

Planning and Environment Act 1987

Panel Report

**Hobsons Bay Planning Scheme Amendment C88
'Precinct 15' - Altona North**

22 February 2018

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

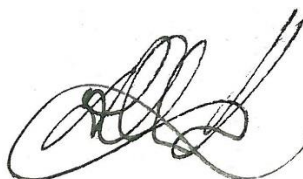
Hobsons Bay Planning Scheme Amendment C88

'Precinct 15' - Altona North

22 February 2018



Kathy Mitchell, Chair



David Merrett, Member



Gordon Anderson, Member

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List of Abbreviations

BTS	Brooklyn Terminal Sub-station
CBD	Central Business District
CDP	Comprehensive Development Plan
CDZ2	Comprehensive Development Zone – Schedule 2
CIL	Community Infrastructure Levy
DCP	Development Contributions Plan
DCPO	Development Contributions Plan Overlay
DDO	Design and Development Overlay
DELWP	Department of Environment, Land, Water and Planning
DIL	Development Infrastructure Levy
DLA	David Lock Associates
DPO	Development Plan Overlay
EAO	Environmental Audit Overlay
EES	Environment Effects Statement
EPA	Environment Protection Authority

GLFA	Gross Leasable Floor Area
GWF	George Weston Foods Ltd
HBCC	Hobsons Bay City Council
HO166	Heritage Overlay – Schedule 166
ILMS	Industrial Land Management Strategy
LATM	Local Area Traffic Management
LPPF	Local Planning Policy Framework
MCA	Main Charge Areas
ML	Measurement Length
MSS	Municipal Strategic Statement
NAC	Neighbourhood Activity Centre
NDA	Net Developable Area
ODP	Outline Development Plan
P15LC	Precinct 15 Landowners Consortium
PIP	Precinct Infrastructure Plan
POS	Public Open Space
SPPF	State Planning Policy Framework
SRA	Strategic Redevelopment Area
SUZ6	Special Use Zone – Schedule 6
The Act	<i>Planning and Environment Act 1987</i>
TFV	Transport for Victoria
TIC	TIC Group Pty Ltd
VCAT	Victorian Civil and Administrative Tribunal
VPA	Victorian Planning Authority
WGTP	West Gate Tunnel Project

Executive summary

(i) Summary

Precinct 15 in Altona North in the City of Hobsons Bay is one of the largest urban renewal infill sites in metropolitan Melbourne, where a former 67-hectare industrial site is proposed for predominantly residential use, with supporting employment and community uses.

Hobsons Bay Planning Scheme Amendment C88 proposes to rezone the land from Industrial 1 Zone to the Comprehensive Development Zone and change other planning controls to enable its redevelopment. A Comprehensive Development Plan has informed the Comprehensive Development Zone and a Development Contributions Plan. The proposal is based upon a 3,000-dwelling yield from the land.

The genesis for the residential and mixed-use redevelopment occurred in 2008 when the land was identified as a Strategic Redevelopment Area in the Hobsons Bay Industrial Land Management Strategy 2008. While work was undertaken to deliver on this strategy, it's progression had stalled in 2013 with several landownership changes. In response to a new rezoning request, Council issued a comprehensive further information request. The landowner's consortium that owns 82 per cent of the land approached the Minister for Planning and the Victorian Planning Authority to assist it in its discussions with Council. The Victorian Planning Authority ultimately drafted the amendment documentation and submitted it for authorisation and then public exhibition in early 2017.

Following exhibition, 103 submissions were received, with most supportive of some form of redevelopment, however, many from the surrounding residential community raised concerns about the sites proposed built form and size, and consequential traffic impacts. Other specific issues included the number and height of dwellings, the amount (and in some cases, the location) of retail and commercial floorspace, affordable housing, open space, community facilities and the extent of development contributions.

A Panel was appointed to consider all submissions, and from its observations from site inspections, submissions, evidence and other material presented to it during the Hearing, the Panel concludes that the site is an excellent opportunity to provide for a new residential community that is supported by a wide range of community, business and retail uses in an excellent location with good access to rail and road, the municipality of Hobsons Bay and the Melbourne Central Business District.

More than half the submissions raised concerns about the potential effects from the additional traffic the redeveloped site would generate. In response to a Panel Direction, a conclave of traffic experts, with participation from VicRoads and Transport for Victoria, agreed that traffic issues could be mitigated within the internal street network and through external infrastructure works. The conclave raised no concerns about the ability of the proposed street network to efficiently and safely cope with pedestrians and cyclists, and public transport improvements. Through the proposed mitigation works, expected improvements in accessing the West Gate Freeway at Millers Road, full-time truck bans along Blackshaws Road and other necessary works identified from Local Area Traffic

Management plan and other studies, the network is expected to be able to accommodate the extra traffic.

For the reasons expressed in this report, the Panel concludes there is strong strategic support for the residential and mixed-use development of Precinct 15. Key drivers in the Panel's deliberations were the importance of providing certainty with some flexibility for developers, while recognising the community's expectations of how the site might develop based on consultation and the exhibited documents.

This led to an iterative process during the Hearing to simplify and clarify the role and content of the primary planning controls. The Panel used the Victorian Planning Authority versions of the Comprehensive Development Plan (Document 79) and Schedule 2 to the Comprehensive Development Zone (Document 78) tabled at the Hearing as a basis for its considerations and recommendations.

Overall, the Panel concludes:

- the use of the Comprehensive Development Zone, the Comprehensive Development Plan and a Development Contributions Plan is sound and in the main, contains appropriate and flexible, discretionary requirements and guidelines, with a limited number of mandatory requirements
- while there will be additional traffic impacts on the surrounding road network, particularly at some key intersections, mitigation works are proposed to minimise these impacts, and the early construction of traffic management measures are encouraged to off-set such impacts
- the allocation of 7.1 per cent of overall land area for public open space is supported through the Schedule to Clause 52.01
- the built form of development with heights ranging from two to six storeys is appropriate, with all height and setbacks to be expressed as discretionary, except for building and front façade heights along the local road frontages of New Street and Kyle Road where these are to be expressed as mandatory to respect the existing residential interfaces
- the 3,000-dwelling 'soft cap' is not an upper limit for the total number of dwellings, rather it is a trigger point for further investigations of the traffic, social and other impacts
- there is a need for a suitable dwelling density and dwelling yield plan to monitor the orderly apportionment of dwellings across the Precinct
- an area of 10,000 square metres of new commercial office floorspace should be included to complement the town centre and the residential community
- the site should provide affordable housing opportunities through a five per cent contribution of affordable housing at a 25 per cent discount to an appropriate agency
- the provision of 0.5 hectares of land at the northwest corner of Blackshaws Road and The Broadway extension for the community centre, with a 1,753-square metre floor area community facility fully apportioned to the landowners
- other matters about site contamination, drainage, utility services, protection of major pipelines, noise, vibration, dust and odour are acknowledged, are manageable and can be appropriately addressed and mitigated.

There are consequential changes to the Development Contributions Plan resulting from Panel's findings.

The changes the Panel supports represent a major but important shift from the exhibited documents. They are briefer, simpler and should give greater clarity to Council, the VPA, the landowners and the local community about the development outcomes for what will be one of Melbourne's largest inner urban redevelopment infill sites.

