

Planning Scheme Amendment Request



32-68 Mollison Street
Abbotsford

August 2019

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ATTACHMENTS

ATTACHMENT 1 CURRENT PLANNING CONTROLS (IPO)

ATTACHMENT 2 PROPOSED PLANNING CONTROLS (IPO)

ATTACHMENT 3 INDICATIVE DEVELOPMENT

1 Introduction

This planning report supports a request to Yarra City Council to progress a planning scheme amendment to change the controls that apply to land at 32-68 Mollison Street, Abbotsford (the site).

The site is owned by an entity of the Meydan Group (AH Meydan Pty Ltd). It was the subject of a planning scheme amendment C170 in 2013 that applied a five storey mandatory height limit. However, the planning and physical context of site has changed, and it is not considered that the height reflects the site's potential. This is apparent in Council's recent support for eight storey office developments on adjoining properties.

Accordingly, the Meydan Group is seeking to have the height that may be permitted on the site increased to seven storeys. Changes to the control would also ensure other built form improvements and community benefits.

Timely progression of the planning scheme amendment will provide for:

- The widening of the adjoining Little Nicholson Street to increase its capacity;
- Funding for a raised pedestrian crosswalk identified by LAPM 13 - Abbotsford;
- The opportunity for greenery on the roof and terraces to be incorporated into the design; and
- Break up of the building mass and increased use of masonry to ensure a contextually responsive design and pedestrian scale are achieved.

The existing planning permit that applies to the site provides for the it to be developed in stages. The Meydan Group intends to commence acting on Stage 1 of the permit while the proposed planning scheme amendment is assessed. Should the proposed planning scheme amendment be successful, a timeline and design have been configured to allow it to be built upon and the outcome transformed as part of Stage 2.



Approved Development



Indicative Development Proposal

2 Background

2.1 Subject Site

The site, 32 – 68 Mollison Street, Abbotsford, is located on the northern side of Mollison Street, between Little Nicholson Street and Victoria Crescent (Figure 1). It is a relatively large landholding of 4,360 square metres (Figure 2). It forms part of a distinct precinct which is generally located between Mollison Street to the south, Gipps Street to the north, the Yarra River to the east, and Nicholson Street to the west.

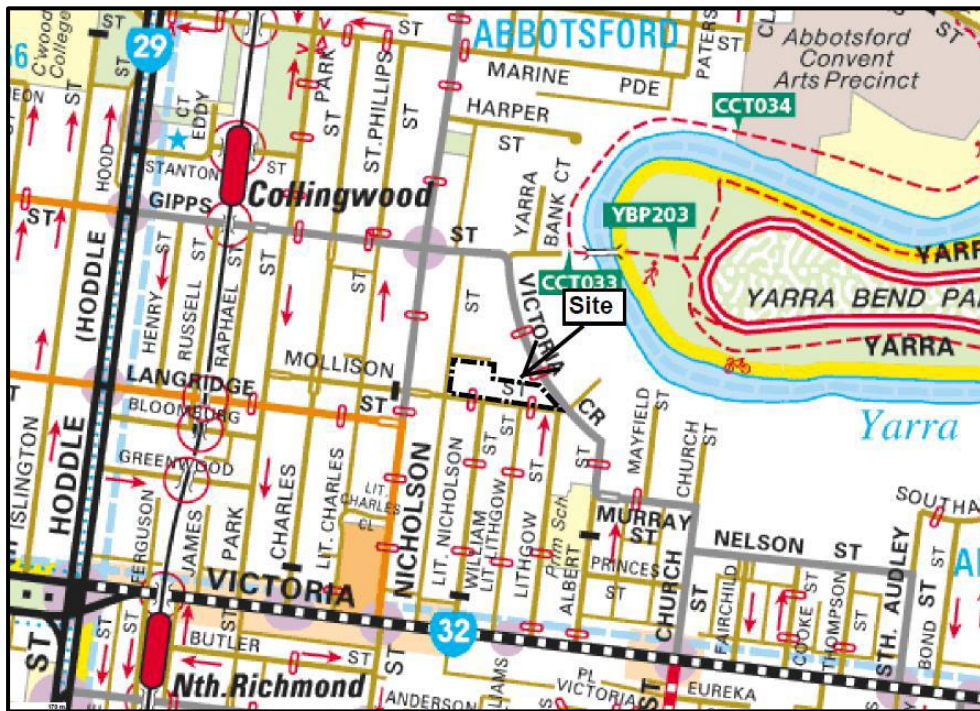


Figure 1: Location Plan

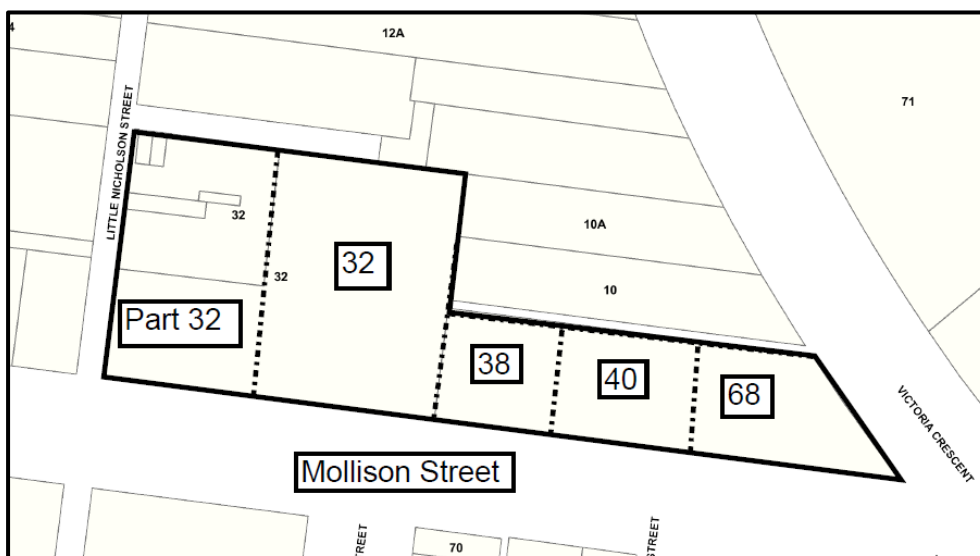


Figure 2: Site Plan

The site is currently developed with an at grade carpark at the eastern end adjoining Nicholson Street, and a three storey office building across the remainder (Figures 3 and 4).

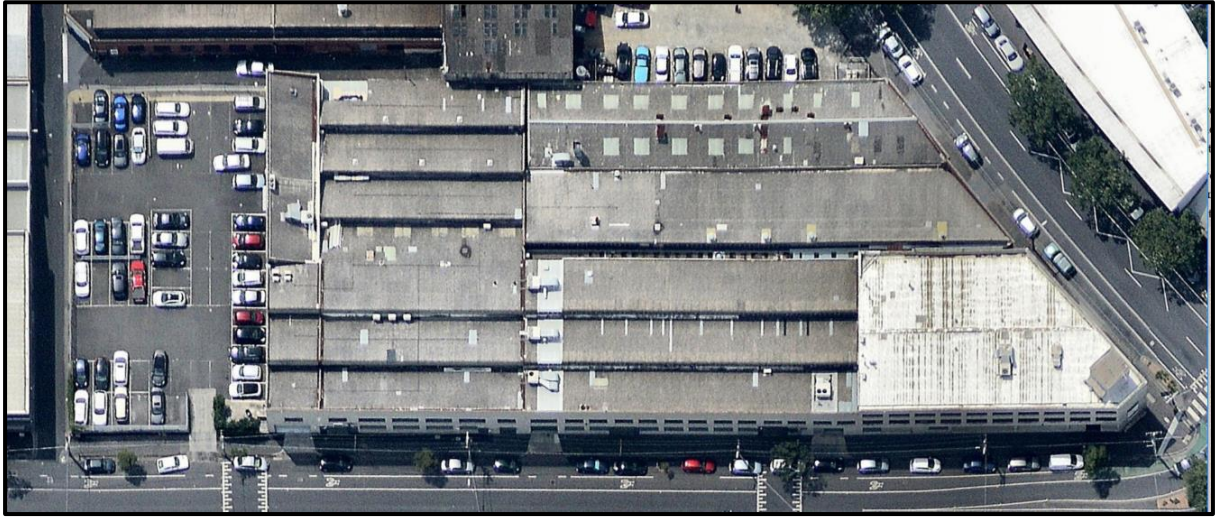


Figure 3: Aerial photograph



Figure 4: Mollison Street Frontage (40-68 Mollison Street).

It is currently the subject of a planning permit for a five storey office development with two levels of basement car parking. This is discussed in further detail below.

2.2 Current Planning Controls

The site is subject to the following zone and overlays:

- Commercial 2 Zone;

- Environmental Audit Overlay; and
- Incorporated Plan Overlay – Schedule 1.

2.2.1 Commercial 2 Zone

The primary purposes of the Commercial 2 Zone (C2Z) are:

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.

This is reflected in the table of uses, which provides for land to be used for an office and restricted retail premises without a planning permit, and for industry, warehouse and food and drink premises as long as threshold conditions are met.

2.2.2 Environmental Audit Overlay

The primary purpose of the Environmental Audit Overlay (EAO) is:

To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.

The Overlay ensures that appropriate tests and remedial works are undertaken prior to use of the land for sensitive uses, or any associated works.

2.2.3 Incorporated Plan Overlay – Schedule 1

The Incorporated Plan Overlay (IPO) has the purposes:

To identify areas which require:

- *The form and condition of future development to be shown on an incorporated plan before a permit can be granted to use or develop the land.*
- *A planning scheme amendment before the incorporated plan can be changed.*

To exempt an application from notice and review if it is generally in accordance with an incorporated plan.

Schedule 1 to the IPO (IPO1) applies specifically to '32-68 Mollison Street and 61-69 William Street, Abbotsford'.

The purposes of IPO1 are:

To facilitate the use and development of land at 32-68 Mollison Street for office, commercial and compatible uses that will provide jobs and business activity for the local area.

To encourage the use and development of land at 61-69 William Street, Abbotsford for predominantly residential purposes.

Construction of a four storey office building at 61-69 William Street in accordance with IPO1 was completed in mid-2019.

Conditions and requirement for permits contained within IPO1 that relate to 32-68 Mollison Street are:

An application to construct a building at 32-68 Mollison Street must include:

- *A design response to the satisfaction of the responsible authority having regard to the proximity of the properties to the north in a different zone including the potential impacts from noise, light, odour and 24 hour traffic movements.*
- *An active ground floor frontage incorporated into the design of the car park building at 32 Mollison Street.*

Clause 4 of IPO1 lists the following requirements for the incorporated plan:

The incorporated plan must show:

- *Building heights for each area in storeys, and metres or RLs.*
- *Building features to be retained.*
- *Vehicle entry and exit points for the site.*
- *Proposed land uses for the subject sites.*
- *Land use information management.*

2.2.4 Incorporated Plan

The portion of the Incorporated Plan that relates to the site is duplicated below (Figure 5). The complete Incorporated Plan is included as part of Attachment 1.

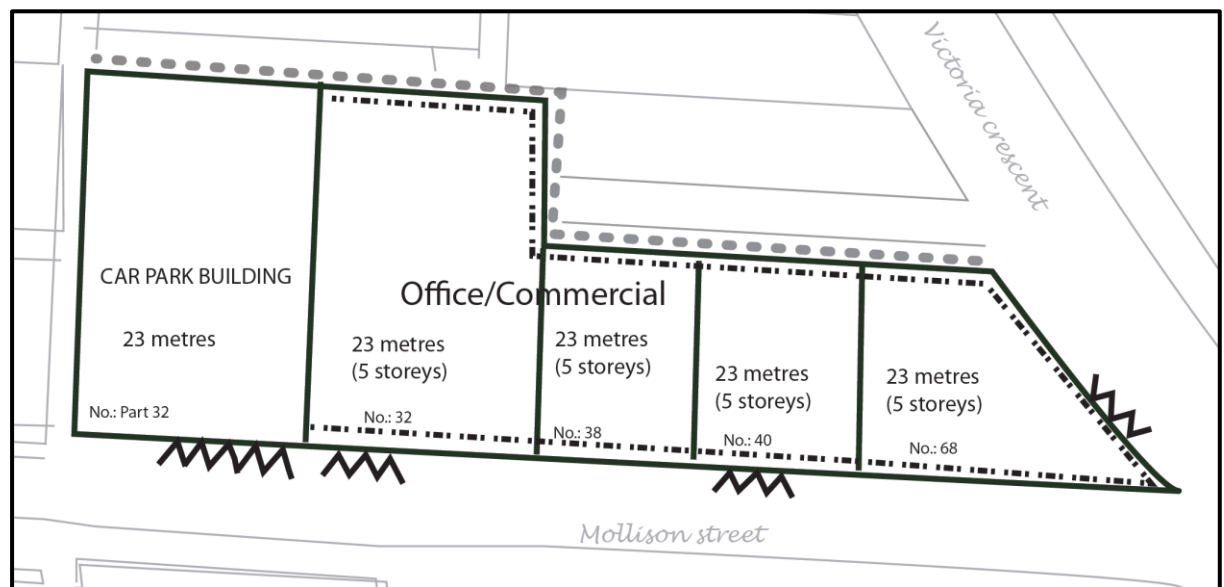


Figure 5: Incorporated Plan (Excerpt)

Key provisions of the plan as they relate to the site are:

- Maximum height of 23 metres (5 storeys);
- Manage the northern edge to provide for continued industrial purposes;
- Building levels above existing parapets to be setback 2 metres; and
- Preferred vehicle entry /exit is identified as being along Mollison Street and Victoria Crescent.

2.3 Amendment C170

The current controls are an outcome of Amendment C170 to the Yarra Planning Scheme, which was gazetted in 2013.

The planning scheme amendment was made at the request of the Meydan Group, and facilitated:

- Rezoning of 32-68 Mollison Street from Industrial 1 Zone to the Business 3 Zone;
- Rezoning of 61-69 William Street from Part Industrial 3 Zone and part Residential 1 Zone to the Mixed Use Zone;
- Adding Schedule 1 to the Incorporated Plan Overlay;
- Applying the IPO Schedule to the land on Mollison Street and William Street;
- Adding the Incorporated Plan to the Incorporated Document Schedule at Clause 81.01; and
- Applying the EAO over the land at Mollison Street and William Street.

The purpose of the amendment that applied to the William Street land was to provide for an apartment development with ground floor retail. That development has recently been completed.

The purpose of the amendment as far as the Mollison Street land was concerned was primarily to permit the use of the land for office - a use that was prohibited in the Industrial 1 Zone at the time that the amendment process commenced.

However, between the C170 Panel Hearing and its Gazettal, the Industrial 1 Zone throughout Victoria was amended to allow to be permitted. If the amendment had been abandoned at this point, the objective of being able to permit office would have been achieved without the imposition of the height control.

At the time Amendment C170 was requested, it was hoped that the changes to the controls would occur in a timely manner to accommodate the Meydan Group's growing business, and it was intended that the existing buildings would be retained and built upon. As it transpired, however, the Meydan Group's businesses needed to be moved out of Abbotsford and temporarily relocated to another future development site in the Northcote.

3 Site Context

3.1 Land Use and Development

The site is located in a mixed use area with a focus on employment and industry. This is demonstrated by the diversity in the zoning map (Figure 6).

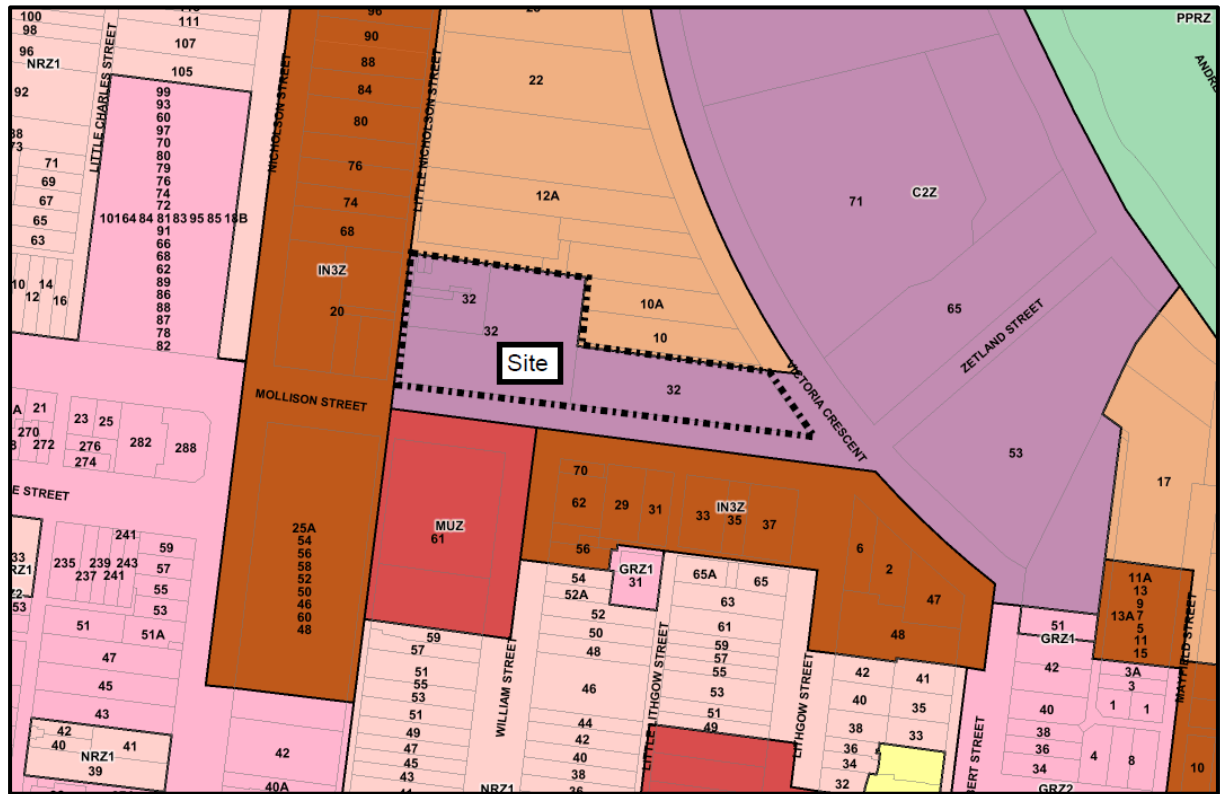


Figure 6: Zoning Context

While uses to the north of Mollison Street are predominantly commercial and industrial, to the south they are residential. This includes the Denton Hat Mills, at the corner of Mollison Street and Nicholson Street, and the Abbott development recently completed by the Meydan Group at 61 – 69 William Street. To the west of William Street on the southern side of Mollison Street, the remainder of uses are commercial, with the exception of 6 Victoria Crescent which is developed with a single dwelling although in the Industrial 3 Zone.

The site is less than 400 metres north of Victoria Street, Richmond, which forms the central spine of the Victoria Street Major Activity Centre, and less than 700 metres to both the North Richmond train station and Collingwood train station.

Council support for recent applications to redevelop former warehouse and light industrial style uses on the north of Mollison Street to office developments recognise the considerable scope for redevelopment in the area. Of particular relevance are 20-30 Mollison Street, and 12-20 Victoria Crescent.

3.2 Existing Approvals

3.2.1 Subject Site

32-68 Mollison Street is subject to planning permit PLN17/0679. Images of the approved development are included as Figures 7 and 8. The permit provides for the development of the site in accordance with the Incorporated Plan Overlay (IPO), and also includes 10 Victoria Street.

