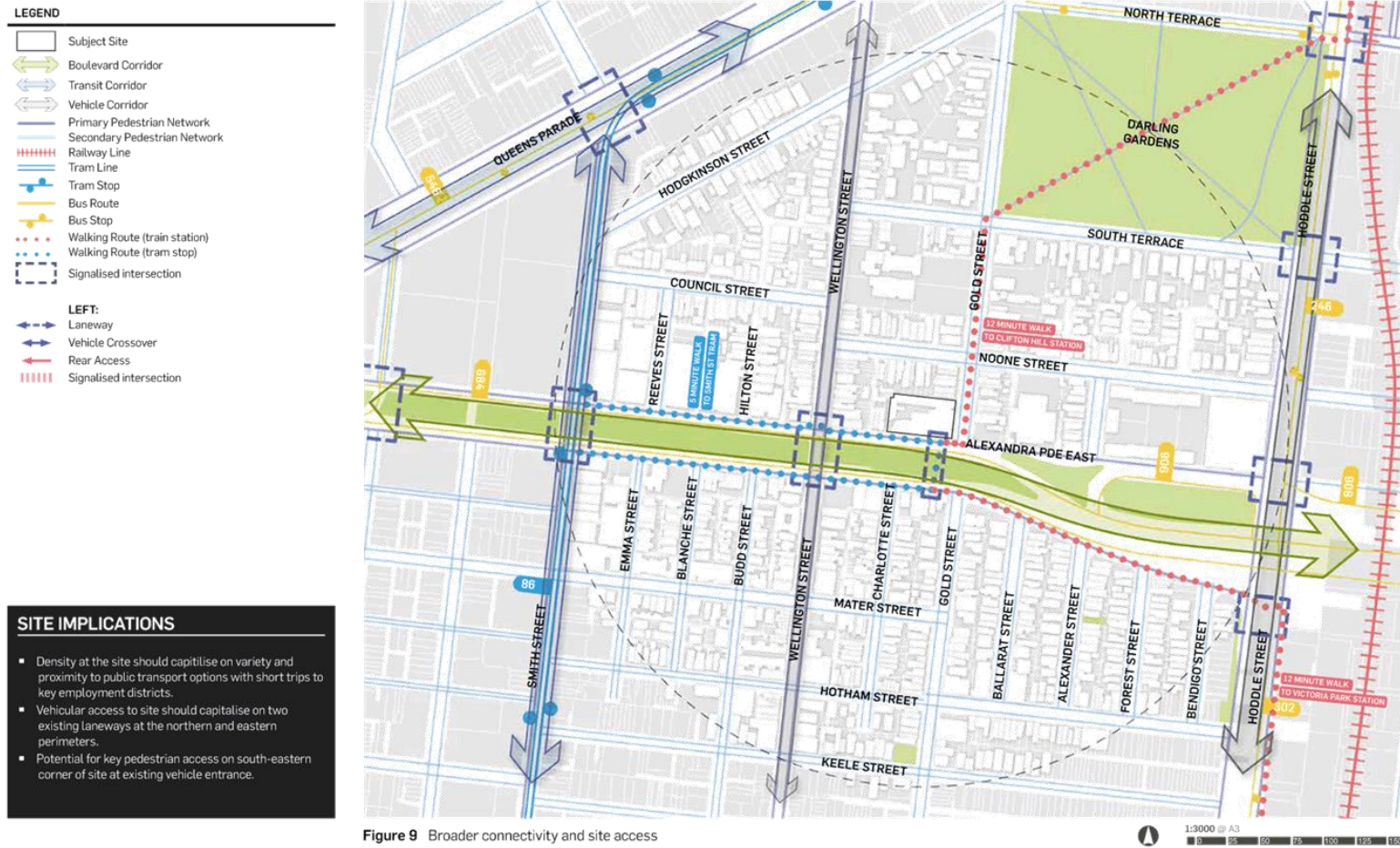
- Figure 9 shows that 64 Alexandra Parade East is highly accessible, an equidistant 12 minute walk between Clifton Hill and Victoria Park railway stations on the South Morang and Hurstbridge Lines, with 14 and 12 minute trips into the city respectively.
- A 5 minute walk west of the site is Smith Street which hosts the 86 tram line with connections to Waterfront City, Docklands via the CBD, and to Bundoora RMIT to the north.
- A number of bus routes operate in the area along Alexandra Parade, Queens Parade and Hoddle Street.
- Hoddle Street and Smith Street provide major north-south transit and vehicular connections into the city, whilst Wellington Street provides a strong north-south bicycle connection to East Melbourne.
- Alexandra Parade is a major boulevard connection between Eastlink and the Princes Highway, approximately 61 metres wide with 6-8 traffic lanes. Consequentially, it can be a barrier for north-south pedestrian permeability. However a number of signalled intersections facilitate movement, including one directly at 64 Alexandra Parade East.
- As highlighted in Figure 8, the block of the subject site contains three laneways which provide rear vehicular access to most properties. The site has laneway access to its western and northern boundary.
- The laneway to the north could be investigated to provide car parking access to future development subject to traffic input. There is also an existing crossover on the eastern boundary which could also be an option for a main entrance.