(ii) Recommendations

Based on the reasons set out in this Report, the Panel recommends that Hobsons Bay Planning Scheme Amendment C88 be adopted as exhibited subject to the following:

- 1. Adopt the Victorian Planning Authority version of the Comprehensive Development Plan (Document 79), subject to the changes made by the Panel as shown in Appendix C2, and other specific recommendations provided in this report.**
- 2. Adopt the Victorian Planning Authority version of Schedule 2 of the Comprehensive Development Zone (Document 78), subject to the changes made by the Panel as shown in Appendix D2, and other specific recommendations provided in this report.**
- 3. Review the provisions and schedules of Amendment C88 during finalisation of the Amendment to ensure they are consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* (May 2017).**
- 4. Amend the exhibited Development Contributions Plan as follows:**
 - a) Blackshaws Road – Frontage Works – increase from \$30,000 to \$50,000**
 - b) Local Area Traffic Management Study and Implementation – increase from \$118,000 to \$590,000**
 - c) Blackshaws Road and Millers Road – Works – increase from \$472,550 to \$500,000**
 - d) Blackshaws Road/Kyle Road/Mills Street – Construction – increase from \$20,000 to \$40,000**
 - e) Blackshaws Road/Schutt Street – delete the item from the Development Contributions Plan**
 - f) Melbourne Road/Ross Street – delete the item from the Development Contributions Plan.**
- 5. Amend the Comprehensive Development Plan as follows:**
 - a) Amend Plan 1 (Future Urban Structure) by deleting the 'commercial/mixed use area' from Property 8 north of the community facility and consolidating it with the internal residential sub-precinct.**
 - b) Amend Plan 1 (Future Urban Structure) to add the gateway locations.**
 - c) Amend Plan 3 (Altona North Local Town Centre Concept Plan) by deleting the 'commercial/mixed use area' from Property 8 north of the community facility and consolidating it with the internal residential sub-precinct.**

6. Amend Map 1 of Schedule 2 to the Comprehensive Development Zone by deleting the 'commercial/mixed use area' from Property 8 north of the community facility and consolidating it with the internal residential sub-precinct.
7. Delete 9.2 per cent and replace it with 7.1 per cent in the Schedule to Clause 52.01 (Public open space contribution and subdivision).
8. Amend the preamble of Clause 21.03-1 with:
A small supermarket-based Neighbourhood Activity Centre and mixed use/commercial area is planned at the former industrial Precinct 15 in Altona North.
9. Amend Map 1 of Clause 21.03-1 by identifying the planned Neighbourhood Activity Centre and mixed use/commercial area at Precinct 15.
10. Amend the Application of zones and overlays in Clause 21.03-2 by adding:
Apply the Comprehensive Development Zone, based on a Comprehensive Development Plan, for Precinct 15 in Altona North to transition it to a residential/mixed use Precinct.
11. Amend Map 2 of Clause 21.04 by identifying the planned open space areas in Precinct 15.
12. Amend Map 3 of Clause 21.08 by identifying Precinct 15 fully within the strategic redevelopment area by partly deleting the secondary industrial area.
13. Amend the Schedule to Clause 66.06 by inserting the following provision:

Clause	Kind of application	Person or body to be notified
37.02 Schedule 2	<p>To use and develop land within 450 metres of the South Melbourne to Brooklyn (PL108) gas transmission pipeline or the Altona to Somerton (PL118) fuel pipeline for:</p> <ul style="list-style-type: none"> Residential aged care Child care centre Education centre Place of assembly 	<p>Operators and Licencees authorised under pipeline licence Nos PL108 (Brooklyn to South Melbourne Licensed Pipeline) and PL118 (Somerton to Altona Licensed Pipeline)</p>
37.02 Schedule 2	<p>To subdivide land within 60 metres of the South Melbourne to Brooklyn (PL108) gas transmission pipeline or the Altona to Somerton (PL118) fuel pipeline for:</p> <ul style="list-style-type: none"> Residential aged care Child care centre Education centre Place of assembly 	<p>Operators and Licencees authorised under pipeline licence Nos PL108 (Brooklyn to South Melbourne Licensed Pipeline) and PL118 (Somerton to Altona Licensed Pipeline)</p>

1 Introduction

1.1 Amendment description

Amendment C88 to the Hobsons Bay Planning Scheme applies to 66.95 hectares of land in Altona North (known as Precinct 15) and proposes to:

- rezone land bordered by New Street, Kyle Road, Blackshaws Road and the West Gate Freeway (excluding 70-84 Kyle Road) from the Industrial 1 Zone and Industrial 3 Zone to Comprehensive Development Zone Schedule 2 (CDZ2) and to incorporate the associated Comprehensive Development Plan (CDP)
- rezone 70-84 Kyle Road (Brooklyn Terminal Sub-station (BTS)) from Industrial 1 Zone to Special Use Zone Schedule 6 (SUZ6)
- apply the Environmental Audit Overlay (EAO), excluding 48 New Street and 70-84 Kyle Road
- apply the Development Contributions Plan Overlay (DCPO) and Development Contributions Plan (DCP) to Precinct 15, excluding 70-84 Kyle Road
- amend the Schedule to Clause 52.28 to prohibit gambling within Precinct 15
- remove the Heritage Overlay No 166 (HO166) from 40-68 Kyle Road
- amend the Schedule to Clause 52.01: Public Open Space Contribution and Subdivision to require and collect an open space contribution for Precinct 15.

The Amendment facilitates the replacement of part vacant and part occupied industrial land with a residential and mixed-use development including provision for a supermarket, local shops and services, parks and offices.

HO166 is to be deleted, as Planning Permit PAO613570 was issued in 2006 for building demolition at the former Gilbertsons Meat Works site, which has now been demolished.

The CDP is the primary planning document and is to be incorporated into the Hobsons Bay Planning Scheme. The CDZ2 seeks to implement the CDP with specific controls for land use, subdivision, buildings and works and advertising signs for the land. Planning applications consistent with the CDP are exempt from notice and decision requirements and review rights of the *Planning and Environment Act 1987* (the Act).

The Amendment controls have been informed by many background and technical reports.

Appendix A contains a list of all submitters to the Amendment.

Appendix B contains a list of documents tabled before, during and after the Hearing.

1.2 Precinct 15 and surrounds

Precinct 15 has 25 individual landowners. The Precinct 15 Landowners Consortium (P15LC), cumulatively owns 82 per cent of the land.

The land has several important and sensitive interfaces, including:

- the West Gate Freeway
- residential areas to the west, east and south
- small frontage to the Brooklyn Newport railway line
- the Brooklyn Terminal Sub-station

- the gas and fuel pipelines that traverse the north-east corner of the site.

Other additional site constraints include the:

- existing pattern of land uses on site
- fragmented pattern of land ownership and varying landowner intentions
- contamination issues from previous industrial uses
- capacity of the existing transport network
- buffer requirements.

Figure 1 provides an overview of the context of the land to be rezoned to the CDZ2. Additionally, the Amendment includes the Brooklyn Terminal Sub-station which is to be rezoned to SUZ6.

Figure 1 Land context



The land is generally flat and cleared of buildings with some smaller scale industrial uses continuing to operate on New Street and Blackshaws Road. The Panel was advised that some of the larger sites are undergoing site decontamination, guided by an Environmental Auditor.

The Blackshaws Road/Kyle Road intersection is signalised and new signals are proposed at the intersection of The Boulevard, Blackshaws Road and a new north-south connector street intersection.

The surrounding established residential areas typically comprise a single dwelling per lot, however there is evidence of some redevelopment for medium density housing. Development generally does not exceed two storeys. The residential areas do not have a direct abuttal to the site, being separated by a street network that extends around the land to the east, south and west.