10 Victoria Street is located on the site's north-eastern boundary and is within the Industrial 1 Zone.

The permitted development can be summarised as:

- five storey office building with two levels of basement parking;
- two ground floor shops; located at each the western (corner of Mollison and Little Nicholson Street), and eastern (corner of Mollison and Victoria Crescent) ends of the site;
- two stages of development, divided generally into the eastern and western portions of the site;
- vehicular access from Little Nicholson Street (Stage 1) and Victoria Crescent (Stage 2);
- retention of the existing splay at the corner of Mollison Street and Victoria Crescent at the ground level;
- a street wall setback of 2 metres from level 3 for the majority of the length of the site (excludes western portion).

Notably:

- there is no setback from Little Nicholson Street;
- the approved development complies with the 23 metre height limit set by the IPO; and
- the IPO has been interpreted as precluding the opportunity for terraces on the Level 3 setback.

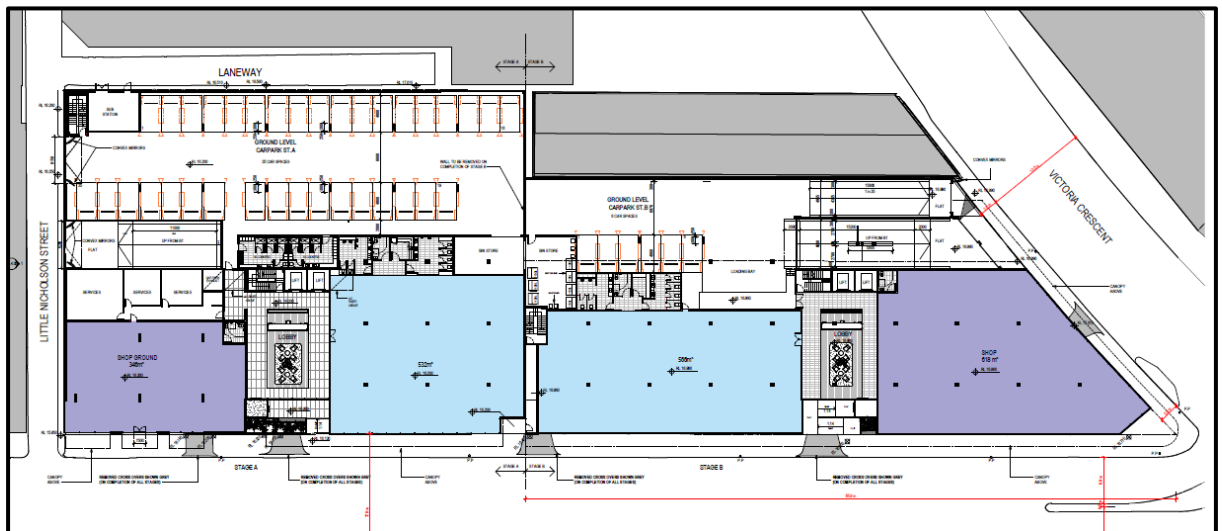


Figure 7: 32 – 68 Mollison St – Ground Floor Plan



Figure 8: 32 – 69 Mollison St – Perspective (Mollison St frontage - Approved)

3.2.2 20-30 Mollison Street

20-30 Mollison Street is located to the west of the site, on the opposite side of Little Nicholson Street. The property is just under 1,900 square metres, and is within the Industrial 3 Zone. It is currently developed with two, two storey office and warehouse buildings.

Planning permit 17/0535 permits the use and development of the property with an eight storey office development. The permit was issued following a Compulsory Conference (mediation) at VCAT. Images of the approved development are included as Figures 9 and 10.

The application was originally for a 12 storey, mixed commercial use development. An application for review was lodged with the VCAT on Council's failure to determine the application.

The officer report recommended Council resolve to advise VCAT that it would not have supported the application for reasons, in summary:

1. The lack of street wall does not respond to the site context not fit into the emerging built form context and streetscape.
2. The scale, height and lack of upper level setbacks and architectural quality and will visually dominate the surrounding streetscape and wider heritage area and is contrary to policy.

3. The proposal does not provide for equitable development opportunities for the sites to the north and east due to insufficient setbacks.
4. The proposal will result in excessive overshadowing of the public realm, and as such does not provide for a pedestrian friendly environment along its street frontages and the proposed northern laneway.

Council ultimately supported the amended plans, with changes including:

- A reduction in the overall height to 8 storeys;
- Introduction of a street wall above the third level to the Mollison Street and Nicholson Street frontages; and
- Setback from Little Nicholson Street, enabling it to be widened to 5.5 metres.

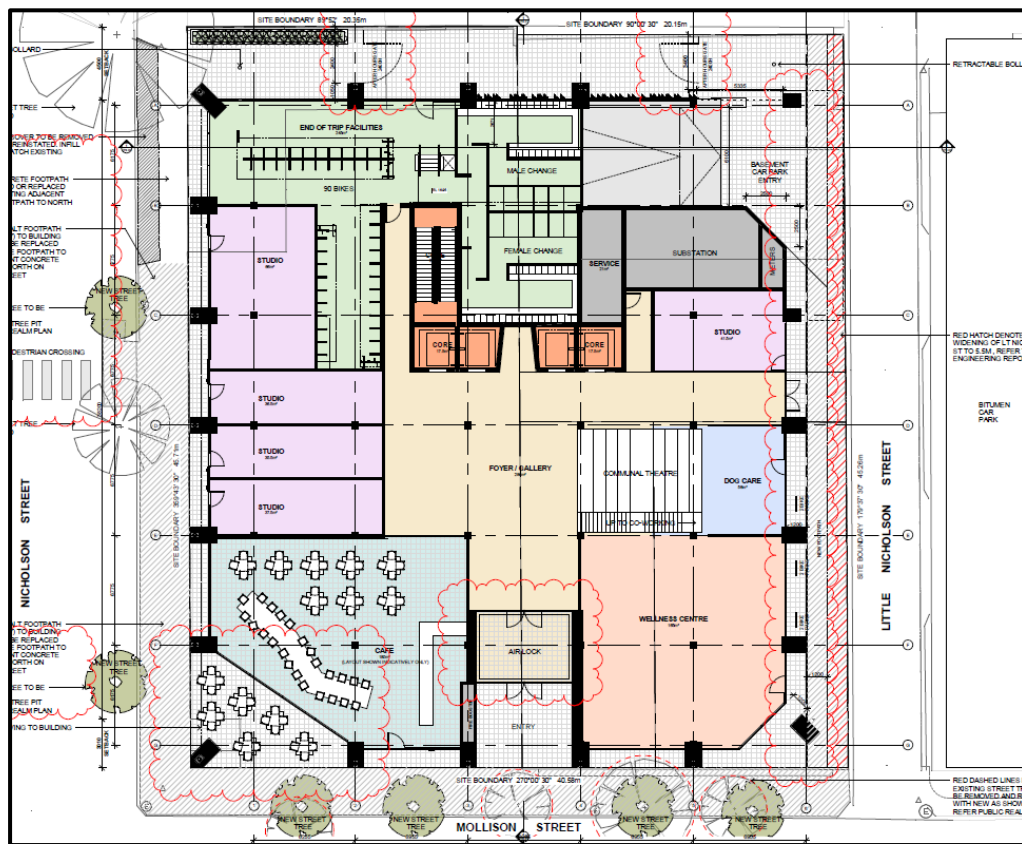


Figure 9: 20-30 Mollison St – Ground Floor Plan



Figure 10: 20-30 Mollison St - Perspective

3.2.3 12-20 Victoria Crescent

12-20 Victoria Crescent is located to the north of the site, on the opposite side of a laneway and two smaller properties. The property is just under 4,900 square metres, and is within the Industrial 1 Zone. It is currently developed with a vacant single level warehouse and car park, most recently occupied by the Spotless Laundry.

Planning permit application PLN18/0239 proposed to develop the site with two office buildings; with six storeys towards the site's Victoria Crescent frontage, and nine storeys towards the rear of the site (adjoining Little Nicholson Street).

The application was considered by Council's Internal Development Approvals Committee (IDAC) at its meeting on 12 December 2018. It resolved to support the application subject to conditions including:

- The deletion of one storey from the rear building to reduce it to 8 storeys;
- Reduction in the car parking ratio; and
- An additional setback from Little Nicholson Street to provide a minimum width of 6.5 metres.

Following the issue of Council's Notice of Decision, a planning permit was issued. The applicant has submitted plans to meet Council's conditions, images from which are included as Figures 11 and 12.

In parallel to submitting plans for approval, an application for review was lodged with VCAT seeking to have a number of conditions removed – including those relating to height and access from Victoria Crescent.

An outcome can be expected in approximately September

4 Proposal

4.1 Objectives

The purpose of the proposed planning scheme amendment is to ensure that the site is not underutilised. Through support for recent approvals, it is evident that Council recognises the potential of the precinct in which the site is located to provide to accommodate a greater intensity of use and built form to contribute to the objective of local employment opportunities.

The proposed planning scheme amendment will enable a planning permit application to be considered that provides a built form outcome more equivalent to that being permitted on the surrounding sites.

While 20-30 Mollison Street and 12-20 Victoria Crescent have achieved support for 8 storey office developments, it is sought to increase the development potential of the site from five storeys to seven storeys, although of an approximately equivalent overall height.

4.2 Planning Controls

In order to achieve this outcome, and provide an overall improvement to the built form outcome, it is proposed to amend the Incorporate Plan Overlay as it relates to 32-68 Mollison Street. In particular, changes are required to the Incorporated Plan (Incorporated Document: July 2013).

The proposed changes and additions are:

- Change the reference to height to 32 metres (or RL 48.2);
- Add a requirement that the southern side of Mollison Street is not to be overshadowed at the equinox.
- Add to the note regarding building heights that it does not include a parapet, terraces, landscaped areas, lift over runs or other equipment and facilities associated with a roof terrace or communal outdoor spaces.
- Add a requirement to widen Little Nicholson Street at ground level;
- Add a requirement to retain the corner splay at the corner of Nicholson Street and Mollison Street at ground level;
- Reduce preferred vehicle entry / exit points from Mollison Street;
- Identify preferred vehicle entry / exit point on Little Nicholson Street;
- Identify areas for active street frontage at 32 and 68 Mollison Street.

The proposed deletions are:

- Remove annotation to *"Manage edge to provide for continued industrial purposes"* to north;
- Remove identification of 'car park building'.
- Remove annotation for *"Building levels above existing parapet to be setback 2 metres"* from northern edge and southern edge of 32 Mollison St.

These changes are reflected in the excerpt of the proposed Incorporated Plan depicted below (Figure 13). The plan is included in full as part of Attachment 2.

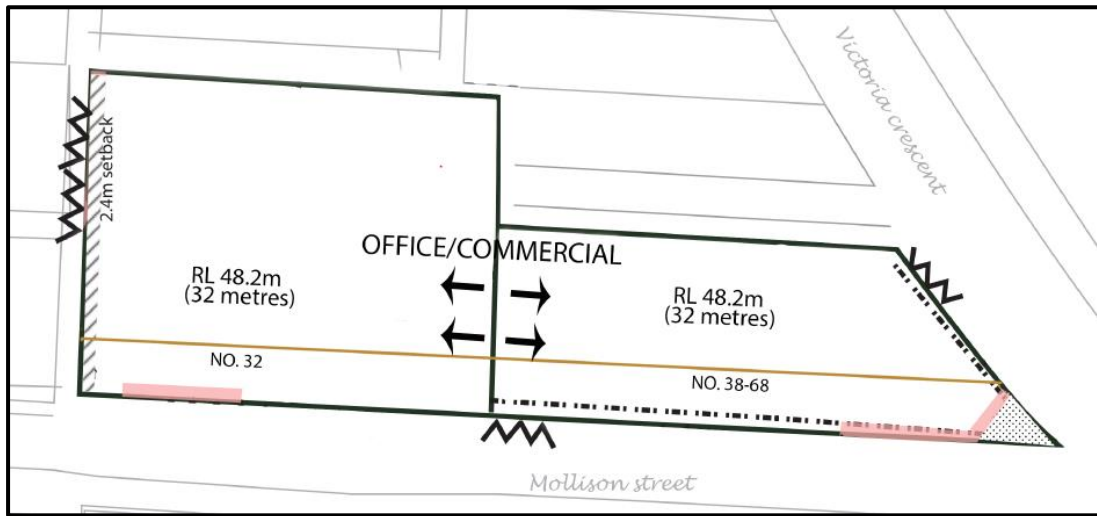


Figure 13: Proposed Incorporated Plan - Excerpt

Currently, there are limited references within Incorporated Plan Overlay Schedule to the development of 32 – 68 Mollison Street.

It is proposed to amend the IPO Schedule generally as follows:

- Create subsections within 'Clause 2 – Conditions and requirements for permits' to address '2.1 – Built form' and '2.2 – Section 173 agreement for development contributions'.
- Within the Built Form section, under 'An application to construct a building on 32-68 Mollison Street must include', make changes to:
 - Remove reference to an active ground floor frontage in the 'car park' building, and note instead that an active ground floor must be incorporated into a portion of the site's Mollison Street frontage;
 - Require a street wall that responds to the site's context, including the use of masonry;
 - Require separation of the built form or design treatments to ensure it does not appear as one building mass; and
 - Require shadow diagrams demonstrating that the footpath on the southern side of Mollison Street is not overshadowed by the proposed development at the equinox.
- Under the new section 2.2 'Section 173 Agreement for Development Contributions', state that:
 - the owner must enter into an agreement with the Responsible Authority to fund the raised pedestrian crosswalk; and
 - the agreement will exclude the site from paying development contributions for the extent of development permitted prior to the amendment.

- Under Section 4 'Requirements for incorporated plan':
 - remove reference to identifying the building height in storeys (the reference to showing the height in metres or RLs will be maintained);
 - add reference to showing setback from Little Nicholson Street and retention of corner splay.

These changes are reflected in the Proposed Planning Controls (Attachment 2).

There are no changes proposed to the other controls which apply to the site, which consist of:

- Commercial 2 Zone; and
- Environmental Audit Overlay.

4.3 Community Benefit

It is recognised that progressing a planning scheme amendment requires an investment of Council resources, particularly in terms of the time of staff and Councillors. Accordingly, there needs to be some community benefit to progressing the amendment to make the investment worthwhile.

As discussed below, there is a higher order benefit arising from increasing the capacity of the site to accommodate additional office floor area and therefore employment generating uses.

To ensure there is a more immediate benefit to the existing and future local community, however, the proposals includes the following community benefits:

1. Laneway Setback

The existing IPO and planning permit do not require the development of the site to widen Little Nicholson Street to provide a setback. This may be, in part, because at the time of Amendment C170 it was envisaged that access to the site would continue to be from Mollison Street. Further, the changes to the Industrial Zones that have allowed the intensification of use in the area were not in place.

Recently, Council has actively sought to pursue the removal of vehicle crossovers from the main streets and direct vehicle access to the laneways, including Little Nicholson Street. Consequently, as part of the recent support for proposals at 20-30 Mollison Street and 12-20 Victoria Street, Council has required setbacks from Little Nicholson Street to enable it to be widened to accommodate two-way traffic movements.

A significant benefit of the planning scheme amendment for the wider precinct will therefore be the ability to apply the requirement to widen Little Nicholson Street to the development of the site.

2. Contribution to Pedestrian Crosswalk

Council's adopted Local Area Place Making (LAPM) Plan for Abbotsford seeks a raised pedestrian crossing at the eastern end of Mollison Street. In order to assist

in the timely place making of the area, the Meydan Group will commit to the partial or full funding of the construction of the raised pedestrian crossing upon gazettal of the proposed amendment, assuming the objective is achieved.

While the requirement for a Section 173 agreement to secure the contribution will be included in the Incorporated Plan Overlay Schedule, the Meydan Group intends to make the contribution upon gazettal of the amendment.

3. Separation of built form at upper levels and materiality

During assessment of the most recent planning permit application, the internal urban design referral noted that it would be preferable that the building does not present as one large mass, and also for an increase in the use on masonry to better reflect the character of the local area.

While a setback at the third level was introduced, given the drafting of the IPO and previously issued permits, other changes sought in terms of providing a break between buildings were not pursued.

While the street wall is proposed to be retained, progressing the planning scheme amendment introduces the opportunity to require building separation above the street wall to improve the presentation of the building mass.

4. Opportunities to include greenery and roof top gardens

Current interpretation of the IPO means that communal terraces and associated landscaping cannot be included in the setbacks required from the street wall or on the roof top.

Clarifying this matter and providing for the inclusion of landscaping and communal terraces is considered to be a community benefit, as it will:

- Improve the appearance of the building by softening the built form; and
- Improve the environmental performance of the building by enabling it to make a contribution to urban ecology.

4.4 Other Development Contributions

There are a number of upfront costs to the Meydan Group (owner and applicant) in pursuing this planning scheme amendment. In addition to the contribution proposed above and planning scheme amendment fees, an application for a new planning permit (should the amendment be successful) will attract fees in excess of \$130,000.

Amendment C238 to the Yarra Planning Scheme seeks to introduce a Development Contributions Plan Overlay which would apply the site. The amendment was heard by a Panel in early 2019, adopted by Council in April, and is currently awaiting assessment by the Department and gazettal by the Minister.

Development in accordance with the existing permit is not subject to development contributions. However, should this proposed amendment proceed and a new planning permit application made for the site providing the benefits listed above, the entire development would be subject to development contributions under the DCPO.

Accordingly, we seek an exemption from the development contributions equal to the extent of the current approval.

Amendment C238 proposes development contributions calculated by Gross Floor Area (GFA). The existing approval provides for a GFA of 32,059 square metres. As part of agreeing to the above contributions, we request that the existing GFA be exempt from development contributions under the DCPO should Amendment C238 be gazetted. This can be addressed through the same Section 173 agreement as the development contribution for the raised pedestrian crosswalk.

5 Policy Context

5.1 Introduction

The most substantial changes to the planning policy context since Amendment C170 was considered in 2013 have occurred at a State level, while the local planning policy framework that applies to the site remains substantially the same.

Significant changes that have been implemented by State government include zone reform and changes to the metropolitan planning strategy with the release of Plan Melbourne 2017.

At a local level, Council has reviewed the Yarra Business Industrial Land Strategy (2012) with the Spatial Economic and Employment Strategy, which was adopted in September 2018. Another relevant local adopted policy is the Abbotsford Local Area Place Making (LAPM) Plan.

Council has also adopted Amendment C238 to the Yarra Planning Scheme, which seeks to introduce the Yarra Development Contributions Plan, and submitted it to the Minister for approval.

Amendment C170 to the Yarra Planning Scheme, which provided for the office use of the site and put in place the current IPO, was found to enjoy strong strategic support.

The Panel report states:

The Panel concludes that the Amendment is strongly supported in State and local policy and reflects a common move in inner urban areas of Melbourne from an industrial past to a mixed use commercial and residential future. Other completed and proposed developments in this area of Yarra attest to the broad and contemporary change.¹

Notably, the Panel Report focuses on the use and built form framework for 61-69 William Street, which was rezoned to Mixed Use Zone for residential purposes as part of the same amendment. It is evident that the rezoning of the site was relatively uncontentious, and the height of the proposed built form controls (at five storeys) were untested.

This assessment is supported by the subsequent changes that provided for office uses in the Industrial Zones, and built form decisions that have permitted eight storeys on surrounding sites.

5.2 Reformed Zones

As far as the site and its context are concerned, the most significant change in planning policy was implemented by VC100 in July 2013. VC100 reformed the residential, commercial and industrial zones across Victoria. Changes included

¹ Panel Report Amendment C170 (4 June 2013)

removing the default office floor cap from the Industrial 1, 2 and 3 zones, and introduced the Commercial 2 Zone which, inter alia, replaced the Business 3 Zone.