Figure 8 Property access on site block



## Attachment 2 - Urban Context Report, Urbis



## Attachment 2 - Urban Context Report, Urbis

# 5.0 PUBLIC REALM & LANDSCAPE CHARACTER

The most distinct elements of the site at 64 Alexandra Parade East are the Parade's vastness of 61 metres in width, and the presence of the Clifton Hill Shot Tower next to site, rising to 81 metres in height. The tower is a key landmark in the area and serves as a visual way-finder, projecting views through streets, corridors and from lower land. Views down Alexandra Parade and Princes Street toward the shot tower are important to the public realm. Development at the site has an opportunity to preserve the view and also contribute to framing the landmark. Other landmarks and significant buildings close to the site include the Clifton Hill organ factory, Darling Gardens, St. John's Church and the Croatian Catholic Centre shown in Figure 11.

The Parade provides a distinct tree-lined boulevard typology, however the median strips are largely inaccessible for pedestrians except at traffic crossings, seen in Figure 10. This means the paved sidewalks contain most pedestrian activity. Despite being typically narrow sidewalks of 2.5m, there is opportunity to improve the green character at the Parade interface at the subject site.

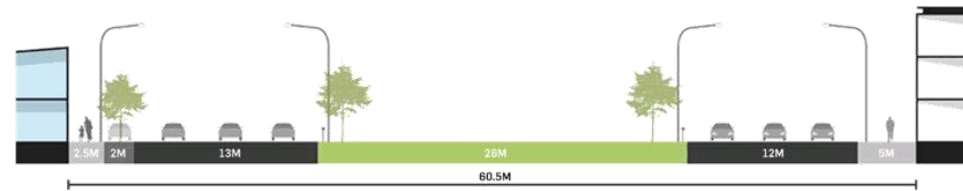
Open views to city skyline are available north of the site along Wellington Street where the land is higher.