The West Gate Freeway forms the northern boundary of the municipality; to the north of which is the City of Maribyrnong. The West Gate Tunnel Project (WGTP) proposes a tunnel portal and ventilation structure within an urban design treatment to the north of the site that will be 45 metres high. Land at the northeast of Precinct 15 (2 Watson Street) is to be used as a construction base for the WGTP and, after completion, as uncredited public open space with part of the land retained as a maintenance base for the WGTP.

The following retail facilities are in proximity to the site:

- Altona Gate Major Activity Centre to the west
- The Circle to the south
- Borrac Square to the southwest
- a number of other strip centres at Millers Road, Blackshaws Road and Vernon Street.

Further to the southwest is the Millers Junction Business Park.

As shown in Figure 1 there are several public open spaces around the Precinct, some of which are to the north of the West Gate Freeway in the City of Maribyrnong.

The Bradmill site, which is also proposed for redevelopment, lies directly north of the site, north of the West Gate Freeway in the City of Maribyrnong.

1.3 Panel process

The Amendment was prepared by the Hobsons Bay City Council as Planning Authority. However, the Panel was advised the Victorian Planning Authority (VPA) prepared the exhibited CDP, DCP and CDZ2 and coordinated the preparation of the background reports.

The Amendment was prepared at the request of the P15LC (identified as the main Proponent) and was authorised by the Department of Environment, Land, Water and Planning (DELWP) on 16 March 2017. The authorisation included conditions that required Council to contact the Western Distributor Authority to ensure the Amendment would not impact the final alignment of the WGTP and required other updates to the Amendment documents. This included simplification of the CDP, relocation of design guidelines and other information currently contained in the CDP into a reference document and an apportionment mechanism in the CDP.

The Amendment was placed on public exhibition between 6 July and 1 September 2017, with 103 submissions received; approximately 91 of which either objected in full or part. Most of the objecting submissions supported the redevelopment of the land but raised issues on how the land should be developed and potential off-site impacts, such as increased traffic congestion.

At its meeting of 10 October 2017, Council resolved to refer the submissions to a Panel. As a result, a Panel to consider the Amendment was appointed under delegation from the

Minister for Planning on 12 October 2017 and comprised Kathy Mitchell (Chair), David Merrett and Gordon Anderson.

A Directions Hearing was held on 2 November 2017. Prior to the Directions Hearing, the Panel undertook an unaccompanied inspection of the Precinct and its surrounds on 31 October 2017.

The Panel then met in the offices of Planning Panels Victoria on 20, 21, 22, 23 November and 4, 5, 8, 11, 12, 13 and 14 December 2017 to hear submissions and evidence about the Amendment. Those in attendance at the Panel Hearing are listed in Table 1.

Table 1 **Parties to the Panel Hearing**

Submitter	Represented by
Hobsons Bay City Council	<p>Adeline Lane and Simon D'Angelo of Maddocks, assisted by Kathleen McClusky, Robyn Olsen and Justin Burgess from Hobsons Bay City Council, who called the following expert witnesses:</p> <ul style="list-style-type: none"> - Craig Czarny, urban designer, Hansen Partnership - David Barnes, planner, Hansen Partnership - Vanessa Bennett, social planner, C Change - Marcus Spiller, development contribution plans and affordable housing, SGS Economics and Planning - Sally Jeavons, open space planner, @Leisure planning
Victorian Planning Authority	<p>Louise Hicks and Ian Munt of Counsel who called the following expert witnesses:</p> <ul style="list-style-type: none"> - John Henshall, economist, Essential Economics - Robert Panozzo, open space and community facilities, ASR Research - John Kiriakidis, traffic engineer, GTA
Precinct 15 Landowners Consortium	<p>Nicholas Tweedie SC and Roshan Chaile of Counsel instructed by Sally Macindoe of Norton Rose Fulbright, who called the following expert witnesses:</p> <ul style="list-style-type: none"> - Andrew Biacsi, planner, Contour Australia - Stephen Hunt, traffic engineer, Ratio - Justin Ganly, economist, Deep End Services
Ouson Group Pty Ltd	<p>Adrian Finanzio SC and Emma Peppler of Counsel instructed by Meg Lee and Kate Kirby of Gadens Lawyers, who called the following expert witnesses:</p> <ul style="list-style-type: none"> - Bernard McNamara, planner, BMDA - Gavin Duane¹, economist, Location IQ
George Weston Foods Ltd and TIC Group Pty Ltd	<p>Mark Naughton and Nick Sutton of Planning Property Partners, who called the following expert witnesses:</p>

¹ The evidence of Mr Duane was tabled, and he was not called to give oral evidence

	- Rob Papaleo, economist, Charter Keck Cramer
	- Rhys Quick, economist, Urbis
Mobil Oil Australia Pty Ltd	Brad Frick
APA Group	Phillip McCutcheon
Judith Ross and Meredith Adams	Judith Nicholson of Nicholson Planning and Development
Urban DC Pty Ltd	Henry Wood of SJB Planning
Denise Fry	
John Milanese	

1.4 Background to the proposal

The land was identified as Precinct 15 in the *Hobsons Bay Industrial Land Management Strategy, June 2008* (ILMS). The ILMS was introduced into the Hobsons Bay Planning Scheme by Amendment C33 which was approved on 23 December 2008.

Precinct 15 is one of nine Strategic Redevelopment Areas (SRA) identified across the municipality. According to the ILMS, change within the Precinct is to be guided by a master planning process to achieve a high level of integration within the site and to the surrounding urban form.

The ILMS proposed the following implementation process for Precinct 15:

- *Prepare an Outline Development Plan for the part of this Precinct that is identified as a Strategic Redevelopment Area that includes:*
 - *The majority of the land for residential uses with potential for a mix of business and light industry.*
 - *Future infrastructure requirements.*
 - *Open Space.*
 - *Interface management techniques with surrounding residential land use and existing industry.*
 - *Transitional and interface issues with industry remaining in the Precinct.*
- *Develop policy for inclusion in the Planning Scheme and apply new zones and overlays once the future land use is identified, with planning controls to include a DPO and a DDO to specify amenity protection measures required in new developments to protect against any noise and or odour impacts from ongoing industry.*
- *Seek State Government support to assist in exploring and resolving the issues surrounding this site.*
- *Seek advice from Environmental Protection Authority (EPA) in relation to buffer distance and alternative treatments to buildings to protect amenity impacts from industry.*
- *Provide for a range of household styles and types.*
- *Provide for affordable housing options.*
- *Provide for adequate drainage of the site, include WSUD initiatives.*
- *Redevelopment of the site must consider appropriate ESD principles.*

- *Traffic connectivity for cars, pedestrians and bikes.*
- *Provide for public transport to travel through the development.*
- *Provide for a suitable buffer around the electricity substation, freight line and the fuel and gas pipelines.*
- *Provide for appropriate east west links and improved north south links.*
- *Undertake a Social Needs Analysis and Response.*
- *Undertake a Local Traffic Management Strategy for the area².*

The Panel is aware there have been various attempts by landowners over the years to progress the rezoning of the land. Due to the complexities of the site and the need to involve many government agencies, Council initially considered an Advisory Committee process could be beneficial. Work commenced to initiate this process, however the process stalled between late 2013 and early 2015 when there were several land ownership changes.