These changes were implemented into the Victoria Planning Provisions between the Amendment C170 Panel Report being published and the Amendment being gazetted. They made the basis for C170 as it applied to the site redundant.

5.2.1 Changes to the Industrial Zones

Prior to Amendment VC100, a permit could not be granted for more than 500 square metres of office floor area on a site within an industrial zone. Changes to the zones mean that there is no limit to the amount of office floor area for which a planning permit application can be made in the Industrial zone.

This is considered significant for the site as, had it occurred ahead of C170, the change of zone and introduction of the IPO and associated height control to the site would not have been necessary.

Further, it signifies a significant policy change by recognising a trend in employment generating uses across Victoria shifting from manufacturing or 'Industrial' uses to being office based, and that this use can be appropriate in areas identified for industry.

It is the changes introduced by VC100 that have enabled planning permit applications to be made and considered for office developments on properties adjoining the site. Notably, there are no height controls on those properties.

5.2.2 Introduction of the Commercial 2 Zone

Another change implemented by VC100 was to replace the Business 1, 2, 3, 4 and 5 zones with the Commercial 1 and 2 zones. The effect of this was that, rather than being rezoned from Industrial 1 to the Business 3 Zone, as initially proposed, the site was rezoned to Commercial 2 Zone.

The Business 3 Zone had the purpose:

To encourage the integrated development of offices and manufacturing industries and associated commercial and industrial uses.

The Commercial 2 Zone has the purpose:

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.

Office was a Section 1 Use in the Business 3 Zone, as it is in the Commercial 2 Zone.

5.2.3 Amendment VC148

Another State government initiative since the gazettal of Amendment C170 has been Amendment VC148, which changed all planning schemes in Victoria to introduce a new policy structure, and amended a number of other provisions.

The new policy structure replaced the State Planning Policy Framework with a Planning Policy Framework that nests State, regional and local policies on a thematic basis. As local policies are integrated into the Planning Policy Framework, the Local Planning Policy Framework section as it currently stands will be removed. This is yet to occur in the City of Yarra.

Amendments to the other provisions included recognition of the Principal Public Transport Network Area; by adding it as an Incorporated Document and providing for a reduced rate of car parking for site's that are within it.

5.3 Plan Melbourne

Plan Melbourne 2017 – 2050 is the current Metropolitan Planning Strategy. Many of its key directions and policies are reflected in the Planning Policy Framework. Those of particular relevance include:

- Outcome 1: Melbourne is a productive city that attracts investments, supports innovations and creates jobs.
- Direction 1.2: Improve access to jobs across Melbourne and closer to where people live.
- Direction 1.3: Create development opportunities in urban renewal precincts across Melbourne.
- Direction 4.3: Achieve and promote design excellence.
- Take advantage of underutilised land close to jobs, services and public transport infrastructure, to provide new housing, jobs and services (p15).

Of note, Victoria Street, Richmond, is identified as a Major Activity Centre by the strategy.

5.4 Planning Policy Framework

5.4.1 State and Regional Planning Policy

State and regional policies of particular relevance to the proposed planning scheme amendment are addressed in the following provisions of the Yarra Planning Scheme:

- Clause 11 – Settlement
- Clause 15 – Built Environment and Heritage
- Clause 17 – Economic Development
- Clause 18 – Transport

Key provisions are summarised below.

Clause 11 – Settlement

11.01-1S – Supply of Urban Land

11.03-1S – Activity Centres

11.03-1R – Activity Centres – Metropolitan Melbourne

Provisions of Clause 11 promote achieving a consolidated urban form, with a focus on a network of accessible activity centres.

In order to limit urban sprawl, opportunities for urban renewal and infill development are to be capitalised. The form and density of urban development should support sustainable transport options, with (inter alia) retail and office-based employment concentrated in central locations.

A diverse range of uses should be concentrated in and around highly accessible activity centres, that assist in reducing private motorised trips and provide for economic activity and business synergies.

The development and growth of Metropolitan Activity Centres is to be supported by ensuring they are able to accommodate growth for a broad range of land uses.

Clause 15 – Built Environment and Heritage

15.01-1S – Urban Design

15.01-1R – Metropolitan Melbourne

15.01-2S – Building Design

15.01-4R – Healthy Neighbourhoods – Metropolitan Melbourne

15.02 - Sustainable Development

15.02 - 1S Energy and Resource Efficiency

15.02 - 5S Neighbourhood Character

Provisions in regard to built form and heritage emphasise the need for development to respond to its context in terms of character and impacts on the amenity of surrounding uses and the public realm. In order to create healthy neighbourhoods, it is also a strategy to create 20 minute neighbourhoods; supporting the consolidation and accessibility provisions of the settlement provisions in Clause 11.

Benefits of urban consolidation are also recognised in regard to energy and resource efficiency, along with:

- The benefits of greening urban areas and buildings in order to reduce the urban heat island effect; and
- Improving the performance of buildings through environmentally sustainable development.

Clause 17 – Economic Development

17.01-1S – Diversified Economy

17.02-01S – Business

In order to support economic development, Clause 17 seeks to strengthen and diversify the economy. Strategies include strengthening employment areas and improving access to jobs close to where people live. Commercial facilities should be

aggregated and provide net community benefit in relation to their accessibility and efficient use of infrastructure, and located within activity centres.

Clause 18 – Transport

18.01-2S – Transport System

18.02-1S - Sustainable Personal Transport

18.02-1R - Sustainable Personal Transport – Metropolitan Melbourne

18.02-2S - Public Transport

18.02-2R - Principal Public Transport Network

18.02-3S - Road System

18.02-4S - Car Parking

In regard to transport, the Planning Policy Framework seeks to coordinate development of all transport modes, and give them consideration in providing for access to new developments. For Metropolitan Melbourne, there is a particular emphasis on improving local walking and cycling networks to support 20 minute neighbourhoods. Other relevant strategies include:

- Maximising use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, including an emphasis on activity centres.
- Promote increased development close to high quality public transport routes, connected by walking and cycling networks and supported by end of trip facilities.

The objective in regard to car parking is to ensure an adequate supply, appropriately designed and located. In doing so, consideration is to be given to other potential modes of transport.

5.4.2 Local Planning Policy Framework

The Local Planning Policy Framework that relates to the site is unchanged since the consideration of Amendment C170. The policies considered relevant by the C170 Panel were:

- 21.03 Vision
- 21.04 Land Use
- 21.05-2 Urban Design
- 21.08 Neighbourhoods
 - 21.08-1 Abbotsford

21.03 Vision

The vision for the City of Yarra includes the following statements:

Land Use

- *Yarra will have increased opportunities for employment*
- *The complex land use mix characteristics of the inner City will provide for a range of activities to meet the needs of the community.*

Built Form

- *Yarra will have a distinctive identity as a low-rise urban form, with areas of higher development and highly valued landmarks.*
- *All new developments will demonstrate design excellence.*

Transport

- *Local streets will be dominated by walkers and cyclists.*
- *Most peoples will walk, cycle and use public transport for the journeys to work.*

The Strategic Framework Plan that follows these provisions identifies the site as being within a 'Core industrial area' and adjacent to a 'Commercial and Industrial Area' (Figure 14).

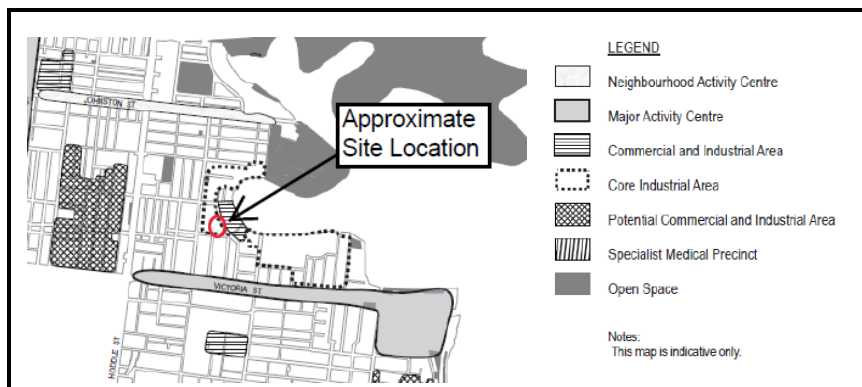


Figure 14: Extract from Clause 21.03 Figure 1

21.04 Land Use

Clause 21.04 sets out objectives and strategies for land uses within the City of Yarra. In regard to industry, office and commercial, Clause 21.04-3 recognises that the decline in manufacturing activity has created an opportunity for service businesses.

It has the objective:

To increase the number and diversity of local employment opportunities.

Strategies include:

- *Support rezonings, as identified on the relevant Neighbourhood plan, to permit increased commercial and office uses in existing industrial zones.*
- *Support opportunities for new uses on isolated industrial sites provided they reflect the predominant surrounding uses.*

(Notably, this policy has not been updated since 2009; at a time when 'Industrial' zoned land could not be used extensively for office).

21.05 Built Form

Clause 21.05 has provisions addressing:

- Heritage;
- Urban design;

- Built form character; and
- Public environment.

Heritage

While the site is not subject to heritage controls, there are properties within the Heritage Overlay in proximity to the site. The site's heritage context is depicted below (Figure 15).

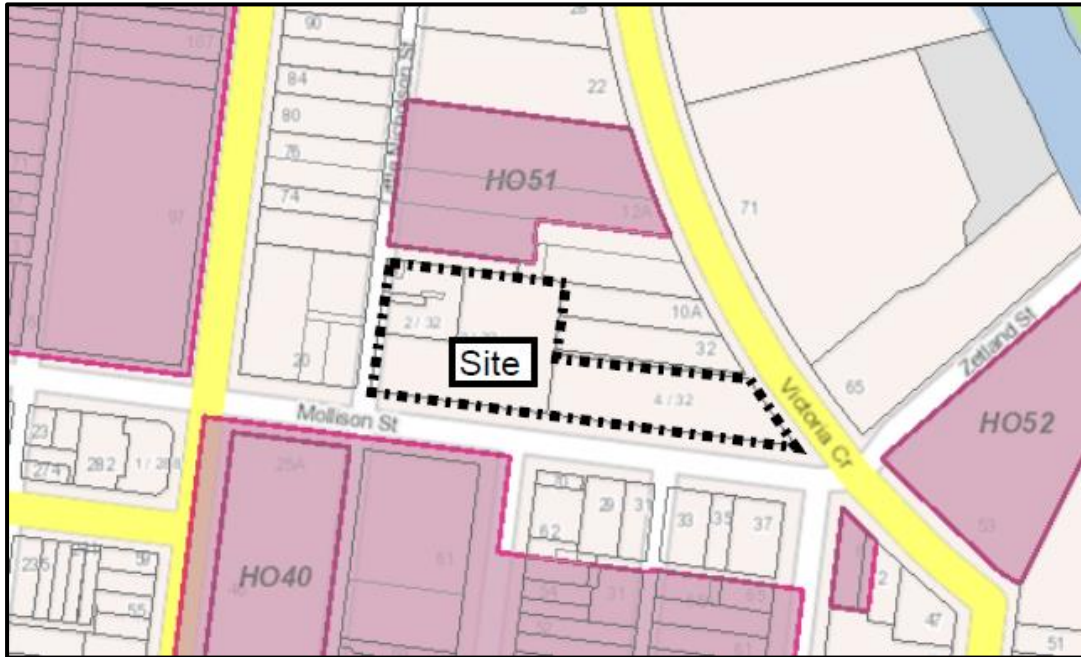


Figure 15: Heritage Context of the Site

It is therefore relevant to note that the heritage policy includes the strategy to:

Protect buildings, streetscapes and precincts of heritage significance from visual intrusion of built form both within places and from adjoining areas.

Urban design

In regard to urban design, it is policy to maintain the characteristic of a low-rise urban form punctuated by pockets of higher development. This is particularly intended to distinguish the City of Yarra from the adjoining City of Melbourne. Objectives and strategies of particular relevance are considered to be the following.

Objective 16 To reinforce the existing urban framework of Yarra.

Strategies: Reinforce the Yarra River Corridor as the key ecological and open space element of the urban framework.

Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.

Objective 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development.

Strategies: Ensure that development outside activity centres and not on Strategic Redevelopment Sites reflects the prevailing low-rise urban form.

Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:

- *Significant upper level setbacks*
- *Architectural design excellence*
- *Best practice environmental sustainability objectives in design and construction*
- *High quality restoration and adaptive re-use of heritage buildings*
- *Positive contribution to the enhancement of the public domain*
- *Provision of affordable housing*

Objective 19 *To create and inner city environments with landscaped beauty*

Require well resolved landscape plans for all new development.

Encourage opportunities for planting suitable trees and landscape areas in new development.

Objective 20 *To ensure that new development contributes positively to Yarra's urban fabric*

Ensure development is designed to have particular regard to its urban context...

Require development of Strategic Redevelopment Sites to take into account the opportunities for development on adjoining land.

The built form character that new development is required to respond to is set out in Clause 21.05-3. In regard to non-residential areas, the expectation is to improve the interface with the street. It is also strategy to allow flexibility in built form in areas with a coarse urban grain.

Public Environment

Clause 21.05-4 seeks to ensure that new development adds positively to Yarra's overall character and helps create a safe and engaging public environment where pedestrian activity and interaction are encouraged, including seeking opportunities to create outdoor spaces for people to meet and gather.

Strategies to provide a public environment that encourage community interaction and activity include:

- Ensuring that buildings have a human scale at street level.
- Require buildings and public spaces to provide a safe and attractive public environment.
- Require new development to consider the opportunity to create public spaces as part of new development.
- Encourage public art in new development.

- Require site rezonings for new development to consider the inclusion of public domain improvements commensurate with the new use.

21.08 Neighbourhoods

Clause 21.08 provides location specific guidance on achieving the objectives and strategies of the Municipal Strategic Statement. Abbotsford is addressed in Clause 21.08-1 addresses Abbotsford.

It recognises Abbotsford as a highly varied neighbourhood. It specifically notes that the introduction of offices would aid the development of underutilised land “to the west of Victoria Crescent south of Gipps Street”, which is where the site is located (Figure 16).



Figure 16: Site Location (Gipps St / Victoria Cres context)

The following excerpts from figures in the Clause show the site in context.

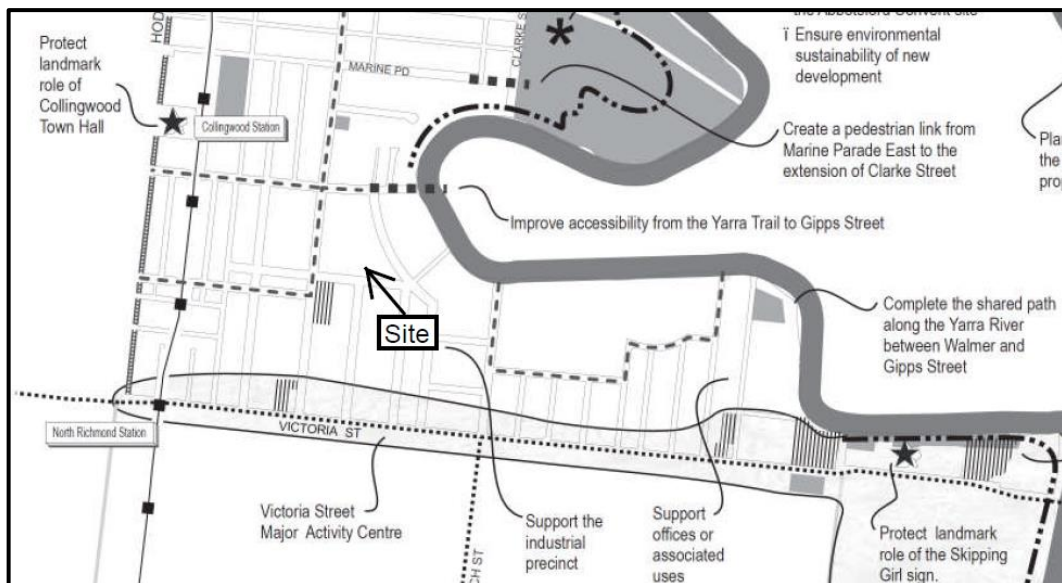


Figure 17: Excerpt of Neighbourhood Map

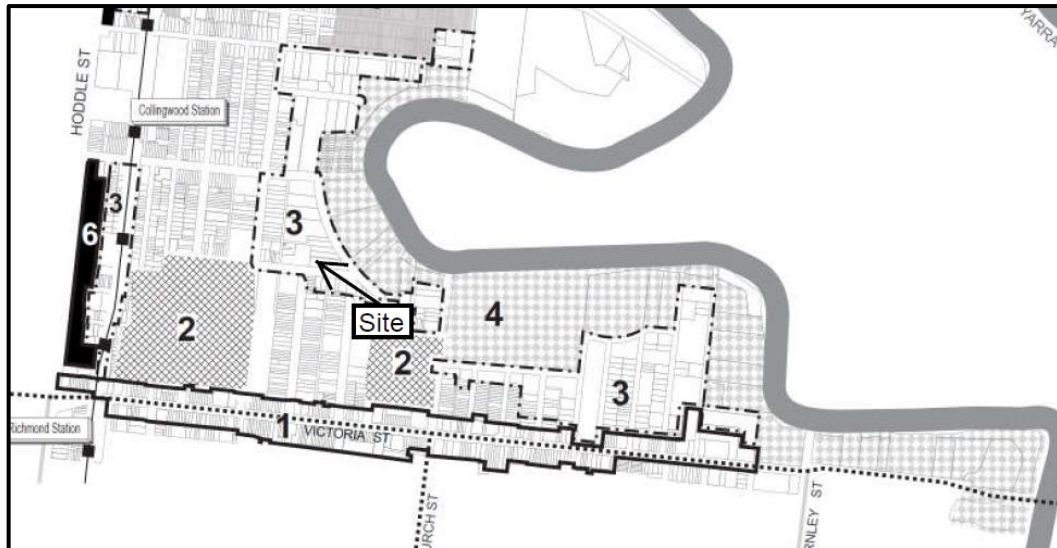


Figure 18: Built Form Character Map

Specific strategies include:

- *Supporting rezonings of Industrial 1 and 3 land to permit a mix of offices and industry west of Victoria Crescent south of Gipps Street.*

While changes to the Industrial zone have negated the need to undertake rezonings to achieve the mix of uses in the area, the policy reinforces the intensification of office uses in the area.

5.5 Local Planning Policies

Local planning policies assist in the implementation of the objectives and strategies of the MSS. While they are to be taken into account in preparing planning scheme amendments, they are also applied when making decisions about permit applications, and will be considered at that point. Nonetheless a commentary is provided in response to each policy to give confidence that the planning scheme amendment will provide for an outcome that can address the policies.

The relevant local planning policies are:

- 22.03 - Landmarks and Tall Structures
- 22.05 - Interface Uses Policy
- 22.07 - Development Abutting Laneways
- 22.10 - Built Form and Design Policy
- 22.16 - Stormwater Management (Water Sensitive Urban Design) (March 2014)
- 22.17 - Environmentally Sustainable Development

5.5.1 Clause 22.03 – Landmarks and Tall Structures

The landmarks and tall buildings policy seeks to ensure identifies landmarks are maintained as the built form reference, and that views to them are maintained.

The site is not within proximity of any of the identified landmark buildings or signs.

5.5.2 Clause 22.05 – Interface Uses Policy

The interface uses policy applies to applications for use or development in certain circumstances, including in the Business Zones (now the Commercial Zones).