Figure 10 Street green character

18 64 Alexandra Parade East, Clifton Hill Urban Context Report

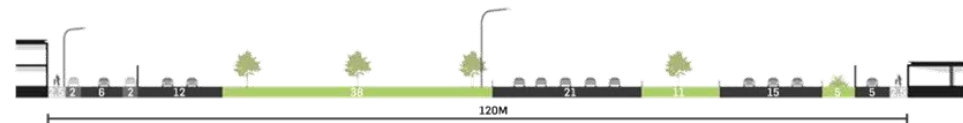
## SECTION A-A



## SECTION B-B

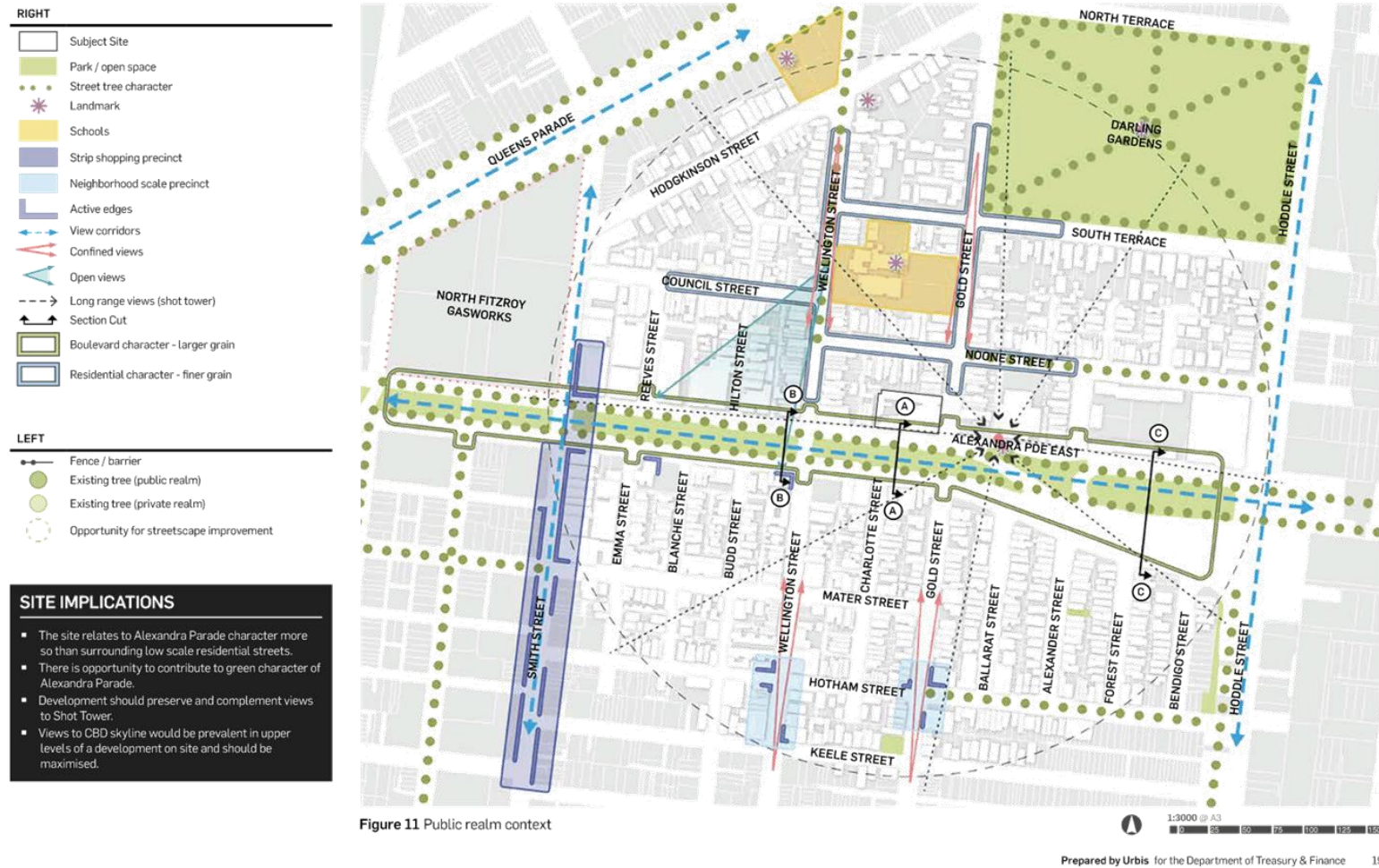


## SECTION C-C





## Attachment 2 - Urban Context Report, Urbis



## Attachment 2 - Urban Context Report, Urbis

### NEIGHBOURHOOD CHARACTER

The built form character of the Alexandra Parade interface is of significant contrast to the residential neighbourhoods to the north, largely impacted by heritage overlay controls. Compact residential streets surrounding the site are comprised of mostly single storey homes and a small number of double storey homes. Fine grain buildings built to their side boundaries, create a low scale, compact neighbourhood character.

In some cases where relatively recent renovations have occurred, works generally consist of rear extensions or an upper level addition recessed from street level. Most residential buildings have preserved their Victorian or Edwardian streetscape character.

There are also a number of townhouse style developments generally of 2 storeys on smaller allotments and up to 4 storeys on larger ones.

The open boulevard typology of Alexandra Parade with a historical use of industrial and commercial buildings create a contrasting neighbourhood character. Generally low rise warehouse style buildings of larger mass occupy wide allotments. With the industrial history of the subject site and its existing warehouse building, the subject site belongs to the Alexandra Parade boulevard typology more so than the rear character of the low scale, fine grain residential streets.





## Attachment 2 - Urban Context Report, Urbis



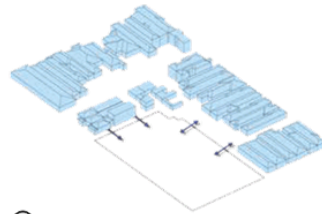
### SITE IMPLICATIONS

- The site relates to Alexandra Parade character more so than surrounding low scale residential streets.
- There is opportunity for the site to respond to a large scale boulevard typology.
- Development should be sensitive to residences abutting the rear property boundary.



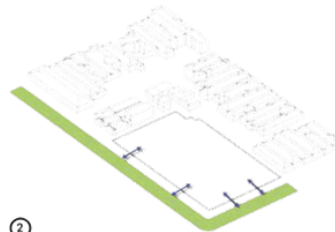
## 6.0 BUILT FORM OBJECTIVES

The preceding analysis of the sites context and character has identified the key influences that should inform the sites redevelopment and objectives.



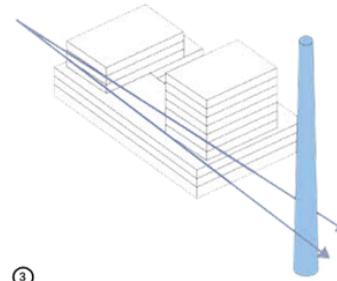
①

- Recognise the more sensitive residential interfaces to north and east of site boundary with appropriate form and scale.



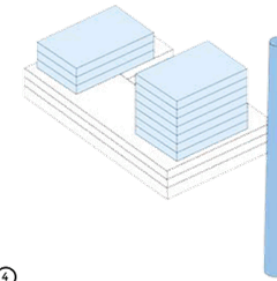
②

- Respond to the limited sensitivity in the interfaces of the southern and eastern boundary, with development to be of appropriate scale to the wide boulevard of Alexandra Parade.



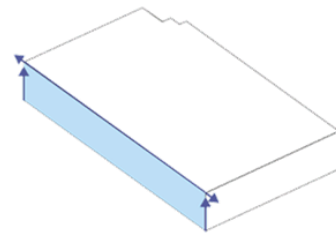
③

- Ensure upper levels of development are set back to maintain views toward the Shot Tower projected down the Alexandra Parade boulevard.



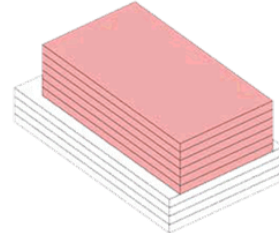
④

- Ensure upper level elevations exposed to the public domain are high quality, visually recessive and do not diminish the appreciation of the Shot Tower.
- Incorporate balconies or terraces in upper levels to enhance the architectural articulation of proposed development.



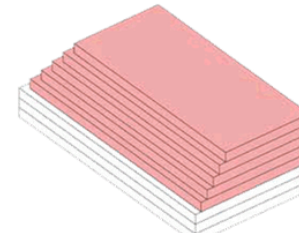
⑤

- Create a consistent street wall height and incorporate a building facade treatment treatment which enhances the public realm along Alexandra Parade.



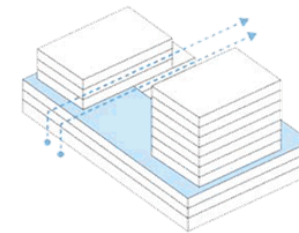
⑥

- Avoid development of dominant mass and impermeable sight lines.