A formal amendment request was lodged in March 2015 to rezone the land to the Residential Growth Zone and Mixed Use Zone, and to use a Development Plan as the primary mechanism to guide its redevelopment. Council prepared a further information request and the P15LC approached the Metropolitan Planning Authority (now VPA) in 2016 *“to approach Council with the intention of facilitating the proposed rezoning of Precinct 15”*. The VPA proposed the use of the CDZ and CDP, which was supported by Council and the P15LC, as it sets out:

- *what the zone intends to achieve through the purpose;*
- *when a planning permit is required;*
- *uses that do not need a planning permit, uses that do and uses that are prohibited;*
- *requirements for when a planning permit is required when an applicant wants to undertake buildings and works or subdivide their land;*
- *each type of planning permit application must include in the ‘application requirements’ section e.g. requiring plans drawn to scale; and*
- *decision guidelines are included in the CDZ that set out what matters have to be considered when making a decision on a specific planning permit application. These include the proposed CDP, the SPPF, LPPF and other matters³.*

Council resolved on 14 February 2017 to prepare Amendment C88 on this basis.

1.5 The Amendment in detail

(i) The Comprehensive Development Plan

The CDP contains objectives, requirements and guidelines and is supported by a range of plans, tables and figures that address:

- sub-precincts
- interfaces
- town centre concept plan

² Hobsons Bay Industrial Land Management Strategy June 2008, pages 55 and 56

³ Council Part A submission, paragraph 48

- community facilities and open space
- street network
- public transport and movement
- utilities and servicing
- land use budget
- various road and interface cross-sections.

The proposed future urban structure is contained in Figure 2. Some key elements of the future urban structure include:

- 46.37 hectares for residential use, including up to 3,000 dwellings at an overall density of 50 dwellings per hectare, including 5 per cent affordable housing
- five hectares for a new town centre, including 5,500 square metres of retail floorspace and 33,000 square metres of commercial floorspace along Blackshaws Road
- 0.47 hectares for a local community facility on Blackshaws Road at the corner of The Broadway extension into the Precinct
- 6.26 hectares of internal streets and land required for the WGTP, including an extension of The Broadway into the site as a north-south boulevard and north-south and east-west connector streets in a grid block layout
- 4.11 hectares for uncredited public open space, including the land that is required by the WGTP that will be used as a construction base for the project and then partly returned to public open space once the WGTP has been completed (with the balance being retained as a maintenance base for the tunnel)
- 4.74 hectares for credited public open space with a central large park (3.15 hectares), four local parks sized between 0.30 hectares and 0.40 hectares and a town square of 0.1 hectares.

Building heights vary for each sub-precinct, with an upper height in the internal residential area of 20 metres and lower heights to the edge of Precinct 15. Where the lower height is required, the housing typology is generally townhouses, and where height is greater it is apartment style development.

The retail and commercial areas are expected to provide more than 1,000 jobs.

Figure 2 Subject site



The Amendment is supported by the following technical reports:

- *Updated Phase 2 Buffer Constraint Assessment*, GHD January 2015
- *Precinct 15 Rezoning*, Environmental Assessment Services 23 March 2015
- *Review and Advice relating to environmental matter*, Senversa 18 October 2015
- *Precinct 15 Drainage Strategy*, SMEC 23 March 2015
- *Precinct 15 Neighbourhood Activity Centre Economic Impact Assessment*, Deep End Services March 2015
- *Precinct 15 Economic Impacts*, SGS September 2015
- *Contour survey plan*, Brown Smart Consulting
- *Flora and Fauna Assessment*, Ecology and Heritage Partners September 2014
- *Environmental noise assessment*, Marshall Day Acoustics March 2015
- *Review of open space and community centre needs*, ASR Research November 2016
- *Precinct 15 Integrated Transport Study*, GTA December 2016.

These technical reports have informed key aspects of the CDP. The VPA document, *Altona North – Background Report June 2017* provides a useful summary of each of these reports. Appended to this Background Report is a report prepared by Mesh Urban Planning and Design, *Vision Document, October 2016* (Mesh report) that was commissioned by Council. This document supported dwelling density controls. Similarly, the *Precinct 15 Strategic Redevelopment Area, Altona North, Dwelling and Design Principles Report*, prepared by

David Lock Associates (DLA report) in 2015 and commissioned by the landowners, supported dwelling densities in sub-precincts.

(ii) The Comprehensive Development Zone

The CDZ2 addresses land use, subdivision and buildings and works controls. Some of the key components are:

Land use

No permit required

- Accommodation (not exceeding 3,000 dwellings) does not require a permit provided it is in the residential area, at least 7.2 metres above natural ground level if located in the town centre or business area
- Offices must be in the town centre or the business area
- Retail premises must be in the town centre.

Permit required

- Industry must be in town centre or business area
- Retail premises (apart from supermarket) must be in business area
- Supermarket must be in the town centre.

If more than 3,000 dwellings are proposed, an integrated network transport study, utility services report and social impact assessment are required.

Subdivision

A subdivision application must submit a land use budget, detail how it compares to the future urban structure, provide an acoustic assessment and design response.

Uses and subdivision that are generally in accordance with the CDP are exempt from third party notice and review rights.

Buildings and works

A permit is required for buildings and works, except for a dwelling on a lot less than 300 square metres. There is no notice or review rights exemption.

(iii) The Development Contributions Plan

The DCP applies development contributions for development and community infrastructure across a 20-year period. The Development Infrastructure Levy (DIL) in total is \$50,777,338 apportioned across the three main charge areas (MCA) as follows:

- MCA1 (Residential) - \$11,943.01 per lot or dwelling
- MCA2 (Town centre, retail) - \$1,066.51 per square metre of gross floorspace
- MCA3 (Business area, commercial) - \$275.23 per square metre of gross floorspace.

The DIL funds internal roadways, intersection projects, shared paths and amenity projects, community centre (land and construction) and construction of a sports reserve and surface at the central open space park.

The Community Infrastructure Levy (CIL) in total is \$2,160,144 (providing a total of \$52,937,482) or \$720.05 per lot or dwelling for the MCA1 (Residential). The CIL funds the construction of the sports pavilion at the central open space park.

All levies are charged at the time of subdivision and/or development of the land. The DCP is structured to reimburse over-provision of land requirements and top up under-provision. All infrastructure items, including land are to be indexed yearly for inflation.

The DCP is proposed to be reviewed every five years.

2 Approach of the Panel and issues

The CDP and CDZ2 (along with the DCP) form the primary planning document/control for the redevelopment of the Precinct. Given the significance of the site, its constraints, fragmented ownership and the iterative process of the Panel, all parties were given the opportunity to recommend changes to the documents. In addition to this, the Panel issued a Direction for Council and the VPA to review and streamline the length and complexity of the exhibited CDP. Ultimately the versions provided at the end of the Hearing significantly streamlined the exhibited CDP, with consequential changes to the CDZ2.

To finalise this process, the Panel issued a Direction for a final consolidated version of the CDP and CDZ2 from Council and the VPA to be provided by Wednesday 29 November 2017. The Panel received these versions and the P15LC submitted the revised controls it supported. Further updated versions were submitted on 4 December 2017 and 14 December 2017. The Panel will use the 'VPA version' of the CDP (Document 79) and CDZ2 (Document 78) dated 14 December 2017 as the base document for all recommendations contained within this report (noting if other versions of the controls are referred to, this will be made clear).