Of relevance to the proposal, its objectives include to ensure that residential uses located within or near commercial centres and activity centres enjoy a reasonable level of amenity. Particular consideration is given to overlooking, noise and light spill.

While these elements will be assessed in detail as part of a planning permit application, it is relevant to note that opportunities for these types of amenity impacts do not increase as a result of the proposed planning scheme amendment.

5.5.3 Clause 22.07 – Development Abutting Laneways

The development abutting laneways policy applies to development that is accessed from a laneway or has a laneway abuttal.

While maintaining or creating the character and creating a sense of safety in laneways, it is policy that laneway access be used in preference to street access for vehicles, while pedestrian access is provided for on the street frontage.

Changes proposed to the Incorporated Plan by the planning scheme amendment redistribute the location of the preferred vehicle access points, such that an access is identified from Little Nicholson Street, and the three potential locations on Mollison Street are reduced to one. Further, the amendment provides for the widening of Little Nicholson Street, which will enable the redevelopment of sites further north on Little Nicholson Street to also rely on it for access, rather than using Mollison Street or an alternate street frontage.

The site also abuts an unnamed laneway to the north, the interface with which could be reconsidered as part of a fresh application.

5.5.4 22.10 - Built Form and Design

The built form and design policy applies to all new development that is not within a Heritage Overlay and, as such, will be applied to the site during the assessment of a planning permit application. It provides a comprehensive framework for the assessment of ten design elements:

- Urban form and character.
- Setbacks and building heights.
- Street and public space quality.
- Environmental sustainability.
- Site coverage.
- On-site amenity and facilities.
- Off-site amenity.
- Landscaping and fencing.

- Parking, traffic and access.
- Services infrastructure.

The proposed planning scheme amendment maintains and improves the ability of the site to respond to the objectives and guidelines as follows:

- It will improve accessibility and the urban fabric by widening Little Nicholson Street; enabling it to comfortably accommodate two direction vehicle movement and access ways as sites along it are redeveloped for more intensive uses.
- The additional height proposed is equivalent to what has been permitted on adjoining sites, is adequately setback to avoid visual impact, and will provide the opportunity for terraces and a roof top garden that are not currently permitted.
- The street and public space quality will be improved by changes to the built form including allowing the built form to be softened through upper level landscaping, breaking up the building mass to achieve a pedestrian scale, and increasing the requirement for an active street frontage.
- The development will retain the environmental sustainability features required to address Council's ESD policy at Clause 22.17.
- The proposed Incorporated Plan will require a reduced site coverage to provide for the widening of Little Nicholson Street and the retention of the corner splay.
- On-site amenity will be improved by the ability to incorporate landscaped terraces and a roof top garden.
- Off-site amenity will not be impacted, particularly as the proposed controls will ensure that sunlight is maintained to the footpath on the southern side of Mollison Street at the equinox.
- The amendment will provide the opportunity for on-site landscaping.
- Vehicle accessibility will be improved for the precinct by the widening of Little Nicholson Street.
- Detailed consideration of the development approved under the current permit illustrates that service infrastructure can be appropriately addressed.

5.5.5 Clause 22.16 - Stormwater Management (WSUD)

Clause 22.16 was introduced in 2014, after Amendment C170 applied the current controls to the site. However, it has been considered as part of the assessment of planning permit applications for the site.

The policy seeks stormwater treatment measures that improve quality and reduce the flow of water discharged into waterways.

The proposal will not increase the hard surface area on the site, as it is already 100%, typical of former industrial areas. The amendment will, however, provide the opportunity for the development to include a green roof which could be irrigated by rainwater.

The current approved development achieves a 100% score for the management of stormwater, and the same can be expected from a revised proposal that responds to the amendment.

5.5.6 Clause 22.17 - Environmental Sustainable Development

Clause 22.15 was introduced in (2015), after the Amendment C170 introduced the current controls to the site. However, it was considered as part of the assessment of the current planning permit application for the site.

The Clause seeks to ensure environmental sustainability is considered at planning permit application stage, with particular consideration given to energy performance, water resources, indoor environment quality, stormwater management, transport, waste management and urban ecology. For a development of the type permitted on the site, a Sustainability Management Plan and Green Travel Plan are required to be submitted as part of the planning permit application.

The Sustainability Management Plan endorsed as part of the existing approval for the site benchmarks the development against BESS (the Built Environment Sustainability Scorecard), and achieves a score of 58% (where 50% is considered to be best practice). A similar standard can expect to be achieved for a development proposed under the proposed amendment.

5.6 Other Policy Documents

5.6.1 Introduction

In addition to policies contained within the planning scheme, Council has a number of adopted documents that are relevant to the proposal. Again, some of this context is unchanged since the Amendment C170 was implemented, with notable additions being the:

- 2018 Spatial Economic and Employment Strategy; and
- 2018 Abbotsford Local Area Place Making Plan.

For completeness, an overview of these and earlier documents is provided below.

5.6.2 Yarra Business and Industrial Land Strategy 2012

The Yarra Business and Industrial Land Strategy (BILS) was adopted by Council in June 2012. The BILS set out to provide a 10-15 year direction in relation to land use planning for Yarra's business and industrial areas, with a focus on Business 2, 3, 4, 5 and Industrial 1 and 3 Zones. Notably, this was prior to the introduction of zone reforms which lifted the restrictions on office use in the Industrial 1 Zone, and converted the Business Zones into the Commercial 1 and Commercial 2 Zone.

BILS recognised three distinct precincts within Abbotsford. The site is included within a 'Core Industrial of Business Node' CIB5 (Figure 19).

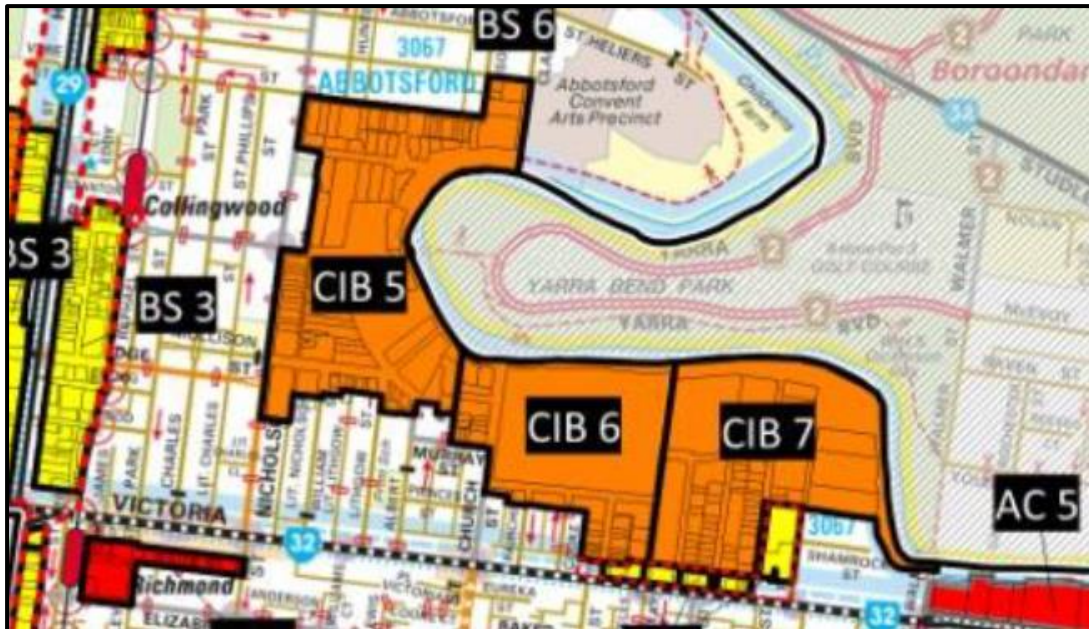


Figure 19: Core Industrial Nodes - Abbotsford

At the time of the Strategy, the site and adjoining properties were within industrial zones, with limited opportunity for office use. It notes that *"The current Industrial 1 and Industrial 3 Zones do not reflect the changing nature of the Yarra economy and it is deemed that the economic base of this precinct should be broadened to ensure ongoing viability"*.

While the need to review the zones that apply in the precinct was in many ways negated by State changes to the industrial zones, the Strategy is seen to provide for the intensification of office use in the precinct. This is consistent with the view presented by Council to the C170 Panel.

5.6.3 Yarra Economic Development Strategy 2015 – 2020

Yarra's economic development strategy maintains the focus on building Yarra's economic base, and the importance of providing opportunities for businesses to locate in the City of Yarra, with a focus on the knowledge economy.

The Mayor's foreword summarises:

Council aims to do all it can to foster local investment and jobs growth. Cultivating Yarra's knowledge economy and emerging creative industries will be key to building a thriving and resilient local community.

Guiding principles to achieve the vision established by the Strategy include building on the local competitive advantage, and providing a regulatory framework that is consistent and efficient.

In order to support and attract a range of businesses, particularly in knowledge intensive industries and the creative sector, Yarra seeks to, inter alia, maintain and improve its competitiveness as a business location, and maintain and grow economic clusters.

5.6.4 Spatial Economic and Employment Strategy 2018

Council adopted the Spatial Economic and Employment Strategy (SEES) in September 2018. The strategy was prepared to assist the City of Yarra to understand and respond to 'key trends and economic drivers' (p4).

The SEES was prepared and adopted in the context of increasing pressure to convert existing employment land for higher yield residential uses, and parallel to the preparation of a housing strategy (Yarra Housing Strategy, adopted 4 September 2018). Read together, the two documents reinforce existing zoning patterns. It focuses on the capacity of existing business and commercial zoned land to accommodate projected demand.

Overall, it finds that:

Employment growth and floor space demand forecasts suggest that, in aggregate terms, Yarra will not need significant additional floor space to accommodate future employment growth. However, there will be significant changes in the mix and type of floor space that is required, necessitating redevelopment and renewal in existing employment precincts. (p37)

(Emphasis added)

Relevant strategic directions of the SEES are:

- *Retain and grow Yarra's major employment precincts.*

- Retain other C2 zoned precincts and sites to support a greater diversity of business and economic activity.
- Retain Yarra's existing industrial precincts for manufacturing and urban services.

The site is specifically considered under Strategy 5: Retain other C2 zoned precincts.

Guidance for C2 Zoned land is provided in Table 7 (page 70) of the report. The following excerpt applies to the site:

Precinct	Recommendation	Justification
Abbotsford	Strategic C2 - retain	Part of the broader employment precinct and generally surrounded by industrial zoned land. Retain for employment uses.

This reinforces the role and function of the site for office uses.

5.6.5 Abbotsford Local Area Place Making Plan

In December 2018, Council endorsed a Local Area Place Making study of the Abbotsford Precinct (LAPM 13). The LAPM identifies traffic management and place making treatments. Initiatives 13 – 17 are relevant to the site are surrounding movement networks (Figure 20). These are described as follows.

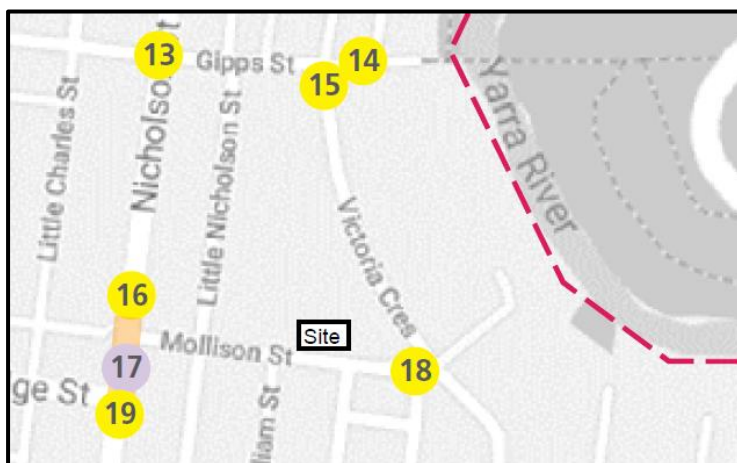


Figure 20: Excerpt of Abbotsford LAPM

Projects

- 13 Replace bluestone channel on north-west corner of intersection to widen bicycle lane.
- 14 Raised pedestrian friendly threshold treatment on outside of bend and vibralline on bike lane.
- 15 Raised pedestrian crossing on Victoria Cres.
- 16 Upgrade existing crossing to raised zebra crossing.
- 17 Median island on Nicholson St left in/left out only at Mollison St (cyclists excepted).
- 18 Raised pedestrian crossing on Mollison St.

The accompanying officer report notes that, while the implementation of the works can commence with the budget available in July 2019, the remaining works will be subject to the annual Capital Works budget process.

Of most direct relevance to the site is item 19, which is for a raised pedestrian crossing on Mollison Street at Victoria Crescent, which has an estimated cost of \$90,000.

6 Land Use

The proposed planning scheme amendment does not affect the land uses that may be permitted on the site, as it is not proposed to change the zone. However, it is acknowledged that the amendment is designed to increase the density of use on the site by providing for an increase in height.

The existing approval for the site provides for a five storey building, with a net leasable area of approximately 18,500 square metres (office and shop). It is anticipated that the proposed planning scheme amendment will provide for an additional approximately 3,000 square metres.

The use of the site, and the area more broadly, for commercial purposes is strongly supported by the planning policy framework and Council's strategic documents. This includes '21.04 – Land Use' which advocated for industrial areas to transition to office uses to generate local employment opportunities.

The use of the site, in particular, for office was reinforced through its rezoning to the Commercial 2 Zone.

Clause 11 of the Planning Policy Framework notes that opportunities for urban renewal and infill are to be capitalised, with a focus on a network of well-connected activity centres.

Proximate to a major activity centre, two train stations and a tram line, the site meets these criteria. It can also be demonstrated that the intensification of use on the site, by increasing the height that may be permitted, can be accommodated without detrimentally impacting on neighbourhood character, and without unreasonable off-site amenity impacts. This is discussed further in the following sections of this report.

7 Built Form

7.1 Introduction

Since the IPO was first applied to the site, there has been considerably more deliberation about the built form appropriate to the precinct and the site specifically; through the assessment of applications for adjoining properties and for the site itself.

This is particularly significant because it is evident that at the time of Amendment C170, the built form proposed for the site was substantially uncontested and, as a result, untested. There considered to be a number of reasons for this:

- The proposed five storeys was intentionally conservative in order to have the amendment approved with a minimum of objection;
- A maximum of five storeys suited the possibility of being able to retain all or part of the existing structure on the site and build upon it;
- The intensification of the area through office uses was not envisaged at the time, as it was not permitted in the industrial zone. Prevailing and permitted uses lent themselves to a lower rise built form; and
- The focus of discussion about the amendment was on 61 – 69 William Street, which is subject to a Heritage Overlay and has a sensitive residential interface.

The potential for greater intensification of the precinct has, however, been recognised through contemplation of applications for adjoining sites, made possible as a result of changes to the industrial zones. Assessment of those applications and the permit application for the site has also lead to a more resolved position in terms of appropriate heights, setbacks, massing and materials for the precinct. The proposed planning scheme amendment seeks to secure an outcome for the site which contributes to vision for the evolving precinct.

7.2 Height and Setbacks

7.2.1 Proposal

The basis of the planning scheme amendment request is the ability to increase the height of the development that may be permitted on the site from five storeys to seven storeys. Importantly, the additional two storeys will be required to be setback to manage off-site visual and shadow impacts.

Currently, the Incorporated Plan permits a maximum height on the site of 23 metres. With the exception of the western portion of the site which is currently occupied with the car park building, this is expressed as '23 metres (5 storeys)'.

Where there is existing building on the site, the Incorporated Plan also requires that 'Building levels above existing parapets to be setback 2 metres'. (As per the 5 storey control, this constraint does not apply to the western portion of the site).

It is proposed to increase the maximum permitted height to allow consideration of a maximum height of 32 metres (RL 48.2), which would provide for a seven storey development using the current floor to floor heights. The maximum height referred to is to the top of the roof slab.

In addition to the overall height, the height of the street wall, setbacks from the street wall, and upper level setbacks need to be considered.

- Flexibility in the height of the street wall is proposed, as this will assist in breaking up the building mass. This is discussed further below.
- The requirement of a setback of 2 metres above the street wall would be maintained.
- The upper two levels are to be set back further to prevent overshadowing of the southern side of Mollison Street at the equinox.

To achieve this outcome, the following changes are proposed to be made to the Incorporated Plan:

- Change the maximum height from '23 metres (5 storeys)' to '32 metres';
- Note that the maximum height refers to the top of the roof slab (ie. it excludes lift overrun, services, parapet and other architectural features);
- Amend the annotation regarding the height to provide for terraces and gardens within the setback and on the rooftop.
- Amend the notation to state that a 2 metres setback is required from the street wall; and
- Add a notation to identify that the upper levels are to be setback to prevent overshadowing of the southern side of Mollison Street at the equinox.

The relevant changes are proposed to be expressed in the Incorporated Plan Overlay Schedule as follows:

An application to construct a building at 32-68 Mollison Street must include:

- *A design response to the satisfaction of the responsible authority having regard to the proximity of properties to the north in a different zone including the potential impacts from noise, light, odour and 24 hour traffic movements.*
- *Active ground floor frontages incorporated into the design for a portion of the site's Mollison Street frontage.*
- *Incorporation of a street wall that responds to the site's context and provide a pedestrian scaled design at street level.*
- *Separation of the built form or design treatments to ensure it does not appear as one building mass.*
- *Shadow diagrams, demonstrating that the footpath on the southern side of Mollison Street is not overshadowed by the proposed development at 22 September.*

These changes have been drafted as a minimum diversion from the form and structure of the current Incorporated Plan and Incorporated Plan Overlay Schedule.

7.2.2 Policy

At a superficial level, there is some tension in the policy framework between the need to consolidate established areas of metropolitan Melbourne, the desire to increase office and employment uses, and Council's urban design objective.

As previously identified, particularly at a State level, there is strong policy support for urban consolidation, particularly for maximising urban renewal opportunities in and around well connected activity centres.

As set out in Section 5.4.3 of this report, Council's urban design objective at Clause 21.05 is:

To retain Yarra's identity as a low-rise urban form with pockets of higher development.

In support of this, Strategy 17.2 notes:

Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:

- *Significant upper level setbacks*
- *Architectural design excellence*
- *Best practice environmental sustainability objectives in design and construction*
- *High quality restoration and adaptive re-use of heritage buildings*
- *Positive contribution to the enhancement of the public domain*
- *Provision of affordable housing*

Council has recently had to contemplate the interpretation and application of this policy in the context of the site in considering applications for adjoining properties, and has ultimately supported a higher built form. This is reviewed below.

7.2.3 Context

While the precinct in which the site is located is currently developed with a mix of one to three storey older industrial and warehouse style buildings, this is set to change.

In approving the eight storey developments for land to the west and the north of the site, Council is actively progressing the intensification of use in the area.

The proposed and approved heights of the adjoining developments are described as follows.

	Proposed height*	Approved height*
20-30 Mollison St	12 storeys 47.5m (roof slab level)	8 storeys 29.7m (roof slab level) / RL 45.7
12-20 Victoria Crs.	9 storeys (incl. mezzanine)	8 storeys**

	34.37m (roof slab level) / RL 50.36	30.37m (roof slab level) / RL 46.36
--	--	--

**To top of roof. Excludes lift overrun, balustrades and architectural features.*

*** Council officers supported the application at 9 storeys, however a level was removed through the IDAC process. This is the subject of a current review by VCAT.*

These compare to the approved development and proposed IPO for the site as follows.

	Approved maximum height*	Proposed maximum height*
32-68 Mollison St	5 storeys 23m RL 39.33	7 storeys 32m / RL 48.2

In addition to the maximum height, consideration of development on the site and adjoining properties has given consideration to the street wall height. The current IPO that applies to the site sets this height at the existing parapet.