⑦

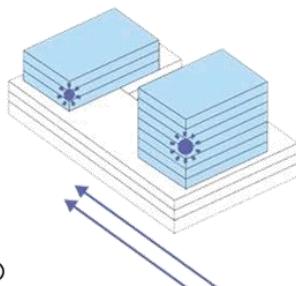
- Avoid repetitive stepped built form at upper levels of development.



⑧

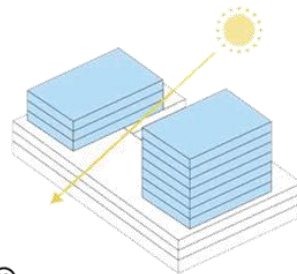
- Enable access to sky views above the street wall via forms that offer visual access.

## Attachment 2 - Urban Context Report, Urbis



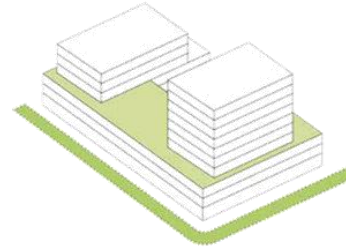
9

- Ensure development visually emphasises the importance of its location at the entrance to the city from the Eastern Freeway.



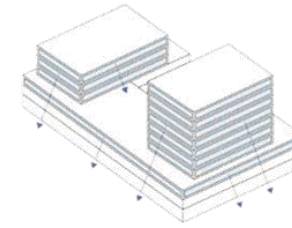
10

- Ensure adequate solar access is provided to the Alexandra Parade boulevard and public realm.



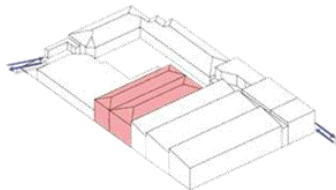
11

- Contribute to public amenity and providing private amenity for potential residents of the development.



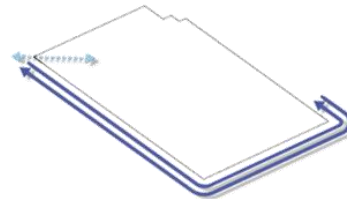
12

- Provide passive surveillance to overlook streets and footpaths, forming a connection with the street.



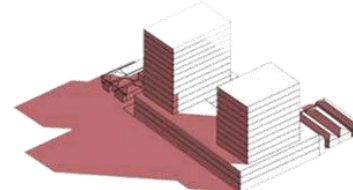
13

- Incorporate heritage values into the site such as the bluestone crossovers and structural components of the 1880's building through interpretive design.



14

- Ensure vehicle entrances do not disrupt or impact on high traffic flows on Alexandra Parade.
- Existing corner bluestone entrance could be retained as a pedestrian entrance.
- Ensure vehicle access does not dominate the Alexandra Parade streetscape.



15

- Ensure the form and scale of proposed development is not to the detriment of existing adjacent uses, particularly residences.



## 7.0 BUILT FORM SCENARIOS

### EXISTING

This analysis will assist inform the appropriate scale and possible form of development for the site.

#### Scenario testing

Building on from the site implications and built form objectives, a number of built form scenarios are tested to analyse their forms, shadows and projected views from three locations. Included in the scenarios were the existing building and existing GRZ4 control of 11.5m for a comparative analysis.

Scenarios tested are:

1. Existing building.
2. GRZ4 control - 11.5m.
3. Medium scale: perimeter block development with 4 storeys across 13m.
4. High scale: perimeter block podium with two towers of 6-8 storeys across 19-25 metres.
5. High scale: two towers above three level podium, 6-10 storeys across 19-31 metres.
6. High scale: two towers above three level podium, 8-12 storeys across 25-37 metres.



### SHADOWS AT 23<sup>RD</sup> SEPTEMBER, SPRING EQUINOX

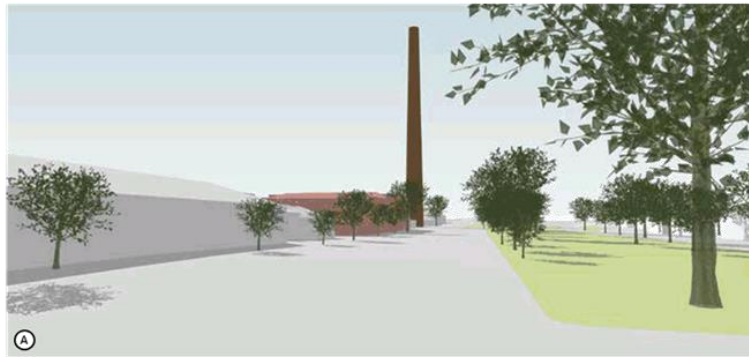


11AM



2PM

## Attachment 2 - Urban Context Report, Urbis



### SITE OUTCOME

- The 8m building over 2 storeys is considered modest for its location and size of site.
- Existing building is generally visible from the range of viewpoints, with its low scale absorbed within the landscape setting from longer range views.