The VPA submitted some of the key changes in the CDP VPA version (Document 79) include:

- reduction of the number of objectives from 24 to 17, requirements from 64 to 41 and guidelines from 41 to 30
- deletion of the introduction, 'how to read this document' and 'land to which this plan applies'
- generally retain discretionary requirements and guidelines; with key mandatory requirements to be contained in the CDZ2
- deletion of all references to the DCP
- retention of cross-section plans, but the VPA accepts they could be included as an appendix to the CDP
- deletion of photos.

Appendix C2 contains the version of the CDP supported and recommended by the Panel.

Appendix D2 contains the version of the CDZ2 supported and recommended by the Panel.

2.1 Summary of issues raised in submissions

This section provides a summary of each key issue and the position of each party. Where the Panel refers to the landowners, this refers to the P15LC, Ouson and George Weston/TIC.

(i) Nature of controls

There was general agreement between Council, the VPA and the landowners that the use of the CDZ2 and the CDP should be retained as the primary planning controls; at the same time acknowledging that other approaches could have achieved the similar outcomes.

The landowners considered the CDP and CDZ2 should not contain any mandatory controls and be based on discretionary provisions that could be varied with justification.

The DCP is to be implemented by the DCPO and imposes land and construction contributions totalling \$52.9 million. It was agreed by parties the landowners should contribute to new infrastructure arising from the development of the Precinct. The DCP/DCPO are informed by many of the following issues, where there is a variety of opinions.

The need for certainty and flexibility is addressed in **Chapters 5 and 10**.

(ii) Transport and traffic

The traffic experts' conclave resulted in agreement among Council, the VPA, VicRoads, Transport for Victoria (TFV) and the landowners on all traffic issues. Some additional external infrastructure is to be inserted into the DCP.

There was general agreement that the new internal public bus route was integral to the development of the Precinct and would ensure there is public transport within 400 metres of every new dwelling.

There was general agreement the north-south link between New Street and Francis Street Yarraville (City of Maribyrnong) was not needed as a consequence of developing Precinct 15, however the Precinct design should not preclude a link sometime in the future. Council acknowledged that the provision of the link should not be the sole responsibility of the Precinct landowners and that it should be considered in the wider context as a future project.

Council and the VPA reinforced their support for the boulevard-styled north-south connector road extending from Blackshaws Road at The Broadway even if the commercial floorspace requirement is reduced.

The State Government has approved development of the WGTP, that includes a noise wall along the northern boundary of 2 Watson Street (but not along the BTS interface) and a tunnel portal and ventilation structure at the Precinct's northern interface.

Many resident submitters were concerned about the traffic impacts the redevelopment of the Precinct would have locally, and some sought the completion of all external traffic improvements before any development of the Precinct.

This issue is effectively resolved based on the general agreement arising from the traffic conclave, however resident submitters raised numerous traffic concerns. The matter is addressed in **Chapter 4**.

(iii) Dwelling yield, density and height

All parties agreed the 3,000-dwelling yield as contained in the CDP and CDZ2 should be treated as a 'soft cap' that acts as a trigger for further investigation to assess potential impacts, such as traffic and social and third-party notification.

Council considered the building heights were exhibited as mandatory controls that could not be varied by a planning permit. It argued this should be retained as it provides certainty to the community and is justified in limiting the dwelling yield from the land. The VPA and the landowners submitted there should be no mandatory controls, including building heights.

Council supported an addition to the CDP for a dwelling density and yield table based on a sub-precinct (or grid block) level for the large central residential component where most residential development will occur. The landowners and VPA accepted there is a need to manage the equitable apportionment of dwellings across the Precinct which could be achieved by Council having *“to actively track the progress of dwelling approval with each individual development approval”* against the future urban structure plan.

This issue is unresolved and is addressed in **Chapter 5**.

(iv) Retail and commercial floorspace

The landowners, the VPA and Council supported a ‘supermarket’ as a Section 1 land use, not in Section 2 as exhibited, with no cap on floorspace. The Panel supports this outcome.

All parties considered there was a need for some commercial office space within the Precinct. However, the justification for, and therefore the quantum of office space, remained a point of contention.

The VPA and Council considered it was imperative to retain the 33,000 square metres⁴ of commercial office floorspace that represents *“aspirational planning”* to cater for local job growth in an area where the white-collar workforce is growing and has good public bus transport links to the local railway network.

The P15LC submitted and gave evidence that the provision of commercial floorspace should be reduced from 33,000 square metres *“to an amount that is reflective of actual demand”*. They submitted a figure between 5,000 and 10,000 square metres could be supported. The economic experts’ conclave, apart from Mr Henshall, did not support the exhibited requirement.

The P15LC version of the CDZ2 amended the condition for Section 1 land uses, such that retail premises (apart from ‘supermarket’) have the same condition as office and other commercial uses. The VPA and Council did not support this and sought to retain the exhibited requirement to contain retail uses to the town centre that do not extend into the commercial/mixed use area.

The ‘supermarket’ issue is resolved, however the provision of commercial office floorspace in the Precinct remains unresolved. This issue is addressed in **Chapter 6**.

(v) Affordable housing

Council supported a mandatory 10 per cent affordable housing requirement, which is consistent with its adopted *Affordable Housing Policy Statement 2016*.

The P15LC noted a State Government affordable housing policy framework was not in place and reliance on ‘untested’ local policy should not be given significant weight. They considered there should be further negotiation around a provision that does not exceed a contribution equivalent to 5 per cent of the dwelling yield at a below market rate. The VPA supported this approach.

⁴ Mr Henshall corrected his assessment of this figure to 26,400 sqm of gross leasable floor area (or 20 per cent of the exhibited figure)

The VPA supported the addition of the following six principles in the CDP to deliver affordable housing:

- Voluntariness
- Accountability
- Local provision
- Perpetuity
- Portability
- Needs appropriate housing.

This issue is unresolved and is addressed in **Chapter 7**.

(vi) Open space

Council submitted the quantum of unencumbered public open space should be 10 per cent of net developable area (NDA) as required in its open space policy (expressed in the Schedule to Clause 52.01).

The landowners and the VPA supported the exhibited CDP requirement of 9.2 per cent of net developable area or 7.1 per cent of overall Precinct area.

This issue remains unresolved and is addressed in **Chapter 8**.

(vii) Community facilities

Council considered the community facility:

- should have a focus on early childhood
- should have an indoor floor space of 1,260 square metres and formal outdoor space of 1,290 square metres (totalling 2,550 square metres)
- is best located adjacent to the activity centre area
- be funded in the DCP by fully funding the early childhood focus and 20 per cent for the general community centre functions.

The VPA and the landowners supported the exhibited requirements for the community facility and its proposed location.

This issue remains unresolved and is addressed in **Chapter 9**.

(viii) Relevant agencies/service providers

VicRoads

The key issue for VicRoads was to ensure the agreed outcomes arising from the traffic conclave was implemented in the approved versions of the CDP and CDZ2, a position which the Panel supports.

Environment Protection Authority

The key issues for the Environment Protection Authority (EPA)⁵ were to:

- support the application of the EAO to most of the land

⁵ This is based on Document 20 which is a supplementary EPA submission dated 1 November 2017

- require a Site Remediation Strategy Plan prior to the land being rezoned, particularly for sites on the EPA Priority Sites Register.