The existing parapet height varies across the site's Mollison Street frontage, as depicted below (Figure 21), with the lower point at 27.5 metres RL, and the higher point at 28.6 metres RL (11.55 metres).



Figure 21: Existing Parapet – Mollison St frontage

Under the existing permit and previous approvals, it has been accepted that the existing building will be demolished (no permit required), and a new street wall of established with a setback of two metres from Level 3 (RL 30.35m) on Victoria

Crescent and majority of the Mollison Street frontages (Figure 22). This creates a street wall at 32.29 metres RL (15.35 metres).

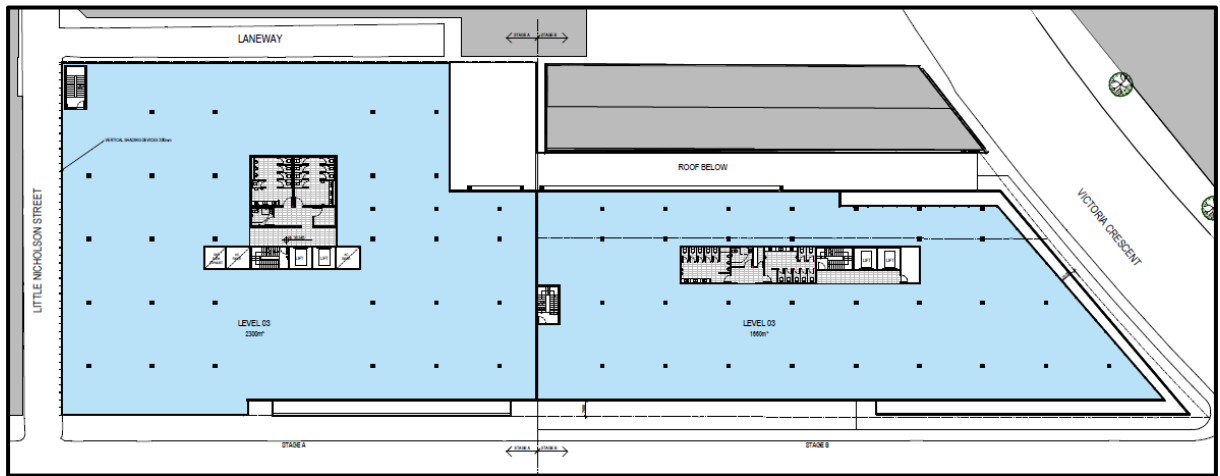


Figure 22: Level 3 Plan (Permit PLN17/0679)

A similar street wall was required for the approved development at 20-30 Mollison Street, with a setback of 2 metres from Level 3 at an RL 27.7m plus parapet. (Despite being at three storeys, the lower street wall has a lower height due to lower floor to ceiling heights). No additional setback has been required for the upper levels.

7.2.4 Assessment

In supporting the applications for higher built form around the site, Council has acknowledged the capacity of the precinct to accommodate increased density, given policy objectives for urban consolidation and the precinct's strategic location in proximity to the Victoria Street Major Activity Centre, Principal Public Transport Network (including fixed rail), and lack of sensitive interfaces.

In assessing the proposal for 12-20 Victoria Crescent and balancing it against the policy set out at 21.05 of the planning scheme, officers make the following observations.

197. *Although the site is not located directly within an activity centre, or on an identified strategic redevelopment site, it is within an area in which substantial redevelopment opportunities exist. The land is currently under-utilised, given its substantial size and central location. The proposal incorporates high quality restoration and adaptive re-use of a heritage building, substantial upper-level setbacks and meets Council's best practise ESD outcomes. Positive contributions to the public realm are proposed, and expanded upon by way of condition (discussed later in this report). It is also considered to display a high quality of architectural design, as will be discussed further.*
198. *The view that higher development can be considered outside activity centres or nominated strategic redevelopment site was articulated by the Tribunal in the 2009 decision, Common Equity Housing Ltd v Yarra City Council & Ors [2009] VCAT 1722 (24 August 2009):*

- [56] We do not think the mapped and listed sites should be regarded as being exclusive. It will not always be possible to identify such sites into the future and opportunities that present themselves that fit into the locational criteria should be able to be considered for higher scale development. Any redevelopment will involve an assessment of the site's physical and planning contexts resulting in different responses in different settings.

...

200. *Whilst the rear building is greater in height than surrounding buildings, it is considered that due to its setbacks from the street and its strategic context, Council planning officers support the overall height of Building 2.*

While Council officers supported the proposal at 9 storeys, a level was removed through the IDAC process; a matter which is currently the subject of a VCAT review.

It is not to say, however, that one height (of 8 storeys) is appropriate across the whole precinct. In assessing the original, 12 storey, proposal for 20-30 Mollison Street, Council officers refer to advice from an external urban designer.

The officer report and the advice suggest that 8 storeys would be an appropriate – noting that the height needs to be tempered to the residential and heritage context. It includes the following statements:

..there is not dispute that strategically, the subject site is appropriately located for a higher-density development, being located within proximity to a MAC, within an industrial use zone with excellent access to public transport, services and facilities and with limited direct sensitive, residential abutments....However, the subject site is located at an interface position where it is in between more robustly developed industrial/commercial land, and lower rise and finer grain residential, most of which is heritage fabric. These are important considerations which temper development expectations. (p43)

(Emphasis added).

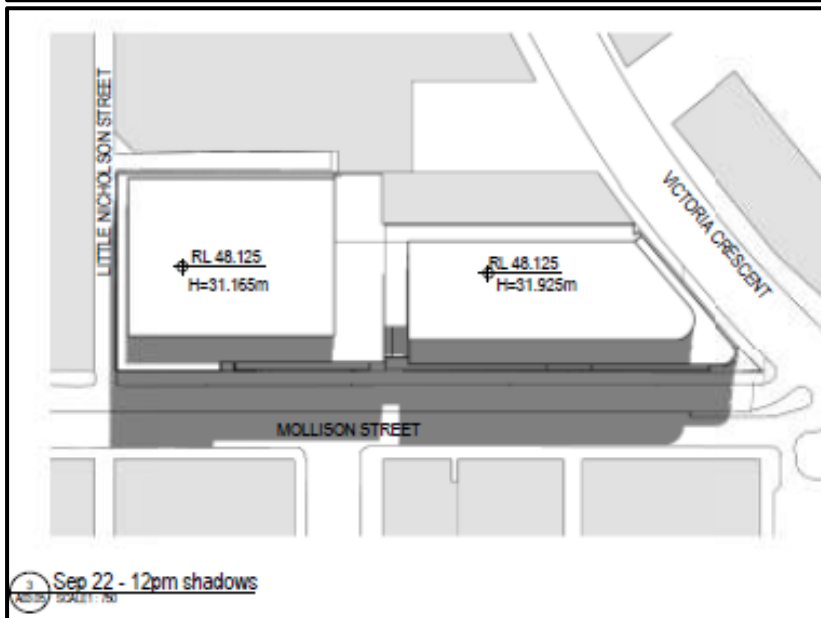
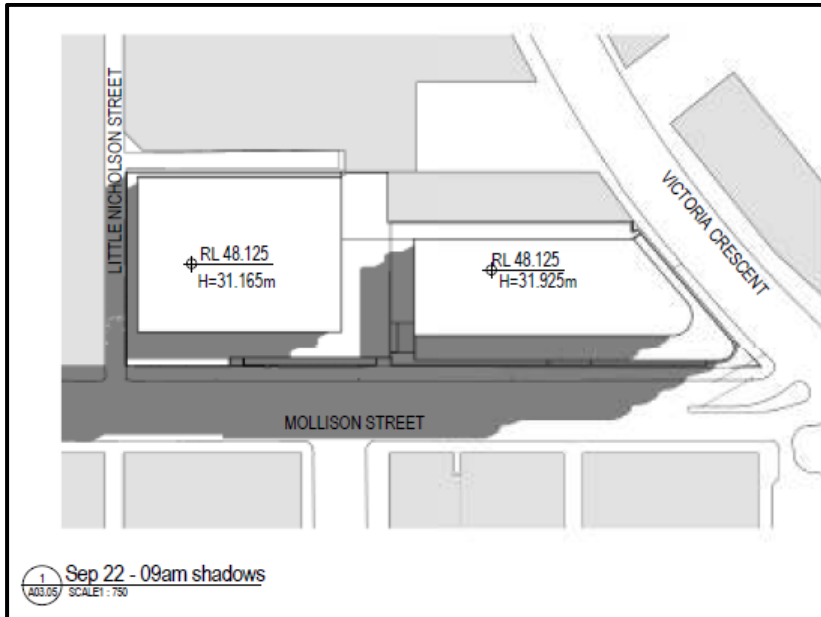
Having taken these things into account, the view shared by Council's external urban designer and officers is that an appropriate height for 20-30 Mollison Street is eight storeys, setback above a 4 storey street wall. This view is reflected in what has now been approved for the site, with a setback from level 3.

The site shares many of the characteristics of the strategic and physical context of its neighbours: it is proximate to Victoria Street Major Activity Centre, is proximate to train and tram services, it is a substantial size in a robust built environment and does not have sensitive interfaces. Unlike 20-30 Mollison Street, its development does not need to be tempered by virtue of being in a transitional location. Unlike 12 -20 Victoria Crescent, it does not need to be tempered by its heritage buildings.

The site does, however, does have a long frontage and interface on the northern side of Mollison Street. Key considerations in determining an appropriate height for the site are therefore about other aspects of the public realm experience. In particular, managing the bulk and scale of the building so as to:

- Minimise overshadowing onto the footpath on the southern side of Mollison Street; and
- Creating a pedestrian scale built environment that does not present as a single mass.

The height proposed by the planning scheme amendment has been selected to ensure it contributes to these objective. In particular, combined with the proposed setbacks, a height of 32 metres can be constructed on the site without overshadowing the southern side of Mollison Street at the equinox.



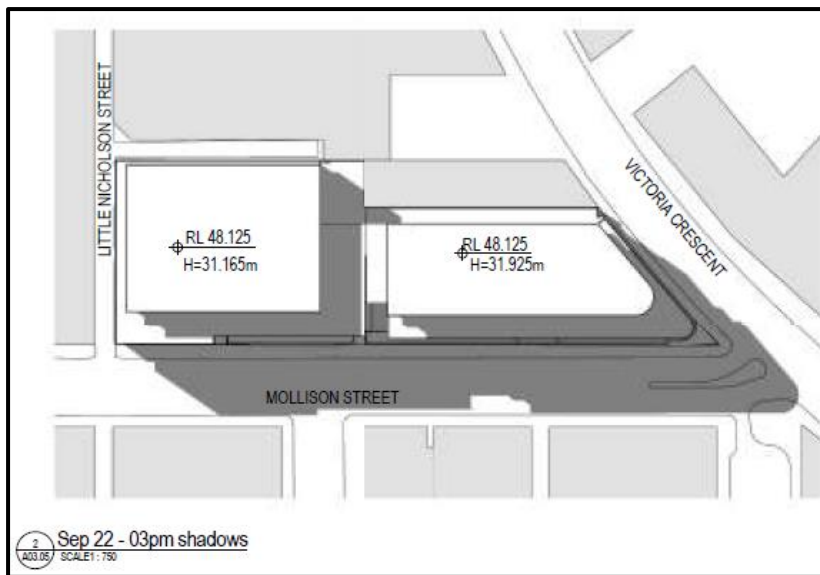


Figure 22: Building envelope shadow diagram

In terms of visual impact, the additional height will be provided in a manner that is secondary to the street wall and does not have a negative off-site amenity impact.

It will be recessed from the Mollison Street façade, beyond the existing 2 metre setback, such that it does not cast a shadow onto the south side of Mollison Street at the equinox.

Depending on Council's priorities and urban design advice, a case could also be made for locating greater height at the corner of Mollison Street and Victoria Crescent.

7.3 Façade Materials and Massing

The proposed planning scheme amendment includes changes to the Incorporated Plan Overlay that will provide for an improved built form outcome.

In assessing the application for the current planning permit, Council's urban designer noted a preference for:

- Retention of the splay at the corner of Mollison Street and Victoria; and
- Increased use of masonry to reflect the local character, rather than extensive glazing.

Given the existing suite of controls and existing approvals on the site, the changes sought by the urban design comments were not able to be fully implemented through the permit approval process.

While the applicant intends to develop Stage 1 generally as permitted, the planning scheme amendment creates the opportunity to change the incorporated plan to ensure the built form outcomes expressed above can be implemented through Stage 2. This can be achieved by:

- Adding the reference to use of masonry to the Incorporated Plan Overlay; and

- Requiring the setback in the Incorporated Plan.

An indication of the built form that can be achieved is provided in Attachment 4.

8 Traffic and Transport

8.1 Introduction

The transport network in and around the site for vehicles, pedestrians and cyclists has been extensively studied as part of the assessment the application for the development of the site and the adjoining sites, as well as Council's preparation of the Abbotsford LAPM.

Through the assessment of proposals on properties surrounding the site, Council has consistently sought to provide for the widening on Little Nicholson Street, and a reduction in car parking below the statutory rate.

8.2 Car Parking

8.2.1 Proposal

The current Incorporated Plan identifies the western portion of the site, where the at-grade car park is currently located, as a 'Car park building'.

It is proposed to remove this identification as, consistent with the current approval, it is intended that car parking be provided across two levels of basement. While this outcome should not be mandated, it does provide for a more efficient use of the site. It is also intended that car parking be provided below the statutory parking rate.

The current approval provides for 338 car parking spaces to service a net leasable area of 18,482 square metres. This equates to a parking ratio of 1.8 spaces per 100 square metres.

As part of a planning permit application that could be considered under the proposed planning scheme amendment, it is not intended to increase the number of car parks, although the net leasable area would increase.

Indicative development plans, included as Attachment 3, provide for 333 car parking spaces and a net leasable area of 21,590 square metres. (The total number of car parks is slightly reduced to account for the setback of the basement from Little Nicholson Street). This equates to a car parking ratio of 1.5 spaces per 100 square metres.

8.2.2 Policy

Council's transport vision includes the following:

- *Local streets will be dominated by walkers and cyclists.*
- *Most peoples will walk, cycle and use public transport for the journeys to work.*

(Clause 21.03)

Clause 52.06 sets out the statutory car parking rate that will be applied at planning permit application stage. As the site is within the Principal Public Transport Network

Area, a rate of 3 spaces per 100 square metres should be provided. A reduction in the statutory car parking rate will require a planning permit.

8.2.3 Context

Council actively seeks to reduce car parking ratios below those required by Clause 52.06 in order to achieve its vision. In addition to encouraging use of alternate forms of transport, lower car park rates have a positive correlation with reducing congestion and traffic impacts of development.

As well as supporting the reduced rates sought for the subject site as part of the current permit, Council applied a condition to the permit for the development of 12 – 20 Victoria Crescent to reduce the car parking ratio to 1 per 100 square metres. That Condition is subject to appeal by the applicant, which is seeking to be able to provide car parking at a ratio of 1.65 per 100 square metres.

8.2.4 Assessment

Identification of the 'car parking building' on the Incorporated Plan is an unnecessary constraint on the development of the site, and inconsistent with the current planning permit.

It is anticipated that the reduction in the statutory car parking rate can be addressed as part of the planning permit application process, should the amendment proceed. However, the proponent is open to exploring introducing a requirement to reduce the car parking ratio below the statutory rate through the planning scheme amendment process if it is considered beneficial by Council.

8.3 Access and Little Nicholson Street

8.3.1 Proposal

Currently, the incorporated plan shows the preferred vehicle entry and exit points for the site to be on Mollison Street and Victoria Crescent.

It is proposed to redistribute these as follow:

- Preferred access point added to Little Nicholson Street;
- Preferred access points on Mollison Street reduced from three to one; and
- Preferred access point on Victoria Crescent moved north, further from the intersection with Mollison Street.

In addition, the Incorporated Plan will require a widening of Little Nicholson Street to 2.4 metres, with a height clearance of 4.6 metres and no basement below.

8.3.2 Policy

Clause 22.07 *Development Abutting Laneways* sets out the policy that laneways be used in preference to street access for vehicles, while pedestrian access is provided for on the street frontage.

It is also an objective of the policy to “provide an environment which has a feeling of safety for laneway users”.

8.3.3 Context

In its assessment of surrounding applications, Council has considered both Little Nicholson Street and the unnamed laneway to the north of the site as laneways.

The portion of Little Nicholson Street which the site adjoins extends from Mollison Street in the south to Gipps Street in the north; a length of approximately 180 metres, adjoined by approximately 18 separate properties (Figure 23).

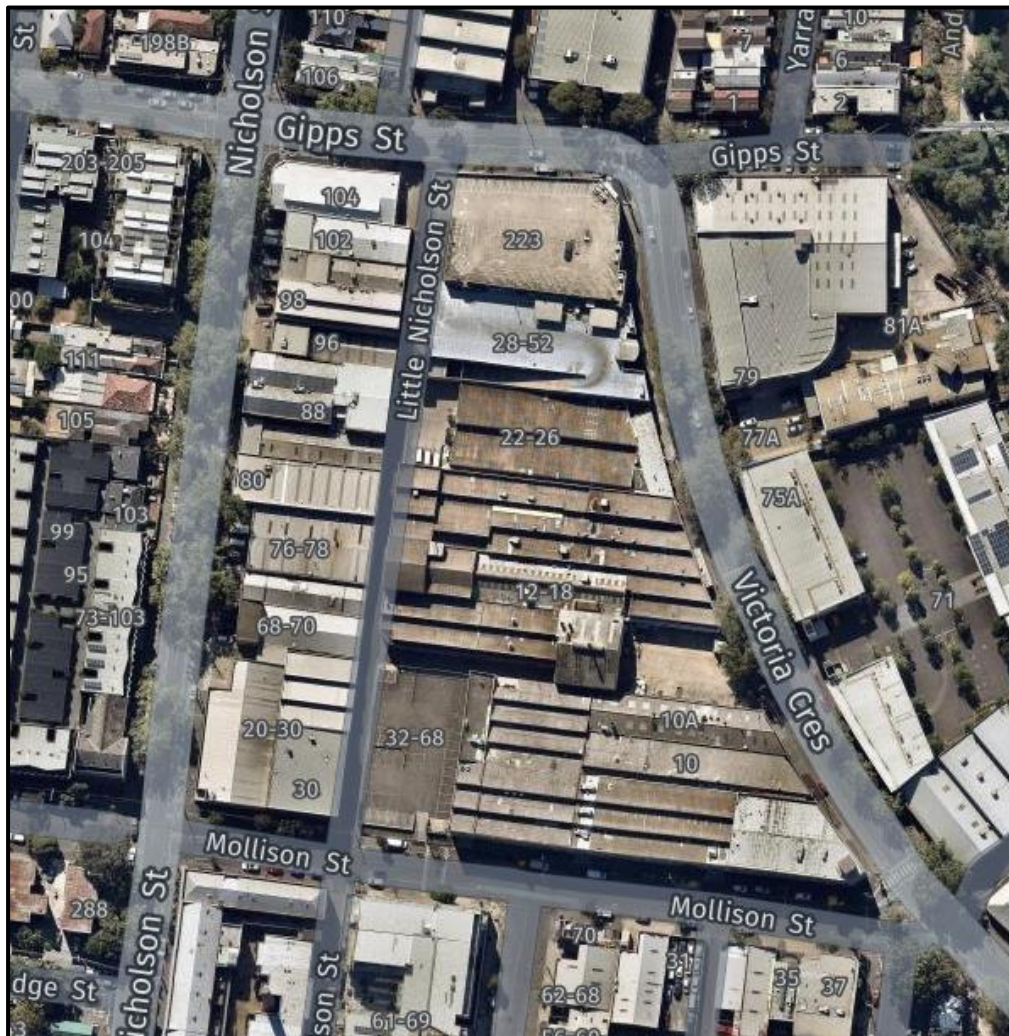


Figure 23: Built Form Interfacing with Little Nicholson Street

While these properties are still developed primarily with warehouses, they are approaching a point in their lifecycle where they are likely to be redeveloped for more intensive employment uses. This is evident from planning permit applications that have recently been considered for the area, and entirely consistent with strategic planning for the area.