## Attachment 2 - Urban Context Report, Urbis

### EXISTING CONTROL - GRZ4: 11.5 METRES



#### SHADOWS AT 22<sup>ND</sup> SEPTEMBER

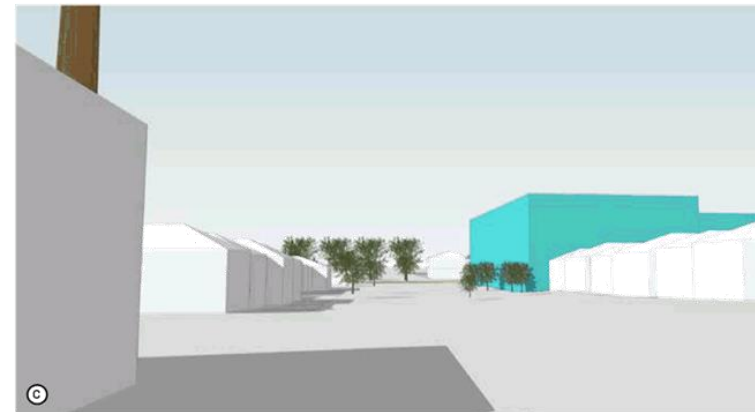


## Attachment 2 - Urban Context Report, Urbis



### SITE OUTCOME

- Existing GRZ4 control allows for 11.5m on site.
- The extruded control projects views similar to the existing building, appearing taller and bulkier to the rear of site without factoring in setbacks responding to adjacent residential uses.
- The scale of development is modest for the sites locational attributes and substantial size.





## Attachment 2 - Urban Context Report, Urbis

### MEDIUM OPTION A - PERIMETER BLOCK: 4 STOREYS, 13 METRES



SHADOWS AT 22<sup>ND</sup> SEPTEMBER



11AM



2PM

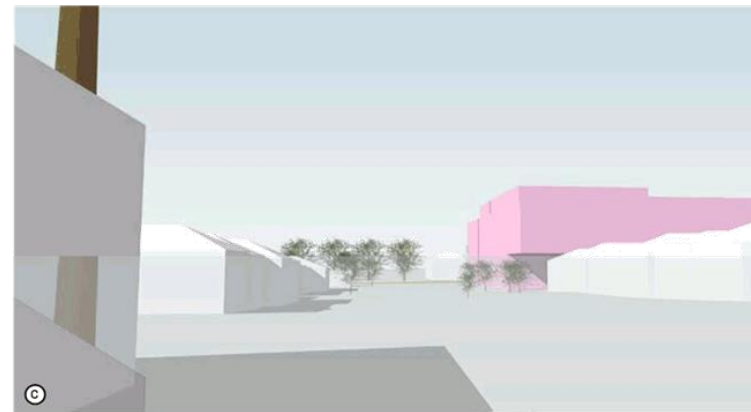


## Attachment 2 - Urban Context Report, Urbis



### SITE OUTCOME

- The medium scale perimeter block 13m option over 4 storeys is not dominant to the setting in comparison to the existing building.
- Rear/side setbacks ensure adjacent properties are not overshadowed.
- Longer range views absorbed in the landscape setting.



Attachment 2 - Urban Context Report, Urbis

**MEDIUM OPTION B - HERITAGE RETENTION:  
2-6 STOREYS, METRES**



SHADOWS AT 22<sup>ND</sup> SEPTEMBER



## Attachment 2 - Urban Context Report, Urbis



### SITE OUTCOME

- 1880's heritage building retained and refurbished in its existing location.
- Two low scale tower blocks of 6 storeys sit adjacent, with a gap for pedestrian and solar access into the heritage building.
- Rear/side setbacks ensure adjacent properties are not overshadowed.
- Longer range views absorbed in the landscape setting.





## Attachment 2 - Urban Context Report, Urbis

### HIGH OPTION A - PERIMETER BLOCK: 6-8 STOREYS, 19-25 METRES



SHADOWS AT 22<sup>ND</sup> SEPTEMBER

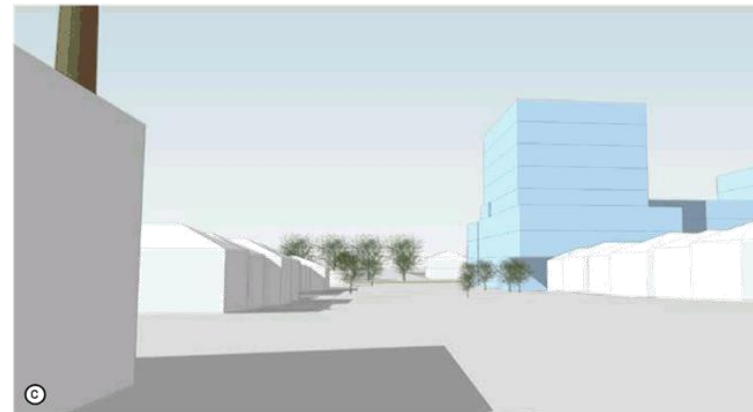


## Attachment 2 - Urban Context Report, Urbis



### SITE OUTCOME

- The first higher scale option entails two split towers atop a 4 storey podium with 6-8 storeys over 19m-25m.
- Rear/side setbacks ensure adjacent properties are not overshadowed.
- Towers are setback to frame views to Shot Tower. The higher scale option protrudes over vegetation without dominating the setting.