Mobil Oil Australia

The key issues for Mobil were to protect its pipeline infrastructure by amending the CDZ2 to:

- provide for the siting of Section 1 sensitive uses away from the Altona-Somerton JV Pipeline by inserting a use condition that requires a 200-metre-wide separation distance or Measurement Length (ML)
- require an Evacuation Management Plan for sensitive uses within the 200-metre separation distance
- require a Safety Management Study for buildings and works on land that is encumbered by the pipeline
- amend the Schedule to Clause 66.04 to list Mobil Oil Australia as a recommending referral authority for works within the ML.

Generally, the parties supported the new text, however the role of the operator in considering permit applications has not been settled. Other parties supported the provision of notice under Clause 66.06. This matter is addressed in **Chapter 10**.

APA Group

The key issues for APA were to protect its infrastructure pipeline by amending the CDZ2 to:

- provide for the siting of Section 1 sensitive uses away from the high-pressure gas transmission pipeline by inserting a use condition that requires a 450-metre wide ML
- ensure that a Residential Aged Care Facility be located greater than 450 metres from the pipeline
- mapping in the CDP to show the 450-metre separation distance
- amend the Schedule to Clause 66.04 to list Mobil Oil Australia as a recommending referral authority for works within the ML.

Generally, parties supported the new text, however the role of the operator in considering permit applications has not been settled. Other parties supported the provision of notice under Clause 66.06. This matter is addressed in **Chapter 10**.

(ix) Individual submitters

The key issues raised by submitters, while generally supporting the redevelopment of the site for a residential mixed-use development, were:

- the existing traffic network cannot accommodate the new development
- all new traffic infrastructure should be in place prior to the development of the Precinct
- the proposed Local Area Traffic Management Study should be completed now and not after development has commenced
- the assumptions and reliance on data that is 10 years old should be revisited in revised traffic assessments.

This issue remains unresolved and is addressed in **Chapter 4**.

2.2 Matters not addressed in this report

Of the many issues referred to and considered by the Panel, some were non-controversial or resolved and are not considered further in this report. These include:

- **Deletion of HO166** – the buildings have now been demolished on the former Gilbertsons Meat Works site and the Panel concludes it is appropriate for the heritage overlay to be deleted.
- **Rezoning of the Brooklyn Terminal Sub-station** – there were no objecting submissions and the Panel concludes it is appropriate to apply the Special Use Zone.
- **Land contamination** - the EAO is to be applied to most of the Precinct as a reflection of its industrial history and the proposed residential/mixed use redevelopment of the Precinct, where a Certificate or Statement of Environmental Audit has not been issued. The EPA provided a supplementary submission (Document 20) that addresses some outstanding issues from its initial submission. The EPA has concluded it has no objection to the Amendment. The Panel concludes the application of the EAO is appropriate.
- **Utilities servicing** – City West Water (reticulated water and sewer), Powercor (electricity), AusNet Gas Services (reticulated gas), Telstra and NBN Co. (telecommunications and internet) confirmed the Precinct can be serviced with all services. The Panel concludes the Precinct has access to all servicing infrastructure and can be properly serviced.
- **Drainage** – the Precinct has a northern catchment (draining to an outfall drain on Watsons Street) and southern catchment (draining to two outfall drains on Blackshaws Road). Council and Melbourne Water have confirmed the Precinct can be drained with the provision of new drainage infrastructure. The Panel concludes the Precinct can be drained subject to further assessment at the planning permit stage.
- **Dust and odour** – GHD conducted Phase 1 and 2 assessments of off-site impacts from industry on sensitive uses within the Precinct. GHD concluded there have been many operational improvements by local industries that have minimised complaints and the redevelopment of Precinct 15 could proceed without the need for additional buffers. The Panel concludes redevelopment of the Precinct will not be impacted by external use buffers.
- **Noise and vibration** – Marshall Day Acoustics conducted an Environmental Noise Assessment and concluded a further noise assessment was required as the redevelopment of Precinct 15 proceeds. The exhibited and VPA versions of the CDZ2 require further noise assessments for subdivision and buildings and works. The Panel concludes the application requirements of the CDZ2 address the need for further assessment.
- **Flora and fauna** – Ecology and Heritage Partners concluded there was no national, state or regional fauna species of importance. It noted there is a need for a Weed Management Plan and Pest Fauna Eradication Plan which would be addressed at the permit application stage. The Panel notes the exhibited and VPA versions of the CDP and CDZ2 do not list these as application requirements, despite the background report confirming they would be. The Panel considers the re-engineering of the

Precinct landscape within an already developed urban context will effectively render these requirements superfluous and are not required.

- **Aboriginal heritage** – Ecology and Heritage Partners confirmed the Precinct has no recorded places of Aboriginal cultural heritage and there is no need for a Cultural Heritage Management Plan as the Precinct has had significant ground disturbance. The Panel concludes there are no areas of Aboriginal cultural sensitivity and no further investigation is required.
- **Gaming machines** – This was not the subject of submissions and the Panel supports the prohibition of gaming machines in the Precinct (Schedule to Clause 52.28-4).

2.3 Issues dealt with in this Report

The Panel has considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing.

The Panel has reviewed a large volume of material. The Panel has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and evidence have been considered by the Panel in reaching its conclusions and recommendations, regardless of whether they are specifically mentioned in the Report.

This report deals with the issues under the following headings:

- Planning context
- Traffic and transport
- Dwelling density, yield and height
- Commercial floorspace
- Affordable housing
- Open space
- Community facilities
- Other drafting issues.

2.4 Recommendations

For the reasons expressed in this report, the Panel adopts the Comprehensive Development Plan (Document 79) and Schedule 2 to the Comprehensive Development Zone (Document 78) as prepared and modified by the VPA, subject to further recommendations. Due to the complexity and detail of the modifications made by the Panel to these documents, these are not shown as tracked changes in the Comprehensive Development Plan or Comprehensive Development Zone provided in Appendices C2 and D2 respectively.

The Panel has made numerous changes, some of which are as minor as formatting and basic editing, while the other more significant changes are summarised at the end of each relevant chapter. Both documents would have been difficult to follow had every single change been shown as tracked changes, and the format of the Comprehensive Development Plan, in particular, did not allow for that.

The Panel acknowledges the positive input by Council, the VPA, the landowners and the community submitters in finalising these recommendations.

- 1. Adopt the Victorian Planning Authority version of the Comprehensive Development Plan (Document 79), subject to the changes made by the Panel as shown in Appendix C2, and other specific recommendations provided in this report.**
- 2. Adopt the Victoria Planning Authority version of Schedule 2 of the Comprehensive Development Zone (Document 78), subject to the changes made by the Panel as shown in Appendix D2, and other specific recommendations provided in this report.**

3 Planning context

3.1 Policy framework

(i) Planning and Environment Act 1987

Section 4 of the Act lists the objectives of planning in Victoria. The redevelopment of Precinct 15 implements these objectives through:

- providing for the fair, orderly, economic and sustainable use and development of redundant industrial land
- securing a pleasant, efficient and safe work, living and recreational environment
- balancing the present and future interests of local residents and those who might wish to live and work in this Precinct
- ensuring sound, strategic planning and coordinated action at State and municipal levels
- enabling land use and development planning and policy to be integrated with environmental, social, economic policies at the State and municipal levels
- facilitating development that achieves the objectives of planning in Victoria at the State level, and through the Hobsons Bay Planning Scheme
- ensuring the effects on the environment provide for balanced consideration of social and economic effects about the future use and development of Precinct 15.

The proposal facilitates the redevelopment of this former industrial precinct and will deliver housing on land with good access to open space, local employment opportunities, pedestrian and cycling networks, public transport and a localised neighbourhood activity centre.