In the vicinity of the site, Little Nicholson Street has a pavement width of 4.5 metres and allows for two way traffic. It provides rear access to lots fronting Nicholson Street and Victoria Crescent.

The current planning permit for the subject site provides for vehicle access from Little Nicholson Street. Stage 1 would provide car parking for 200 vehicles accessed exclusively from Little Nicholson Street. Stage 2 would increase the number of vehicles to a total of 338, with access from both Little Nicholson Street and Victoria Crescent. As evidenced by approval of the existing permit and acceptance of the associated Transport Impact Assessment, the laneway is adequate in its current configuration to accommodate traffic demand from the site.

In considering applications for the development of 20-30 Mollison Street and 12-20 Victoria Street, Council has sought both to have vehicle access from Little Nicholson Street, and to have it widened to increase its capacity.

For 20-30 Mollison Street, opposite the site, this has resulted in a planning permit being issued for a development proposal that widens the vehicle carriageway of Little Nicholson Street to 5.5 metres, and adds a pedestrian path of 1.2 metres (VCAT Reference P1507/2018; Permit No. PLN170535).

For 12-20 Victoria Crescent, to the north of the site, this has resulted in a planning permit being issued which requires Little Nicholson to be widened to 6.5 metres. While a number of Conditions of the permit are being reviewed by the Tribunal, with a hearing taking place at the end of July 2019, the widening of Little Nicholson Street was not ultimately contested.

The development of 12-20 Victoria Crescent also has an interface with the unnamed laneway to the north of the site. The plans submitted to Council for endorsement as part of PLN18/0239 provide for the laneway to be widened and used for vehicular and service access. Otherwise, the character remains essentially as it is.

In plans referred to by the applicant's experts during the VCAT hearing, an alternate concept was provided for the laneway. It provided for a shared east-west pedestrian and vehicular link that extended from Victoria Crescent to Little Nicholson Street.

While the 'VCAT version' will provide for more activation of the laneway than the 'Endorsement version', in either scenario there are opportunities for the development of the subject site to contribute to the sense of safety and activation of the laneway as its character evolves.

8.3.4 Assessment

The opportunity to require the widening of Little Nicholson Street represents a public benefit that has been identified by Council officers as an important contribution to the evolution of the area.

The desire of the proponent to increase the height permitted by the IPO represents a unique opportunity to achieve this outcome.

The indicative development (Attachment 4) removes the vehicle access from Victoria Crescent and relies instead on Mollison Street, which is an outcome it is understood will be preferred by Council's traffic engineers, given the position that was taken at VCAT in regard to 12 – 20 Victoria Crescent.

9 Development Contributions

Acknowledging its role in intensifying the use and development of the area, the Meydan Group is willing to pay for the construction of the pedestrian cross walk on Mollison Street, identified by the LAPM, upon gazettal of the amendment generally as proposed.

It is understood that Council is seeking funding for the crosswalk within the next financial year. Its estimated cost is \$90,000. Accordingly, we offer to make the contribution within the quarter following gazettal of the amendment, rather than tying it to a stage in the development.

To provide Council with greater certainty, however, the requirement for a Section 173 agreement to secure the contribution is also proposed to form part of the amended Incorporated Plan overlay.

Development of the site may also be subject to development contributions under the proposed Development Contributions Plan Overlay should Amendment C238 be gazetted prior to the issue of a permit for the proposed seven storey development.

In recognition of the existing approval and a timely contribution to the pedestrian crosswalk, we request the development contributions only be applicable to the additional gross floor area that is achieved as a result of the planning scheme amendment, above that already permitted.

For example, current planning permit PLN 17/0679 provides for the development of the site for a gross floor area of 32,059 square metres. Any development contributions payable under the DCPO should only apply to additional floor area above this.

10 Timing and Delivery

The Meydan Group has currently scheduled the redevelopment of the site to commence mid-2020. We realise that there is no guarantee that the planning scheme amendment will be gazetted, or that Council's position will be finalised in this timeframe.

Bearing this in mind, and to enable the office space we require to be constructed in a timely manner, we are hopeful of achieving the following sequence and timing of events:

October 2019

1. Preliminary Support

- Council considers planning scheme amendment request and resolves to exhibit.

2. Amendment to Endorsed Plans

- Assuming exhibition is generally as proposed, Meydan Group will make an application to amend the existing endorsed plans to provide for the setback from Little Nicholson Street (including at basement), with a minimum clearance of 4.6 metres.
- While the approved development will still be at five storeys, Council's preliminary support and re-endorsement of the plans will give us the confidence required to start detailed design with the setback and flexibility to extend the building to seven storeys.
- In terms of the design detail, this means that Stage 1 will be generally as per the existing approval (with the addition of the setback).
- At this stage, we would be prepared to enter into a Section 173 agreement with Council that commits us to paying for the construction of the raised pedestrian crosswalk upon gazettal of the amendment generally as proposed.

November/December 2019

3. Exhibition

- It is important for the amendment to be exhibited in 2019 in order for the Meydan Group to be able to commence construction with a level of confidence in 2020.

4. Endorsement of Plans

- We would be seeking re-endorsement of the plans providing for the setback before the end of the year.

January – March 2020

5. Detailed Design

- During this time, our design team would be undertaking detailed design of the first stage of the development.

April - June 2020

6. Panel Hearing

- If a panel hearing is necessary, it would ideally occur within this timeframe.
- A panel hearing in April would result in a report to Council in May 2020.

July – August

7. Council Adoption of Amendment

- If a Panel has been requested, Council would ideally adopt the amendment within this timeframe. This may occur earlier if a Panel is not required.

September – November

8. Gazettal of Amendment

- We realise gazettal timeframes are highly variable, however, are hopeful of being able to achieve gazettal by the end of 2020.

October – December

9. Development Contribution

- Following gazettal of the Amendment, the Meydan Group will make the contribution to enable the construction of the raised pedestrian crosswalk on Mollison Street, as identified by the LAPM, within a timely manner.

Timing To Be Discussed

10. Amendment of Planning Permit

- A critical step in the process is to amend the planning permit to provide for the seven storey development of the site. Until the planning scheme is amended, this is a prohibited development. As the amendment proceeds, we will discuss with Council officers the appropriate timing for making the application.

11 Indicative Development

Plans have been prepared which demonstrate the form of development that could occur on the site should the amendment progress. We are cautious about over emphasising these plans, as they are not before Council for assessment at this stage. However it is considered useful to provide them as an illustration of what may be achieved on the site under the revised controls.

These plans respond to the requirements of the proposed Incorporated Plan Overlay as follows:

- Seven storey built form, with limited visibility from adjoining pedestrian environment.
- Maximum height of 32 metres (RL 48.2 metres).
- Upper levels setback to ensure no overshadowing of the southern side of Mollison Street at the equinox.
- Opportunity for terraces and gardens to be created on the roof top and within the setbacks.
- Separation of built form between stages 1 and 2.
- Varied street walls to assist in breakdown of building mass.
- Increased use of masonry within lower levels to reflect neighbourhood character.
- Retention of two levels of basement car parking.
- Retention of ground floor activation at the eastern and western ends of the site through retail or café uses.

The indicative development demonstrates that the additional height can be achieved without adverse off-site amenity impacts, such as overshadowing or excessive building mass. Rather, the proposal creates the opportunity to re-envision the development of the site to provide a built form that makes a greater contribution to the area through the revised architectural treatment, setback from Little Nicholson Street, and separation of the building mass.

12 Conclusion

When the site was rezoned through Amendment C170, Council recognised it as an appropriate location for an office use, and the capacity of the site to accommodate a more intensive built form.

Since 2013, this position has been reinforced by State government changes to the Industrial zones, which provide for office use throughout the precinct in which the site is located, and Council decisions about appropriate height on adjoining properties.

The Incorporated Plan Overlay (IPO) that was put in place as part of Amendment C170, however, prevents the site from being able to fulfil its potential in the current policy and physical context.

The proposed planning scheme amendment will go some way to rectifying this, by amending the IPO to increase the height that may be permitted on the site from 5 storeys (23 metres / RL 39.33) to 7 storeys (32 metres / RL 48.2 metres). While this is not equivalent to adjoining properties, which are not subject to a height control, it provides some certainty about an appropriate built form outcome.

It is also proposed that the opportunity be taken to increase the public benefit that will be provided by the development of the site by using the Incorporated Plan Overlay to secure:

- A setback from Little Nicholson Street, which will increase its capacity to accommodate the redevelopment of site's further north;
- Funding in the order of \$90,000 for the construction of a raised pedestrian crosswalk on Mollison Street, as identified by the Abbotsford Local Area Place Making Plan; and
- An improved built form outcome through requirements to separate building mass and increase the use of masonry in the street wall, and the opportunity to include landscaping within the street wall setback and on a rooftop terrace.

The Meydan Group recognises and appreciates the time and resources required by Council to revisit the controls that apply to the site. We look forward to working together to create an improved outcome for all parties.

Attachment 1 Current Planning Controls (IPO)

43.03

01/07/2014
VC116

INCORPORATED PLAN OVERLAY

Shown on the planning scheme map as **IPO** with a number.

Purpose

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

To identify areas which require:

- The form and conditions of future use and development to be shown on an incorporated plan before a permit can be granted to use or develop the land.
- A planning scheme amendment before the incorporated plan can be changed.

To exempt an application from notice and review if it is generally in accordance with an incorporated plan.

43.03-1

19/01/2006
VC37

Requirement before a permit is granted

A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until an incorporated plan has been incorporated into this scheme.

This does not apply if a schedule to this overlay specifically states that a permit may be granted before an incorporated plan has been incorporated into this scheme.

A permit granted must:

- Be generally in accordance with the incorporated plan, unless a schedule to this overlay specifies otherwise.
- Include any conditions or requirements specified in a schedule to this overlay.

43.03-2

19/01/2006
VC37

Exemption from notice and review

An application under any provision of this scheme which is generally in accordance with the incorporated plan 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.

43.03-3

19/01/2006
VC37

Decision guidelines

Before deciding on an application under any provision of this scheme which is not generally in accordance with the incorporated plan, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The incorporated plan.
- Any other matters specified in a schedule to this overlay.

43.03-4

01/07/2014
VC116

Preparation of the incorporated plan

The incorporated plan may consist of plans or other documents and may, with the agreement of the planning authority, be prepared and implemented in stages.

An incorporated plan that provides for residential subdivision in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone, Township Zone, Comprehensive Development Zone and Priority Development Zone must meet the requirements of Clause 56 as specified in the zone.

The incorporated plan must describe:

- The land to which the plan applies.
- The proposed use and development of each part of the land.
- Any other requirements specified for the plan in a schedule to this overlay.

Notes: 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 the requirements of the zone which applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.

17/10/2013
C170**SCHEDULE 1 TO THE INCORPORATED PLAN OVERLAY**

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

32-68 Mollison Street and 61-69 William Street, Abbotsford July 2013**1.0****Purpose**17/10/2013
C170

To facilitate the use and development of the land at 32-68 Mollison Street for office, commercial and compatible uses that will provide jobs and business activity for the local area.

To encourage the use and development of land at 61-69 William Street, Abbotsford for predominantly residential purposes.

2.0**Conditions and requirements for permits**17/10/2013
C170

An application to construct a building at 61-69 William Street must include a design response to the satisfaction of the responsible authority. The design response is to contain information on the following:

- How the building respects the interface with the Denton Hat Mills building (56 Nicholson Street, Abbotsford) and the residential interface to the south.
- How upper levels (above 5 metres) are setback from Little Nicholson Street to reduce the impact of new built form on existing residential apartments and to ensure access to sunlight.
- The provision of safe and efficient pedestrian and vehicle access to the building.
- A traffic report that demonstrates the safe entry and exit of vehicles from the property to William Street only.

An application to construct residential dwellings at 61-69 William Street must include a noise assessment and design response to the satisfaction of the responsible authority to ensure industrial properties north of Mollison Street are not adversely affected by reverse amenity impacts.

An application to construct a building at 32-68 Mollison Street must include:

- A design response to the satisfaction of the responsible authority having regard to the proximity of properties to the north in a different zone including the potential impacts from noise, light, odour and 24 hour traffic movements.
- An active ground floor frontage incorporated into the design of the car park building at 32 Mollison Street.

An application that includes residential or other sensitive uses should:

- Minimise the potential impacts of local business (including noise, light, odour and 24 hour traffic movements), in the design and construction of buildings.
- Include design and noise attenuation measures that achieve the noise levels (within any noise sensitive areas) that are calculated by applying the method in Schedule B of State Environment Protection Policy No N-1 'Control of Noise from Commerce, Industry and Trade' (SEPP N-1) for calculation of noise limits.
- Locate, and if necessary screen, private open spaces, including balconies, to attenuate industrial noise to meet the requirements of SEPP N-1.
- Incorporate design measures that minimise the potential impact of non-routine odour emission.

3.017/10/2013
C170**Decision guidelines**

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

- The impact of the height, bulk, design and appearance of the building or works on the character and amenity of the surrounding area.
- The extent to which environmentally sustainable design features and practices are adopted.
- The relationship of any new buildings to the street including entrances that provide opportunities for active or visual engagement.
- The design of the car park building including how it relates visually to the street environment and the extent of activation of the frontage at street level.
- Whether new buildings provide an attractive and engaging edge to the street environment through landscaping and/or architectural design features.
- The visibility and layout of the development, and the extent to which screening of mechanical plant equipment is required.
- Any reverse amenity impacts of the proposal on existing and on-going operations of existing commercial and industrial activity in the adjoining and surrounding area.
- The effectiveness of new residential development and other noise sensitive uses in protecting their own amenity where potentially affected by existing commercial and industrial activity.
- Whether the proposed development has regard to the heritage values of the site as applicable.

4.017/10/2013
C170**Requirements for incorporated plan**

The incorporated plan must show:

- Building heights for each area in storeys, and metres or RLs.
- Building features to be retained.
- Vehicle entry and exit points for the site.
- Proposed land uses for the subject sites.
- Land use interface management.

Incorporated Document:
32-68 Mollison Street and
61-69 William Street, Abbotsford
July 2013

N.T.S.



- Boundary of IPO
- Manage edge to provide for continued industrial purposes
- Manage edge to existing residential development
- Existing Wall to be retained, new building to be separated vertically from existing wall
- Preferred Vehicle Entry/Exit (no vehicle access off Little Nicholson Street south of Mollison Street)
- Building levels above existing parapets to be setback 2 metres
- 5.0 metres (1 storey) building height

Maximum Building Height shown in metres and storeys

Note:
Building Heights do not include architectural features,
building services, electronic media, antennas, lighting
poles



Attachment 2 Proposed Planning Controls (IPO)

17/10/2013

C170

SCHEDULE 1 TO THE INCORPORATED PLAN OVERLAY

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

32-68 Mollison Street and 61-69 William Street, Abbotsford July 2013**1.0 Purpose**17/10/2013
C170

To facilitate the use and development of the land at 32-68 Mollison Street for office, commercial and compatible uses that will provide jobs and business activity for the local area.

To encourage the use and development of land at 61-69 William Street, Abbotsford for predominantly residential purpose

2.0 Conditions and requirements for permits17/10/2013
C170**2.1 Built Form**

An application to construct a building at 61-69 William Street must include a design response to the satisfaction of the responsible authority. The design response is to contain information on the following:

How the building respects the interface with the Denton Hat Mills building (56 Nicholson Street, Abbotsford) and the residential interface to the south.

How upper levels (above 5 metres) are setback from Little Nicholson Street to reduce the impact of new built form on existing residential apartments and to ensure access to sunlight.

The provision of safe and efficient pedestrian and vehicle access to the building.

A traffic report that demonstrates the safe entry and exit of vehicles from the property to William Street only.

An application to construct residential dwellings at 61-69 William Street must include a noise assessment and design response to the satisfaction of the responsible authority to ensure industrial properties north of Mollison Street are not adversely affected by reverse amenity impacts.

An application to construct a building at 32-68 Mollison Street must include:

- —A design response to the satisfaction of the responsible authority having regard to the proximity of properties to the north in a different zone including the potential impacts from noise, light, odour and 24 hour traffic movements.
- An active ground floor frontages incorporated into the design of the car park building at 32 Mollison Street for a portion of the site's Mollison Street frontage.
- Incorporation of a street wall that responds to the site's context in terms of height and material, and provide a pedestrian scaled design at street level.
- Separation of the built form or design treatments to ensure it does not appear as one building mass.
- Shadow diagrams, demonstrating that the footpath on the southern side of Mollison Street is not overshadowed by the proposed development at 22 September.

An application that includes residential or other sensitive uses should:

Minimise the potential impacts of local business (including noise, light, odour and 24 hour traffic movements), in the design and construction of buildings.

Include design and noise attenuation measures that achieve the noise levels (within any noise sensitive areas) that are calculated by applying the method in Schedule B of State Environment Protection Policy No N-1 'Control of Noise from Commerce, Industry and Trade' (SEPP N-1) for calculation of noise limits of SEPP N-1..

- Incorporate design measures that minimise the potential impact of non-routine odour emission Locate, and if necessary screen, private open spaces, including balconies, to attenuate industrial noise to meet the requirements

2.2 Section 173 Agreement for Development Contributions

The owner must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to make development contributions to a raised pedestrian crosswalk at the eastern end of Mollison Street.

The Section 173 agreement will exclude the site from payment of development contributions for the extent of development permitted prior to the Amendment under any other provision of this scheme.

3.0 **Decision guidelines**

17/10/2013
C170

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

The impact of the height, bulk, design and appearance of the building or works on the character and amenity of the surrounding area.

The extent to which environmentally sustainable design features and practices are adopted.

The relationship of any new buildings to the street including entrances that provide opportunities for active or visual engagement.

The design of the car park building including how it relates visually to the street environment and the extent of activation of the frontage at street level.

Whether new buildings provide an attractive and engaging edge to the street environment through landscaping and/or architectural design features.

The visibility and layout of the development, and the extent to which screening of mechanical plant equipment is required.

Any reverse amenity impacts of the proposal on existing and on-going operations of existing commercial and industrial activity in the adjoining and surrounding area.

The effectiveness of new residential development and other noise sensitive uses in protecting their own amenity where potentially affected by existing commercial and industrial activity.

Whether the proposed development has regard to the heritage values of the site as applicable.

4.0 **Requirements for incorporated plan**

17/10/2013
C170

The incorporated plan must show:

Building heights for each area in ~~storeys, and~~ metres or RLs.

Setback from Little Nicholson Street

Retention of corner splay at Mollison Street and Victoria Crescent

Building features to be retained.

Vehicle entry and exit points for the site.

Proposed land uses for the subject sites.

Land use interface management.

17/10/2013

C170

SCHEDULE 1 TO THE INCORPORATED PLAN OVERLAY

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

32-68 Mollison Street and 61-69 William Street, Abbotsford July 2013**1.0 Purpose**17/10/2013
C170

To facilitate the use and development of the land at 32-68 Mollison Street for office, commercial and compatible uses that will provide jobs and business activity for the local area.