## Attachment 2 - Urban Context Report, Urbis

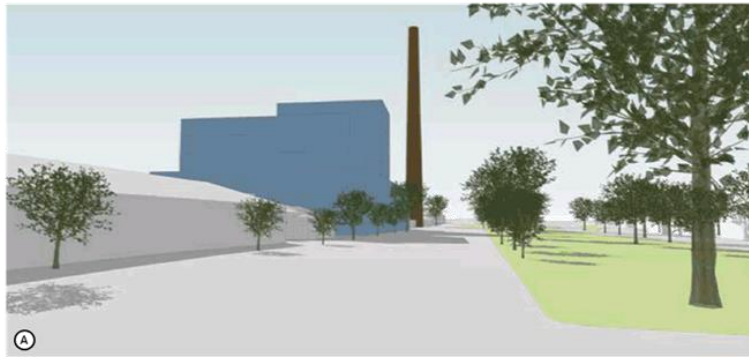
### HIGH OPTION B - TOWERS ABOVE PODIUM: 6-10 STOREYS, 19-31 METRES



SHADOWS AT 22<sup>ND</sup> SEPTEMBER



## Attachment 2 - Urban Context Report, Urbis



### SITE OUTCOME

- Adds two additional storeys and 6m to eastern tower.
- Western tower remains as is to ensure adjacent properties are not overshadowed.
- Towers are setback to frame views to Shot Tower.
- Higher tower in this option begins to show potential development having more of a presence along Alexandra Parade.



## Attachment 2 - Urban Context Report, Urbis

### HIGH OPTION C - TOWERS ABOVE PODIUM: 8-12 STOREYS, 25-37 METRES



SHADOWS AT 22<sup>ND</sup> SEPTEMBER



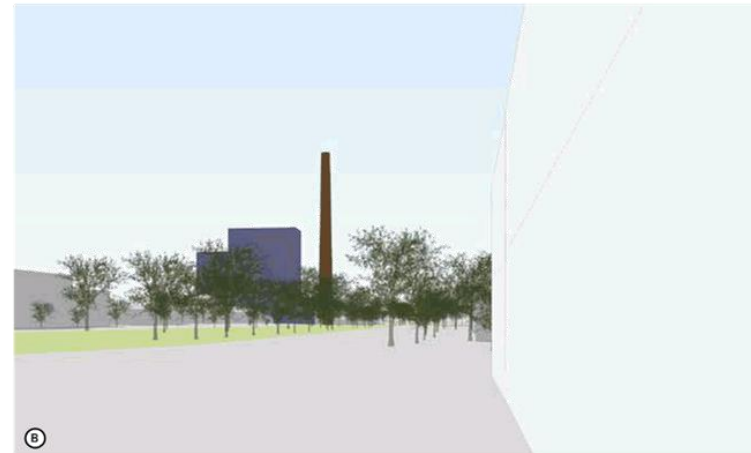
11AM



2PM



## Attachment 2 - Urban Context Report, Urbis



### SITE OUTCOME

- Adds two additional storeys and 6m to both towers from previous scheme.
- Western tower has a moderate degree shadow impacts to adjacent property.
- Towers are setback to frame views to Shot Tower.
- Towers are visually prominent in the setting along Alexandra Parade.



# 8.0 CONCLUSION

The site presents an exceptional opportunity for significant redevelopment in response to the site's context and urban conditions and to make the most of this large inner city site. It is advantageously located 2.5km from the CBD and in close proximity of the Smith Street retail and lifestyle corridor, Wellington Street and Johnston Street. Its location in the Alexandra Parade corridor also plays a role as a gateway to the CBD from the east.

A range of established public transport networks support development at this site with short connections to the CBD, education and employment areas and established amenities.

The site offers the prospect to develop a well-considered response to contribute to a new character/urban typology along the evolving Alexandra Parade corridor.

Through studying the site's potential via the urban context analysis, the following site implications were found:

## Context:

- The scale of development should take advantage of the site's proximity to the CBD and other established amenities.
- The site contributes as a gateway into the city from the Eastern Freeway and should celebrate this opportunity.

## Urban Form:

- The site is located along one of the linear corridors of mixed use / high density development that characterise the area.
- A height of 8-10 storeys would not be out of the context given the role and scale of Alexandra Parade.

## Built Form:

- Alexandra Parade East presents an opportunity to establish a new urban character that responds to the role of the corridor.
- Views along Alexandra Parade to the Shot Tower should be considered.
- Consideration of the historic urban fabric including the 1880's factory building and bluestone crossings.

## Connectivity:

- Density at the site should capitalise on variety and proximity to public transport options with short trips to key employment districts.

- Vehicular access to the site should capitalise on two existing laneways at the northern and eastern perimeters.
- Potential for key pedestrian access on south-eastern corner of site at existing vehicle entrance.

## Public Realm:

- The site relates to Alexandra Parade character more so than surrounding low scale residential streets.
- There is opportunity to contribute to green character of Alexandra Parade.
- Development should preserve and complement views to Shot Tower.
- Views to CBD skyline would be prevalent in upper levels of a development and should be maximised.
- There is opportunity to respond to a large scale boulevard typology.
- Development should be sensitive to residences abutting the rear property boundary.