(ii) State Planning Policy Framework

The Amendment is supported by the following clauses in the State Planning Policy Framework (SPPF):

- Clause 11 (Settlement) - the Amendment provides for a residential, commercial and mixed-use infill development on redundant industrial land that will provide for a population of 7,000 to 8,000 people. This will include a new activity centre and commercial office precinct that will increase the provision of local jobs and improve housing affordability and choice. *Plan Melbourne 2017-2050* supports the redevelopment of redundant industrial land for residential and mixed-use precincts which will assist in creating local jobs, improve housing affordability and assist in creating a 20-minute neighbourhood close to existing services, jobs and public transport.
- Clause 13 (Environmental risks) – the Amendment applies the EAO to ensure the land will be suitable for sensitive uses and noise and air quality issues are addressed.
- Clause 14 (Natural resource management) - the Amendment requires new development to use Water Sensitive Urban Design principles and submit a sustainability management plan.

- Clauses 15 (Built environment and heritage) - Precinct 15 will create its own character based on provisions for each sub-precinct and address safety as part of detailed design.
- Clause 16 (Housing) - the Amendment proposes a variety of housing styles in an important urban infill location, near local services and facilities, located nine kilometres from the Melbourne Central Business District (CBD).
- Clause 17 (Economic development) - the Amendment proposes a new town centre and commercial/mixed use area on Blackshaws Road that will provide local jobs in an area where the loss of industrial land has been addressed by Council's industrial strategy.
- Clause 18 (Transport) - the Amendment proposes an internal street network that is integrated with the surrounding network, where walking and cycling opportunities are provided for, and a local bus route has been accommodated through the Precinct.
- Clause 19 (Infrastructure) - the Amendment proposes a new community centre (with kindergarten) and six public open space areas; one of which has an area of 3.15 hectares. Analysis demonstrated there would be no demand for new primary or secondary educational facilities, as these can be accommodated nearby. The DCP requires the landowners to contribute (mostly fully apportioned) to the provision of land and new facilities. The Precinct will be connected to all urban utilities and services.

These key elements of State policy are supported by the following strategies:

- *Plan Melbourne 2017-2050*
- *Urban Design Guidelines for Victoria 2017*
- *Homes for Victorians 2017*.

Plan Melbourne provides specific support for the redevelopment of urban renewal sites. Direction 1.3 seeks to create development opportunities at urban renewal precincts across Melbourne. These can “*ease pressure on established areas and provide greater certainty for residents, investors, and the construction and development industry ... Other opportunities will come from brownfield sites, former industrial areas or underutilised or surplus government land. Renewal of these sites offers the opportunity to improve local amenity, accommodate more housing and offer a greater mix of uses to support local communities*”⁶ (emphasis added).

The *Urban Design Guidelines for Victoria*, which were introduced through Amendment VC139, support the delivery of liveable, safe places. They provide guidance on the design of public spaces, building design in relation to a building's interface with public spaces, and the layout of cities, towns and neighbourhoods. The *Urban Design Guidelines for Victoria* are a reference document in all planning schemes through the SPPF (Clause 11 Settlement and Clause 15 Built Environment and Heritage).

In March 2017, the State Government announced a set of initiatives and reforms to ensure housing supply can meet demand and facilitate the supply of more social housing and other

⁶ Plan Melbourne, Direction 1.3, page 38

affordable housing. Reforms and initiatives announced as part of *Homes for Victorians* were articulated in an amendment to the SPPF through VC139 on 29 August 2017. VC139 introduced a new Clause 16.01-1 – **Integrated Housing**:

Objective

To promote a housing market that meets community needs.

Strategies

Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.

Ensure that the planning system supports the appropriate quantity, quality and type of housing ...

Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.

(iii) Local Planning Policy Framework

The Amendment supports the following local planning objectives:

- Clause 21.02 (Strategic Vision) because it:
 - allows for increased housing growth that provides diversity in a way that complements the existing neighbourhood character of Altona North
 - aims to provide employment opportunities through the creation of a Neighbourhood Activity Centre (NAC) and commercial area along Blackshaws Road
 - aims to balance the needs of industry and residential uses by including provisions that can address conflicting interfaces
 - provides an integrated transport network that aims to reduce reliance on private vehicles.
- Clause 21.03-2 (Strategic redevelopment areas) because it presents a master plan for the long-term development of the Precinct that addresses all the key site constraints and opportunities.
- Clause 21.04 (Open space) because six open space areas are proposed to complement a central large park.
- Clause 21.06 (Built environment and heritage) because it steps down building height to the sensitive interfaces on New Street, Kyle Road and Blackshaws Road.
- Clause 21.07 (Housing) because it facilitates housing diversity and choice and provides greater densities at locations adjacent to the town centre, open space and key internal roads.
- Clause 21.08 (Economic development) because it manages the successful transition of SRAs using an Outline Development Plan (ODP), which in this case the CDZ and CDP is proposed.
- Clause 21.09 (Transport and mobility) because it facilitates walking, cycling and public transport use.
- Clause 21.10 (Infrastructure) because it provides a community facility and other infrastructure through the use of the DCP and DCPO.

- Clause 22.01 (Heritage policy) because it has justified the deletion of HO166 following the demolition of the relevant buildings at the site.
- Clause 22.02 (Industry) because it allows for continued industrial use under existing use rights, it provides a commercial mixed use and town centre that will generate local employment opportunities and will promote walkability to neighbourhood activities and services.
- Clause 22.08 (Hobsons Bay neighbourhood character policy) because the policy acknowledges the surrounding residential areas where interfaces have been sensitively treated with stepped-down building heights.
- Clause 22.11 (Outdoor advertising signs) because the CDZ2 contains advertising signs categories that allows for the ongoing assessment of proposals.

The local policies are supported and assist to implement the following strategies:

- *Hobsons Bay Industrial Land Management Strategy 2008*
- *Hobsons Bay Housing Strategy 2016*
- *Hobsons Bay Affordable Housing Policy Statement 2016*
- *Hobsons Bay Activity Centres Strategy 2006*
- *Hobsons Bay Activity Centres Strategy Technical Report 2016*
- *Hobsons Bay Economic Development Strategy 2015-2020*
- *Hobsons Bay Open Space Strategy 2005.*

The Panel acknowledges that the future strategic role of the Precinct was resolved and determined through Amendment C33; a matter that was not contested in this Amendment. The Panel considers the current Local Planning Policy Framework (LPPF) supports the Amendment. However, with the significance of the site and its future mix of uses, the Panel has recommended the MSS should be slightly updated to reflect the future role of Precinct 15.

3.2 Ministerial Directions and Practice Notes

The Amendment meets the relevant requirements of:

- *Ministerial Direction 1 (Potentially Contaminated Land)*
- *Ministerial Direction 9 (Metropolitan Strategy)*
- *Ministerial Direction 11 (Strategic Assessment of Amendments)*
- *Ministerial Direction 15 (The Planning Scheme Amendment Process)*
- *Ministerial Direction on the Preparation and Content of Development Contribution Plans*
- *Ministerial Direction on the Form and Content of Planning Schemes* under section 7(5) of the Act.

The Ministerial Direction on the Form and Content of Planning Schemes (s7(5)) was released on 9 April 2017 after the Amendment was exhibited. It is understood Council has not undertaken a full review of the Amendments in accordance with the revised Direction, nor has the Panel. This should be undertaken by Council in conjunction with DELWP following consideration of the recommendations of the Panel.