To encourage the use and development of land at 61-69 William Street, Abbotsford for predominantly residential purpose

2.0 Conditions and requirements for permits17/10/2013
C170**2.1 Built Form**

An application to construct a building at 61-69 William Street must include a design response to the satisfaction of the responsible authority. The design response is to contain information on the following:

How the building respects the interface with the Denton Hat Mills building (56 Nicholson Street, Abbotsford) and the residential interface to the south.

How upper levels (above 5 metres) are setback from Little Nicholson Street to reduce the impact of new built form on existing residential apartments and to ensure access to sunlight.

The provision of safe and efficient pedestrian and vehicle access to the building.

A traffic report that demonstrates the safe entry and exit of vehicles from the property to William Street only.

An application to construct residential dwellings at 61-69 William Street must include a noise assessment and design response to the satisfaction of the responsible authority to ensure industrial properties north of Mollison Street are not adversely affected by reverse amenity impacts.

An application to construct a building at 32-68 Mollison Street must include:

- A design response to the satisfaction of the responsible authority having regard to the proximity of properties to the north in a different zone including the potential impacts from noise, light, odour and 24 hour traffic movements.

Active ground floor frontages incorporated into the design for a portion of the site's Mollison Street frontage.

- Incorporation of a street wall that responds to the site's context in terms of height and material, and provide a pedestrian scaled design at street level.
- Separation of the built form or design treatments to ensure it does not appear as one building mass.
- Shadow diagrams, demonstrating that the footpath on the southern side of Mollison Street is not overshadowed by the proposed development at 22 September.

An application that includes residential or other sensitive uses should:

Minimise the potential impacts of local business (including noise, light, odour and 24 hour traffic movements), in the design and construction of buildings.

Include design and noise attenuation measures that achieve the noise levels (within any noise sensitive areas) that are calculated by applying the method in Schedule B of State Environment Protection Policy No N-1 'Control of Noise from Commerce, Industry and Trade' (SEPP N-1) for calculation of noise limits of SEPP N-1..

- Incorporate design measures that minimise the potential impact of non-routine odour emission Locate, and if necessary screen, private open spaces, including balconies, to attenuate industrial noise to meet the requirements

2.2 Section 173 Agreement for Development Contributions

The owner must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to make development contributions to a raised pedestrian crosswalk at the eastern end of Mollison Street.

The Section 173 agreement will exclude the site from payment of development contributions for the extent of development permitted prior to the Amendment under any other provision of this scheme.

3.0 Decision guidelines

17/10/2013
C170

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

The impact of the height, bulk, design and appearance of the building or works on the character and amenity of the surrounding area.

The extent to which environmentally sustainable design features and practices are adopted.

The relationship of any new buildings to the street including entrances that provide opportunities for active or visual engagement.

The design of the car park building including how it relates visually to the street environment and the extent of activation of the frontage at street level.

Whether new buildings provide an attractive and engaging edge to the street environment through landscaping and/or architectural design features.

The visibility and layout of the development, and the extent to which screening of mechanical plant equipment is required.

Any reverse amenity impacts of the proposal on existing and on-going operations of existing commercial and industrial activity in the adjoining and surrounding area.

The effectiveness of new residential development and other noise sensitive uses in protecting their own amenity where potentially affected by existing commercial and industrial activity.

Whether the proposed development has regard to the heritage values of the site as applicable.

4.0 Requirements for incorporated plan

17/10/2013
C170

The incorporated plan must show:

Building heights for each area in metres or RLs.

Setback from Little Nicholson Street

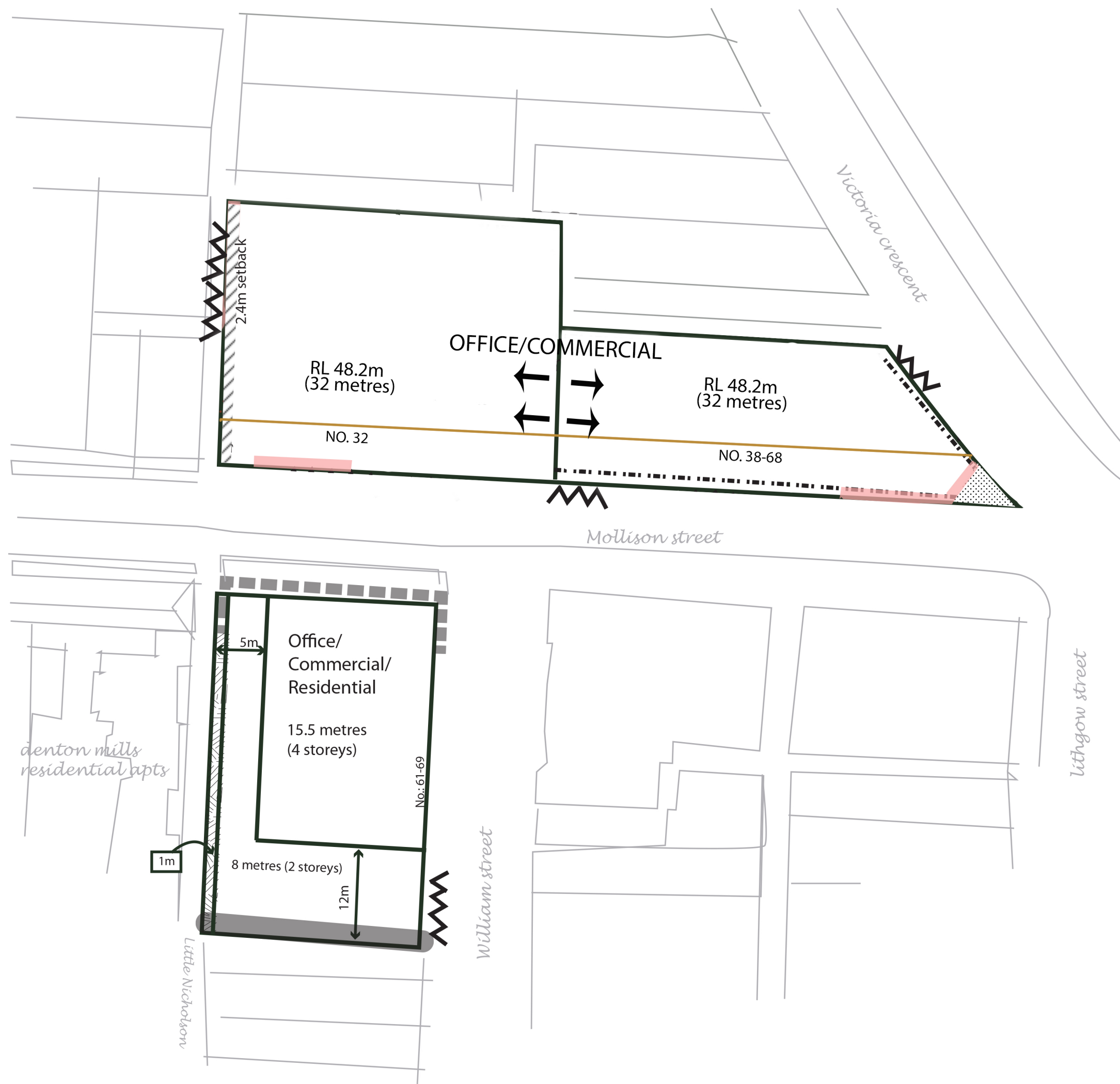
Retention of corner splay at Mollison Street and Victoria Crescent

Building features to be retained.

Vehicle entry and exit points for the site.

Proposed land uses for the subject sites.

Land use interface management.



- Boundary of IPO
- Manage edge to existing residential development
- Existing Wall to be retained, new building to be separated vertically from existing wall
- Preferred Vehicle Entry/Exit (no vehicle access off Little Nicholson Street south of Mollison Street)
- 5.0 metres (1 storey) building height
- Building levels above street wall to be set back 2 metres
- Active street frontage
- Ground level setback
- Setback from boundary to 4.6 Metres
- Building separation at upper levels
- Upper levels setback to prevent overshadowing of footpath on southern side of Mollison street at equinox

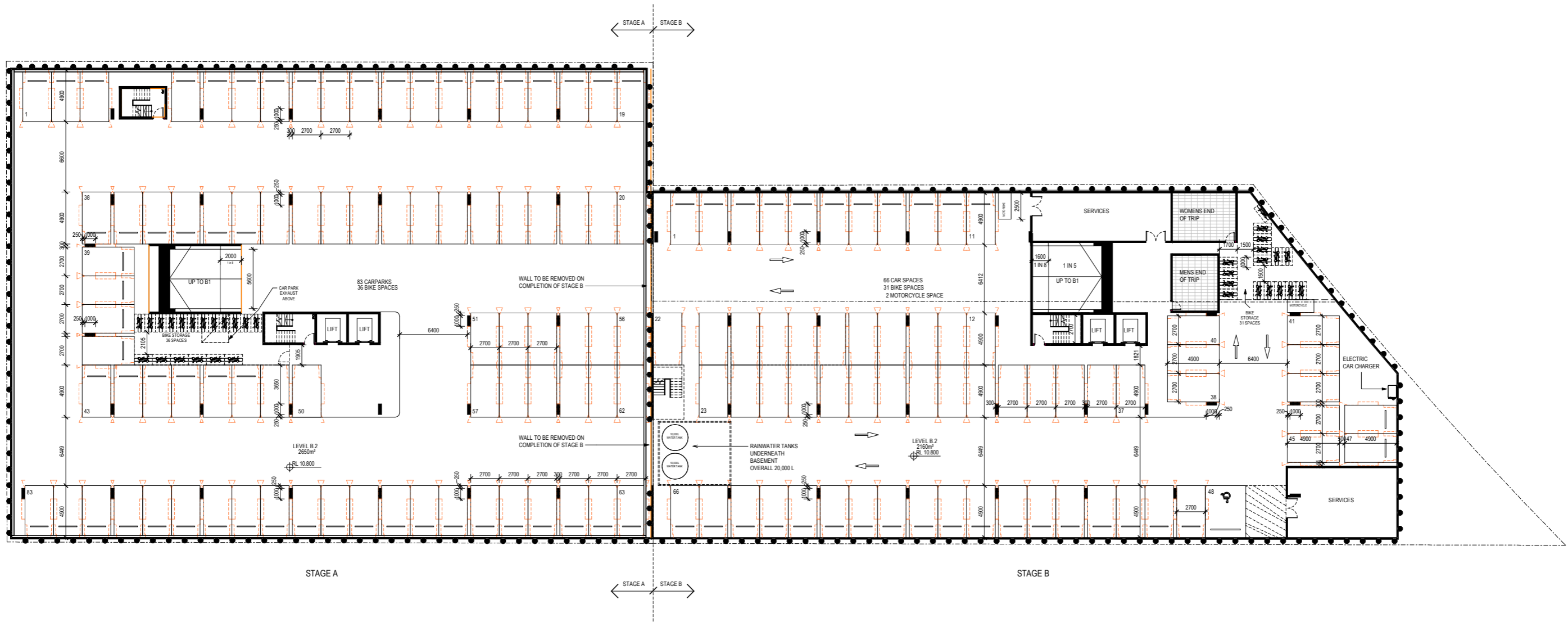
Note:

Building height is to the top of the roof slab.
(It does not include architectural features, building services, electronic media, antennas, lighting poles, terraces, landscaped areas, lift overruns, or other equipment and facilities associated with communal outdoor areas.)