## BUILT FORM OBJECTIVES

From drawing out site implications through the urban context analysis, the following built form objectives were developed to set a framework for a positive outcome on site:

- Recognise the more sensitive residential interfaces to north and east of site boundary with appropriate form and scale.
- Respond to the limited sensitivity in the interfaces of the southern and eastern boundary, with development to be of appropriate scale to the wide boulevard of Alexandra Parade.
- Ensure upper levels of development are set back to maintain views toward the Shot Tower projected down the Alexandra Parade boulevard.
- Ensure upper level elevations exposed to the public domain are high quality, visually recessive and do not diminish the appreciation of the Shot Tower.
- Incorporate balconies or terraces in upper levels to enhance the architectural articulation of proposed development.
- Create a consistent street wall height and incorporate a building facade treatment treatment which enhances the public realm along Alexandra Parade.
- Avoid development of dominant mass and impermeable sight lines.
- Avoid repetitive stepped built form at upper levels of development.
- Enable access to sky views above the street wall via forms that offer visual access.
- Ensure development visually emphasises the importance of its location at the entrance to the city from the Eastern Freeway.
- Ensure adequate solar access is provided to the Alexandra Parade boulevard and public realm.
- Contribute to public amenity and providing private amenity for potential residents of the development.
- Provide passive surveillance to overlook streets and footpaths, forming a connection with the street.

- Incorporate heritage values into the site such as the bluestone crossovers and structural components of the 1880's building through interpretive design.
- Ensure vehicle entrances do not disrupt or impact on high traffic flows on Alexandra Parade.
- Existing corner bluestone entrance could be retained as a pedestrian entrance.
- Ensure vehicle access does not dominate the Alexandra Parade streetscape.
- Ensure the form and scale of proposed development is not the detriment of existing adjacent uses, particularly residences.



## Attachment 2 - Urban Context Report, Urbis

### BUILT FORM SCENARIOS

Below are the two scenarios deemed most preferable from the modelled scenarios, for responding most to the site implications and built form objectives.

#### Preferred Outcome A



- Two split towers atop podium with 6-8 storeys.
- Street wall height of 10.5m.
- Total height of 19 - 25 metres.

This scenario adopts a perimeter block model for its podium without building to the rear boundary. To avoid a bulky mass, storeys above a 4 level podium (fourth storey setback from street) is in tower form to allow solar access and sky views from Alexandra Parade.

With the building setback from the eastern boundary, overshadowing over adjacent properties is prevented.

The towers are set back from the street wall on an angle in which prevents the form from blocking views to the Clifton Hill shot tower and offers an element of framing to the landmark.

The form is largely absorbed by vegetation and existing buildings when viewed down the Alexandra Parade corridor from the east.

#### Preferred Outcome B



- Two split towers atop podium with 6-10 storeys.
- Street wall height of 10.5m.
- Total height of 19 - 31 metres.

This scenario is a taller alternative to the previous, atop a 3 level podium providing greater solar access and sky views through the taller form.

Whilst this scenario has a greater visual prominence due to its added height, it is not dominant in the setting when viewed along Alexandra Parade.

## Attachment 2 - Urban Context Report, Urbis



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## Attachment 3 - Amended Schedule 19 to the Design and Development Overlay

## YARRA PLANNING SCHEME

--/20--  
C244**SCHEDULE 19 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**Shown on the planning scheme map as **DDO19**.**64 ALEXANDRA PARADE, CLIFTON HILL****1.0****Design objectives**--/20--  
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- To facilitate a future development that provides for a mix of commercial uses at street level with residential uses above.
- To facilitate a development that will provide a range of dwelling types, as appropriate, to allow for a diversity of households.
- To enable ~~a scale and density of mid rise~~ development which takes advantage of the site's strategic location including its proximity to the CBD, local activity nodes, public transport, other established ~~amenities and appropriately responds to the boulevard character of Alexandra Parade.~~
- To provide an appropriate built form response to any recognised heritage ~~features-values~~ of the site.
- To retain the visual prominence of at least ~~at the top one~~ third of the individually significant Shot Tower from primary views.
- To ensure development appropriately considers the amenity impacts on neighbouring development and achieves a high standard of internal amenity within the development.
- ~~To encourage the development above the street wall to be designed as a series of separate development parts with building separation to enable views to the sky.~~

**2.0****Buildings and works**--/20--  
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A permit is required to construct a building or construct or carry out works.

**Built Form Guidelines**

The following Built Form Guidelines should be met:

**Height and Setbacks**

- Buildings on the site ~~should be~~ are a ~~preferred~~ maximum 8 storeys (25 metres).
- Future development on the site ~~should provide~~ a consistent street wall height to the public realm along Alexandra Parade and Gold Street of a ~~preferred~~ maximum of 3 storeys (12 metres).
- The maximum height and massing of ~~a~~ future development ~~should be~~ is positioned to the south-east corner of Alexandra Parade and Gold Street, responding to the limited sensitivity at these interfaces.
- Future building form ~~should deliver~~ an appropriate interface arrangement and minimise visual bulk and mass when viewed from neighbouring properties.
- ~~Upper levels of development should be~~ appropriately sited so as not to diminish the appreciation of, or impact primary views to at least ~~the top one~~ a third of the height of the Shot Tower from the west on Alexandra Parade.
- ~~Upper level development be designed to ensure buildings are expressed in the round and designed to provide detail on facades when viewed from all directions.~~

**Building Form and Design**

- ~~Avoid repetitive~~ stepped built form at upper levels of development.
- ~~Avoid blank walls or large portions of blank walls where visible from the public realm.~~
- Deliver a high quality architectural response through building form, massing, materials and finishes.

## Attachment 3 - Amended Schedule 19 to the Design and Development Overlay

### YARRA PLANNING SCHEME

- Ensure activation at ground level of Alexandra Parade and Gold Street through design measures including glazing, active uses and pedestrian entries.
- Avoid a single mass form for development above the street wall.
- Provide passive surveillance to streets and footpaths.
- Locate car parking within the site and be screened from the public realm.
- Ensure that new development is appropriately sited and scaled so that it avoids encroachment upon views to the Shot tower, as seen in the primary views described under Heritage in this DDO
- Ensure that development does not diminish or detract from the boulevard character of Alexandra Parade.
- Ensure development provides an appropriate transition to lower built form at the interface with adjoining low rise residential areas to the west and north of the site.

#### Heritage

- To incorporate reference to the former industrial history of the site and any specific identified heritage values, such as in the form of public artwork, architecture and heritage interpretation.
- Encourage development that retains and sensitively incorporates the original Box's Hair Curling Works factory, crossovers and internal courtyard into its design and layout.
- Encourage the adaptive reuse of the site's heritage building (Box's Hair Curling Works factory).
- Preserve identified primary views to the Shot Tower, particularly from the north west corner of the median strip and south west corner of Brunswick Street and Alexandra Parade by providing adequate setback and building separation to maintain clear sky between new development and the Shot tower to retain the prominence of at least the top one third of the height of the structure.
- Preserve identified primary views to at least the top one third of the Shot Tower, particularly from the Eastern Freeway (west of the overpass) by providing clear sky in the backdrop of at least the top one third of the height of the structure.

#### Vehicle Access and Traffic

- Ensure vehicle entrances do not impact on high traffic flows on Alexandra Parade, by locating entrances to onsite parking on Gold Street.
- Ensure vehicle access is located to limit impact on the pedestrian safety or street amenity.

#### Amenity

- Provide a good level of onsite amenity for future residents of the development through the layout and orientation of dwellings.
- Ensure the form and scale of proposed development is not the detriment of existing adjacent uses, particularly adjoining low rise residences to the west and north of the site.
- Limit additional shadow cast to neighbouring residential properties to the west and north between 11am and 2pm at 22 September.
- Limit opportunities for overlooking to properties to the north and west.

#### Public Realm

- Provide streetscape improvements including sufficient footpath width along Alexandra Parade and Gold Street to enable the improved future use by retailers and pedestrians and enable sufficient activation of the street interfaces.
- To provide opportunities for additional tree planting where possible along Alexandra Parade and Gold Street.
- Provide a high quality response to the corner of Alexandra Parade and Gold Street to allow safe pedestrian movement.
- Provide well designed, horizontal awnings/verandahs along Alexandra Parade and Gold Street

## Attachment 3 - Amended Schedule 19 to the Design and Development Overlay

### YARRA PLANNING SCHEME

#### Application Requirements

Unless with the written consent of the Responsible Authority, an application for development on the land must provide:

- An Urban Context Report.
- Perspectives showing the form, massing, profile, material finishes and detailed design of the proposed building(s).
- A Traffic and Transport Impact Assessment prepared by a suitably qualified traffic engineer.
- A Green Travel Plan prepared by a suitably qualified person outlining site-specific initiatives and actions to encourage the use of more sustainable transport options.
- A Heritage Impact Assessment prepared by a suitably qualified heritage consultant.
- For residential development, an acoustic report prepared by a suitably qualified acoustic engineer.
- For residential development, a Housing Diversity and Adaptability Report must be prepared which provides the following information:
  - A demographic analysis of the types of people and households anticipated to live within the development based on the proposed dwelling design and bedroom mix.
  - The location of larger dwellings, with a preference for them to be clustered together and overlooking communal open space.
  - The landscaping design of communal open spaces for all household types ensuring they are easily accessible and visible from the larger apartments and incorporate child friendly materials and provide weather protection.
  - The model to provide at least 5% of the overall housing stock as affordable housing.
- How the development responds to the particular housing needs of future residents across their lifetime. A Sustainability Management Plan (SMP) for 10 or more dwellings to Council's specifications (in accordance with the Application Requirements of Clause 22.17).
- A Waste Management Plan prepared by a suitably qualified waste management expert.
- A Contamination Assessment of the site prepared by a suitably qualified and experienced ~~person~~ environmental professional, must be submitted to and approved by and to the satisfaction of the Responsible Authority and make reference to the Department of Sustainability and Environment (DSE), General Practice Note – Potentially Contaminated Land, June 2005. The assessment must include:
  - a description of previous land uses and activities on the land;
  - an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
  - details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
  - recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the Environment Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.

#### 3.0

#### Subdivision

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None specified.

#### 4.0

#### Advertising signs

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None specified.



## Attachment 3 - Amended Schedule 19 to the Design and Development Overlay

### YARRA PLANNING SCHEME

#### 5.0 Decision guidelines

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The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The design, height, massing and scale of the development in relation to the site context.
- The effect of the development on the amenity of neighbouring properties and the public realm.
- How the proposal improves the street environment for **pedestrians** along street frontages.
- The response to identified heritage values of the site and broader precinct, including primary views to at least **the top** third of the height of the Shot Tower.
- The impact of traffic generated by the proposal.
- **The recommendations of a contamination assessment and remediation strategy.**