Attachment 3 Indicative Development

TP APPLICATION

REVISIONS			
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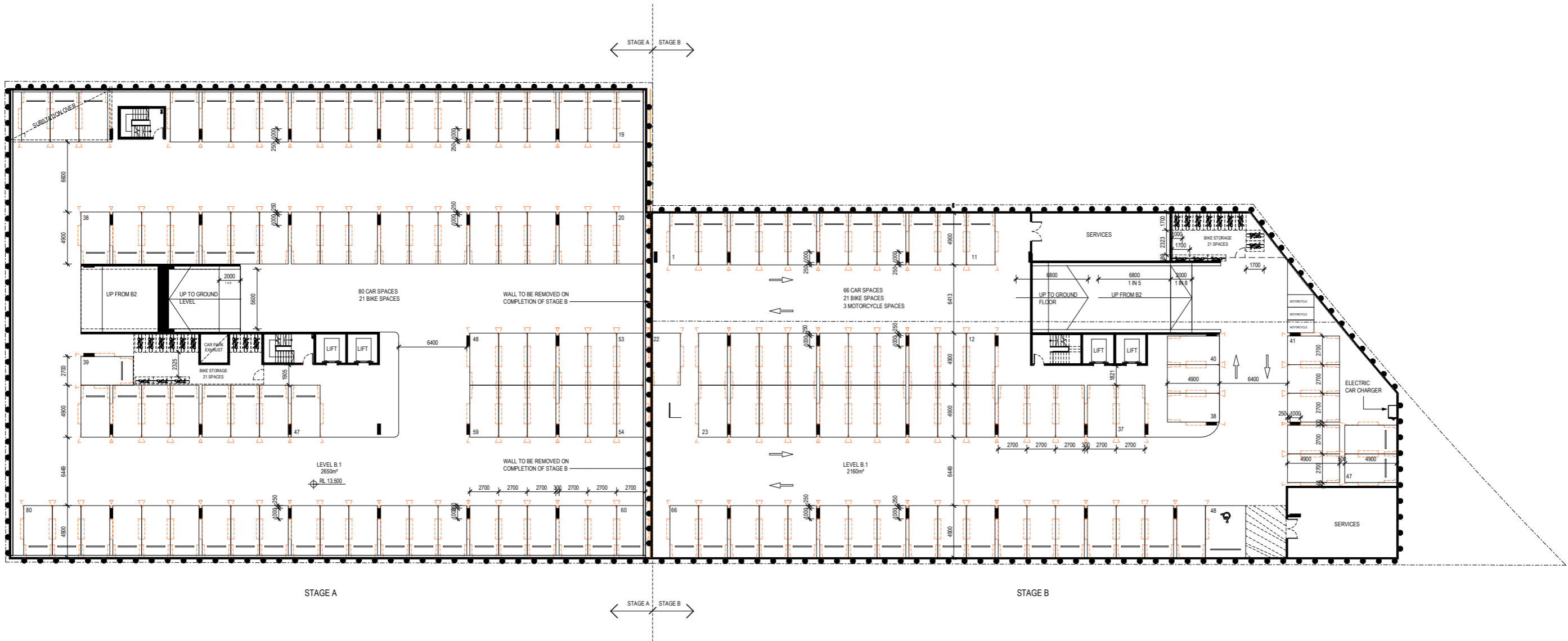
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PROJECT No:
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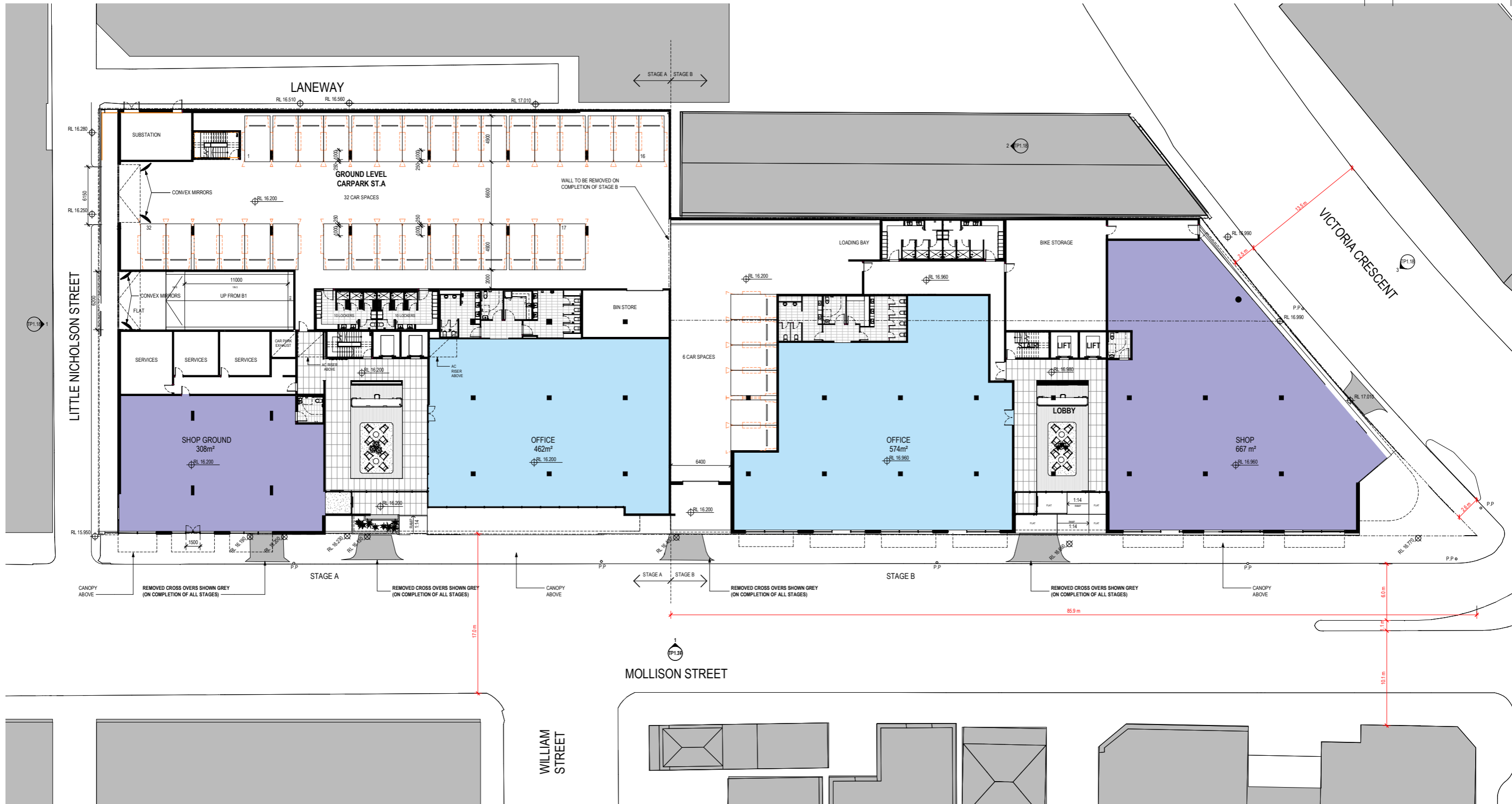
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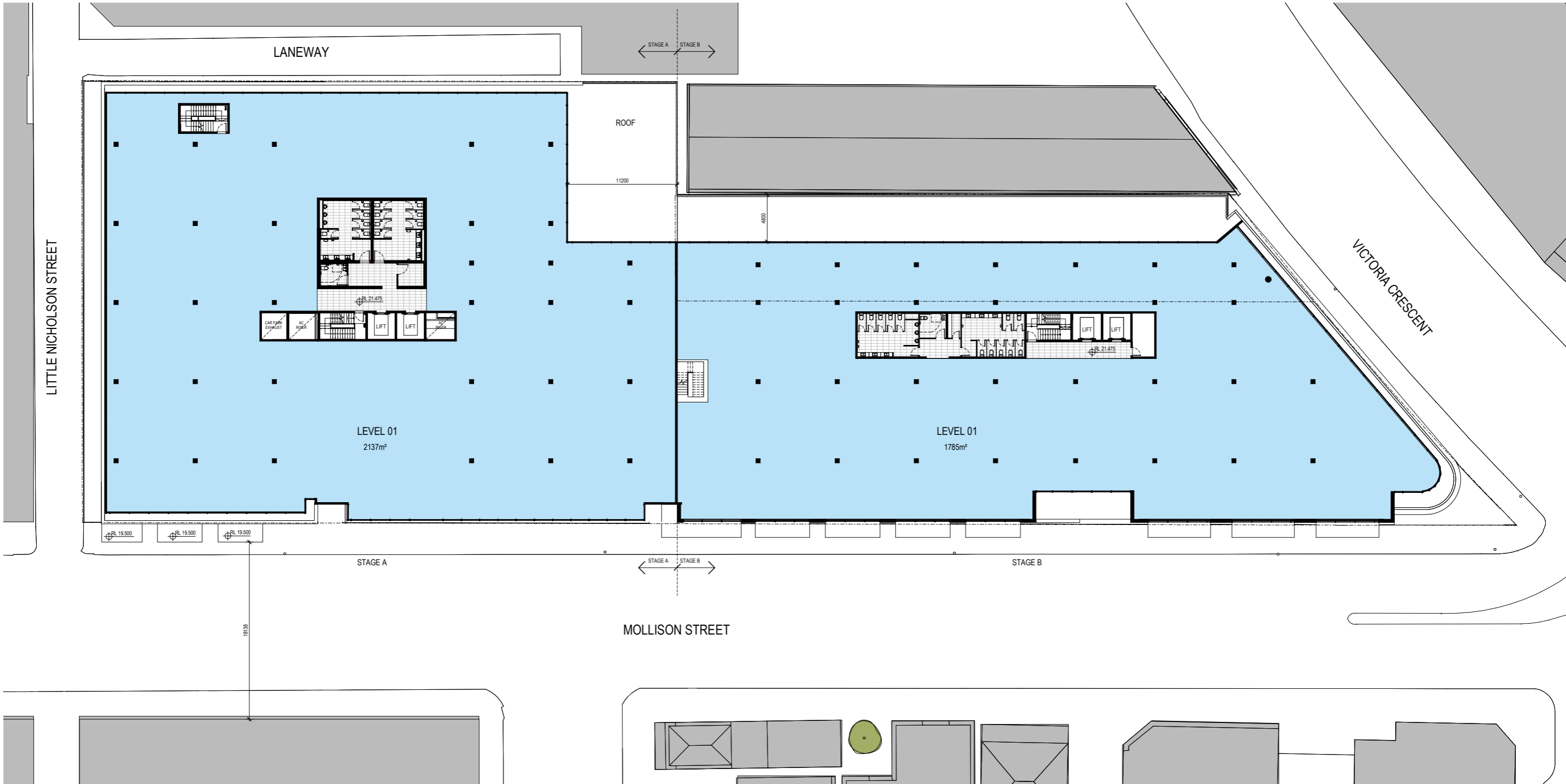
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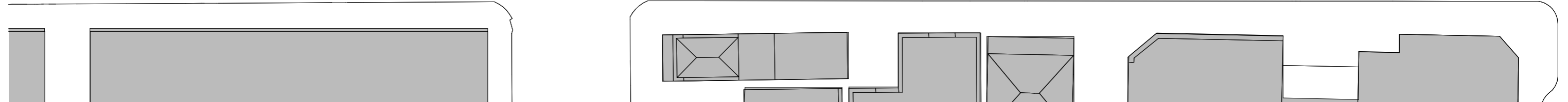
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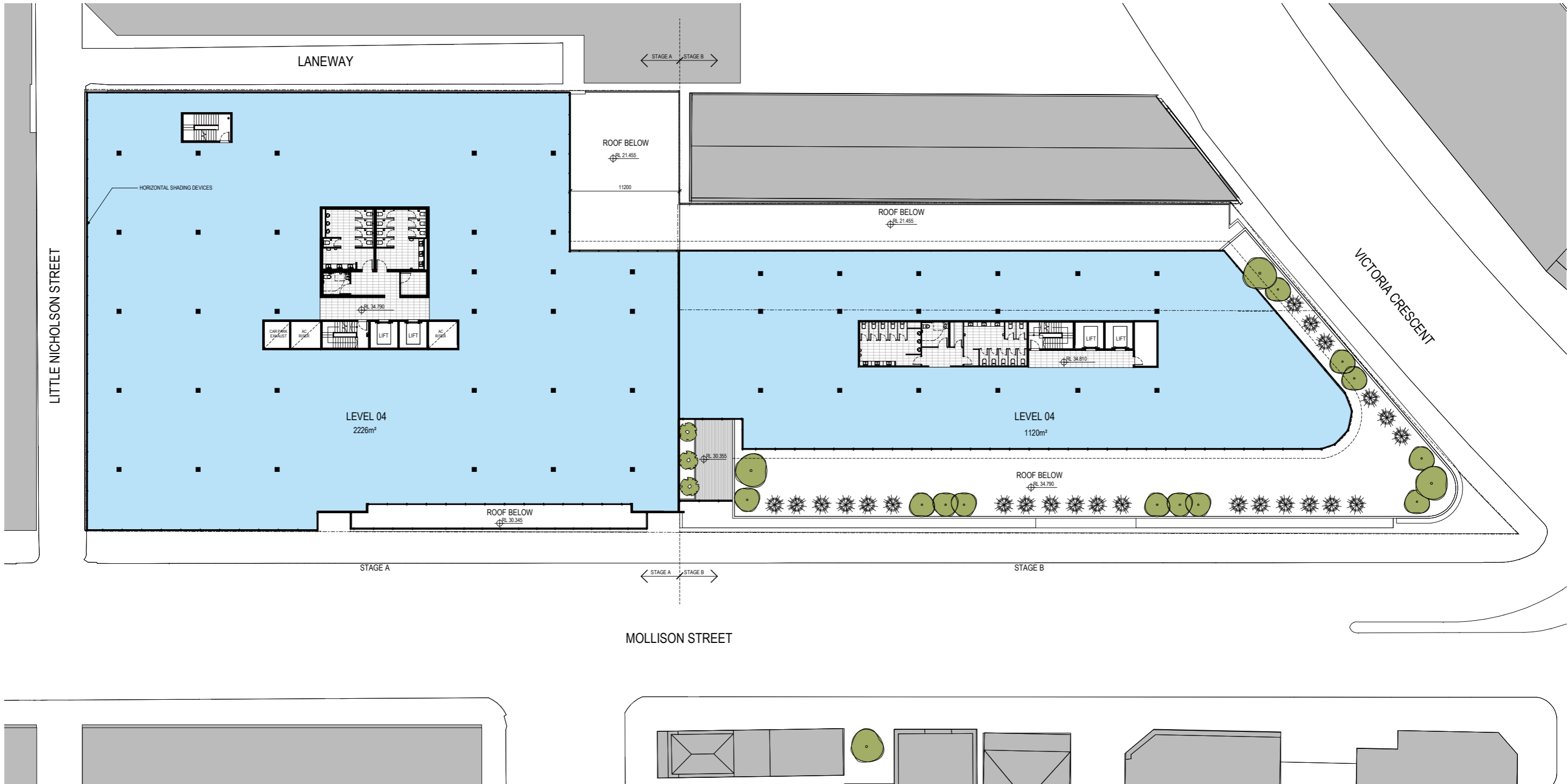
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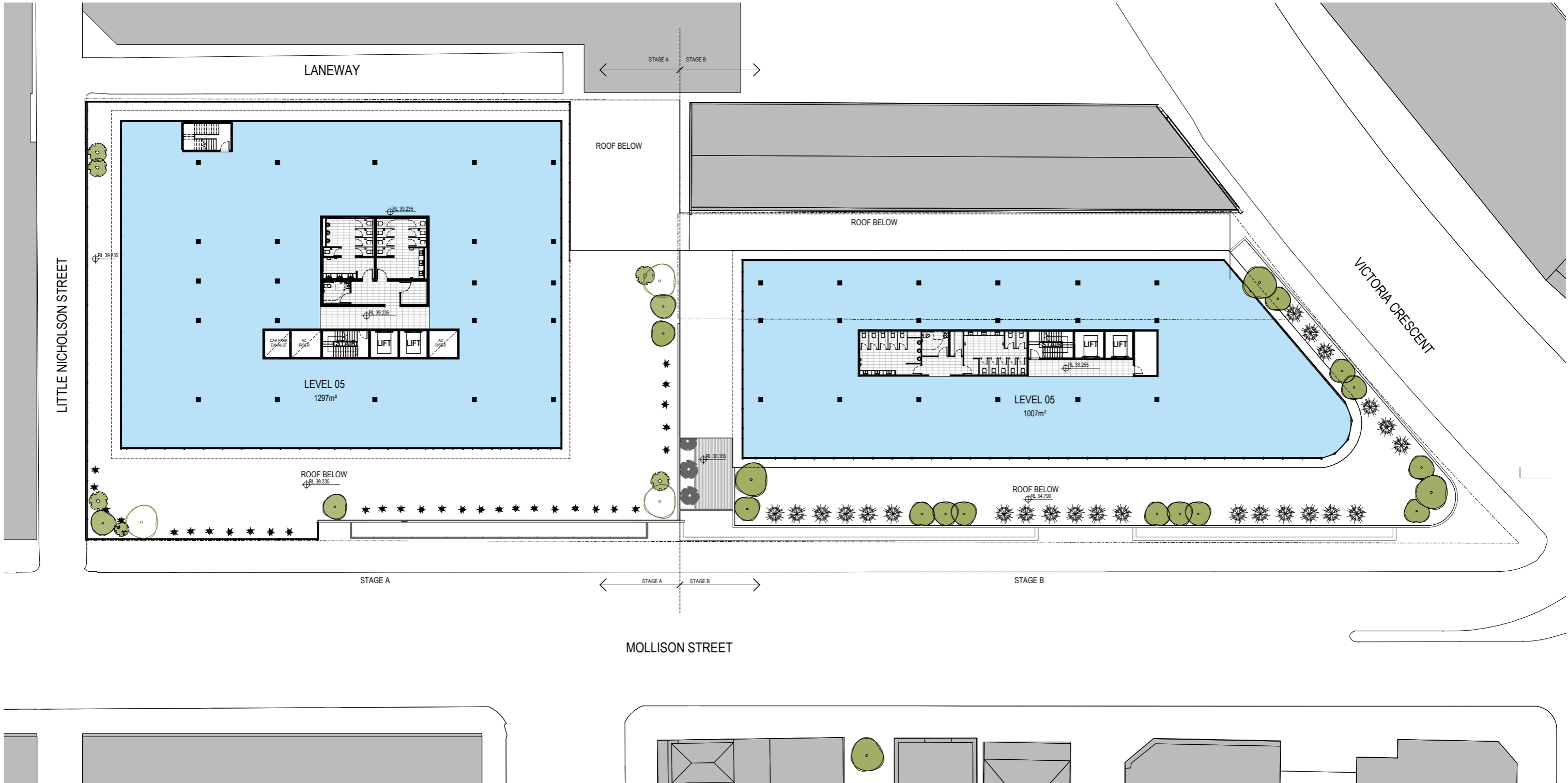




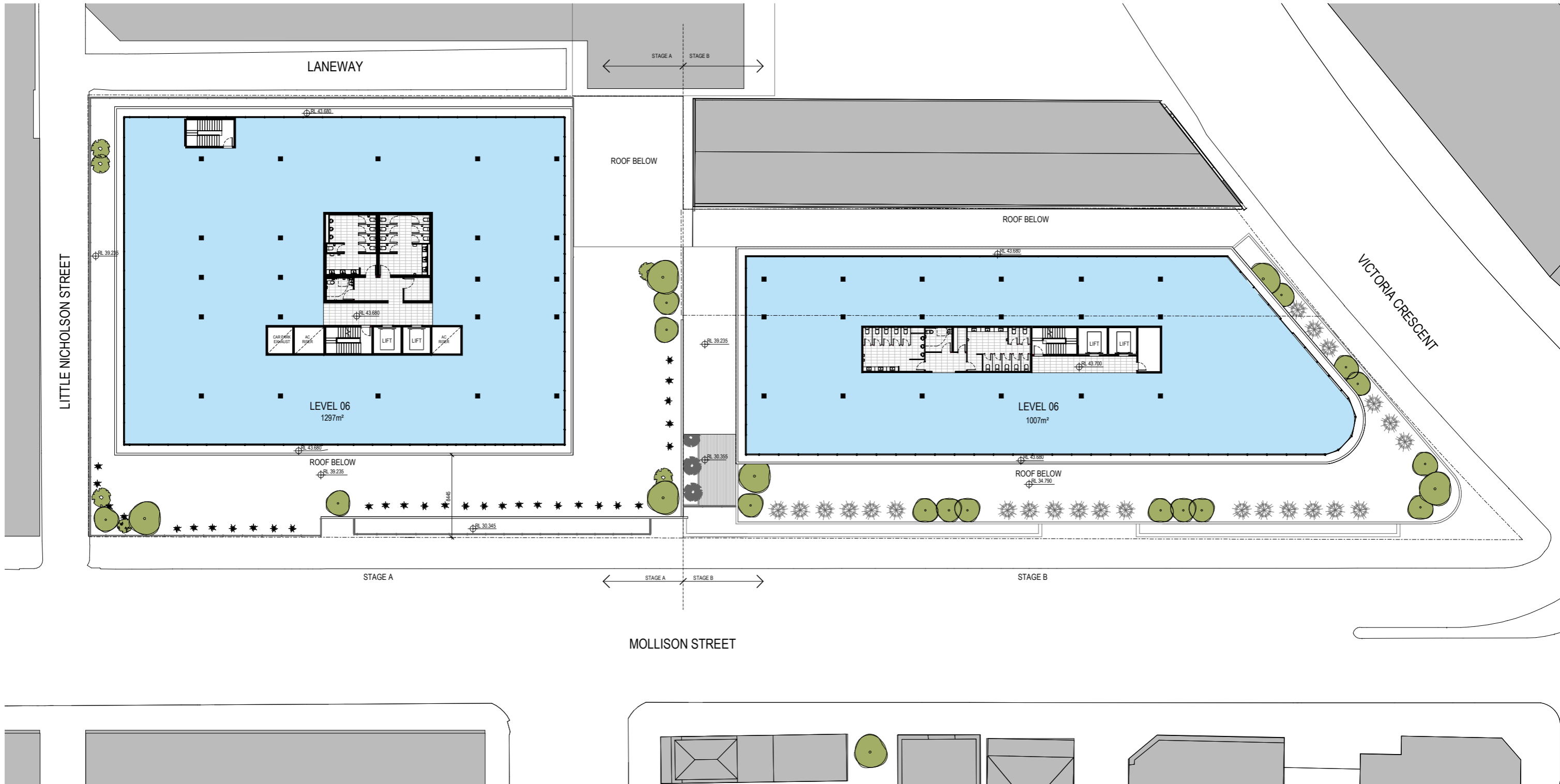
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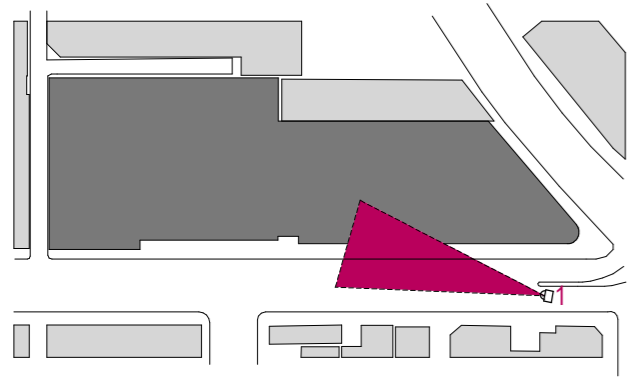


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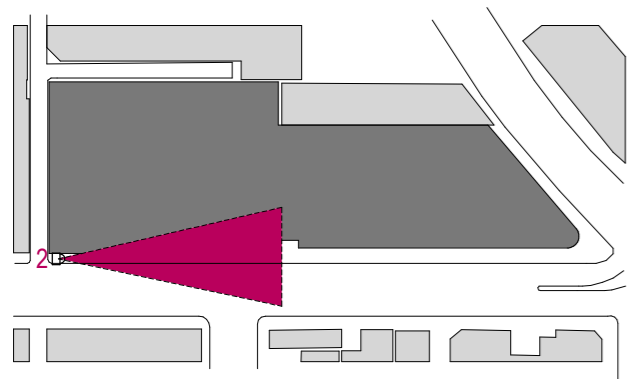




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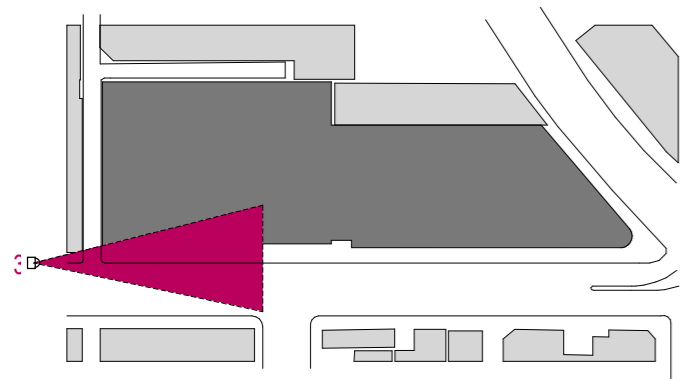




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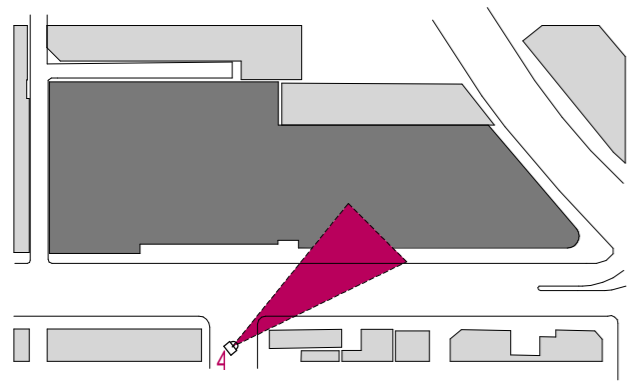




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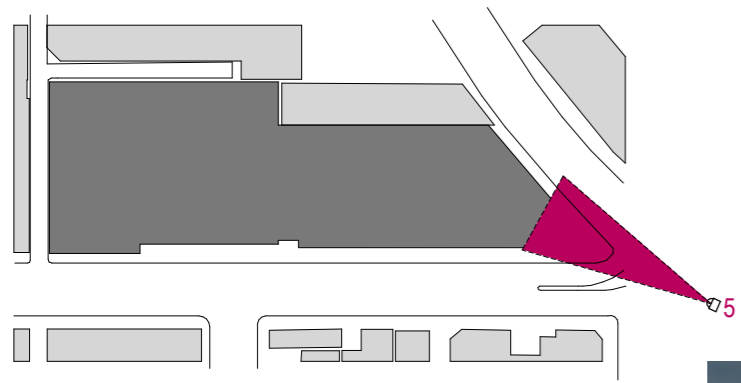




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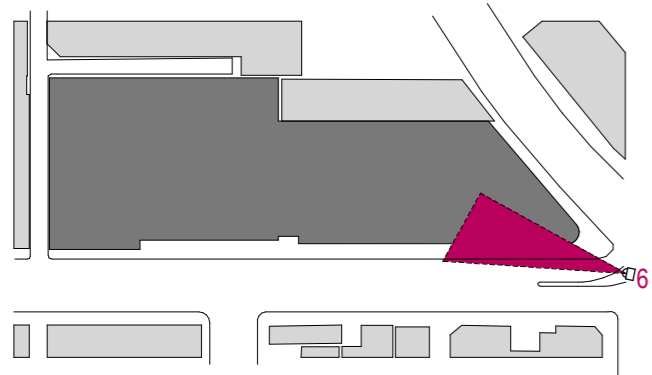




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