Council submitted that the Amendment is consistent with:

- Planning Practice Note 1 (PPN01) Applying the Heritage Overlay, July 2015

- Planning Practice Note 3 (PPN03) Applying the Special Use Zone, May 2017
- Planning Practice Note 13 (PPN13) Incorporated and reference documents, June 2015
- Planning Practice Note 30 (PPN30) Potentially Contaminated Land, June 2005
- Planning Practice Note 46 (PPN46) Strategic Assessment Guidelines, June 2015
- Planning Practice Note 59 (PPN59) The Role of Mandatory Provisions in Planning Schemes, June 2015.

3.3 Discussion

The ILMS identified the need for an ODP to support the application of the Development Plan Overlay (DPO) and Design and Development Overlay (DDO) in the planning scheme. The ODP would inform the choice of zone. The initial amendment request to Council on behalf of the landowners used the Residential Growth Zone, Mixed Use Zone, the DPO, DCPO and EAO.

It was acknowledged by parties that the intent to establish a master plan for the site was appropriate and this could be achieved in several forms, not just as an ODP or Development Plan under the DPO.

The Panel considers that the choice of the CDZ and its supporting CDP achieve the same master planning outcome, without using the controls specifically supported by the ILMS. The Panel considers the outcome is more important than the vehicle upon which it is delivered.

The Panel accepts there are many complex issues that need to be resolved to facilitate the redevelopment of the land; and therefore, many aspects of the SPPF apply. Section 4(i)(g) of the Act states that one of the Objectives of planning in Victoria is “to balance the present and future interest of all Victorians.” One of the roles of a Panel is to balance competing policy in favour of net community benefit, as recognised in Clause 10.04 of the SPPF Integrated decision making, where it says:

Society has various needs and expectations such as land for settlement, protection of the environment, economic well-being, various social needs, proper management of resources and infrastructure. Planning aims to meet these by addressing aspects of economic, environmental and social well-being affected by land use and development.

Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

Council provided a detailed assessment against State policy and the Panel generally endorses this assessment. The concept of redeveloping urban infill sites for net community benefit is well founded in State policy and seeks to ensure that the opportunities these sites present individually can collectively address the challenges of housing diversity and affordability in Melbourne within a sustainable built form environment.

The primacy of State policy is protected by the redevelopment of Precinct 15 that will provide 3,000 infill dwellings, support new public open space areas, a community facility with kindergarten, a town centre and new commercial/mixed use area that will provide an additional 10,000 square metres of commercial office floorspace in a location that can integrate with surrounding land and provide mitigating traffic works to address off-site impacts. Housing choice and affordability will be enhanced.

While *Plan Melbourne* does not specifically mention Precinct 15, it acknowledges the importance of urban infill sites and former industrial precincts in the context of providing new housing and employment opportunities.

This is particularly important in the context of ensuring that development of land in ‘middle ring’ Melbourne is actively promoted and assists in taking the burden of growth away from predominantly inner and outer metropolitan areas. It will provide new housing opportunities for people who wish to remain close to their local community of interest, or for those who wish to live within close proximity to central Melbourne, as well as within Hobsons Bay where housing affordability elsewhere in the municipality may be an issue. At the same time, it provides an urban environment that will have accessible local jobs, community services and shops and business services.

The Panel agrees with Mr Czarny that the street grid layout, the radial arrangement of public spaces, location of the activity centre and employment nodes and substantial housing opportunities within walking distance of all services and facilities represents an appropriate response to the *Urban Design Guidelines for Victoria*.

The Panel notes that no changes were proposed to the LPPF. Mr Biacsi observed in his evidence that this was odd given the significance of the Precinct and the uses proposed, particularly the creation of a NAC. The Panel addresses this matter in **Chapter 10**.

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions and evidence as discussed in the following chapters.

The Panel recommends:

- 3. Review the provisions and schedules of Amendment C88 during finalisation of the Amendment to ensure they are consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* (May 2017).**

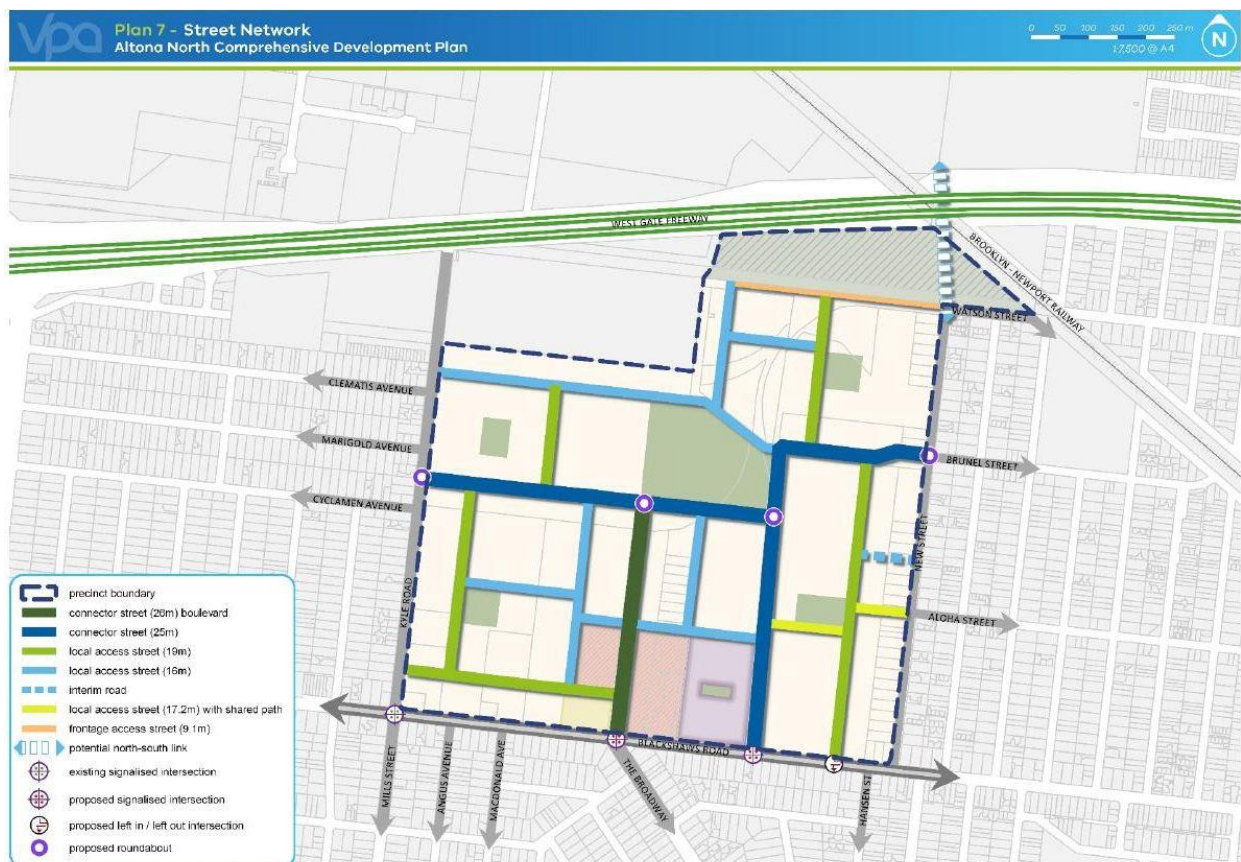
4 Traffic and transport

4.1 Overview

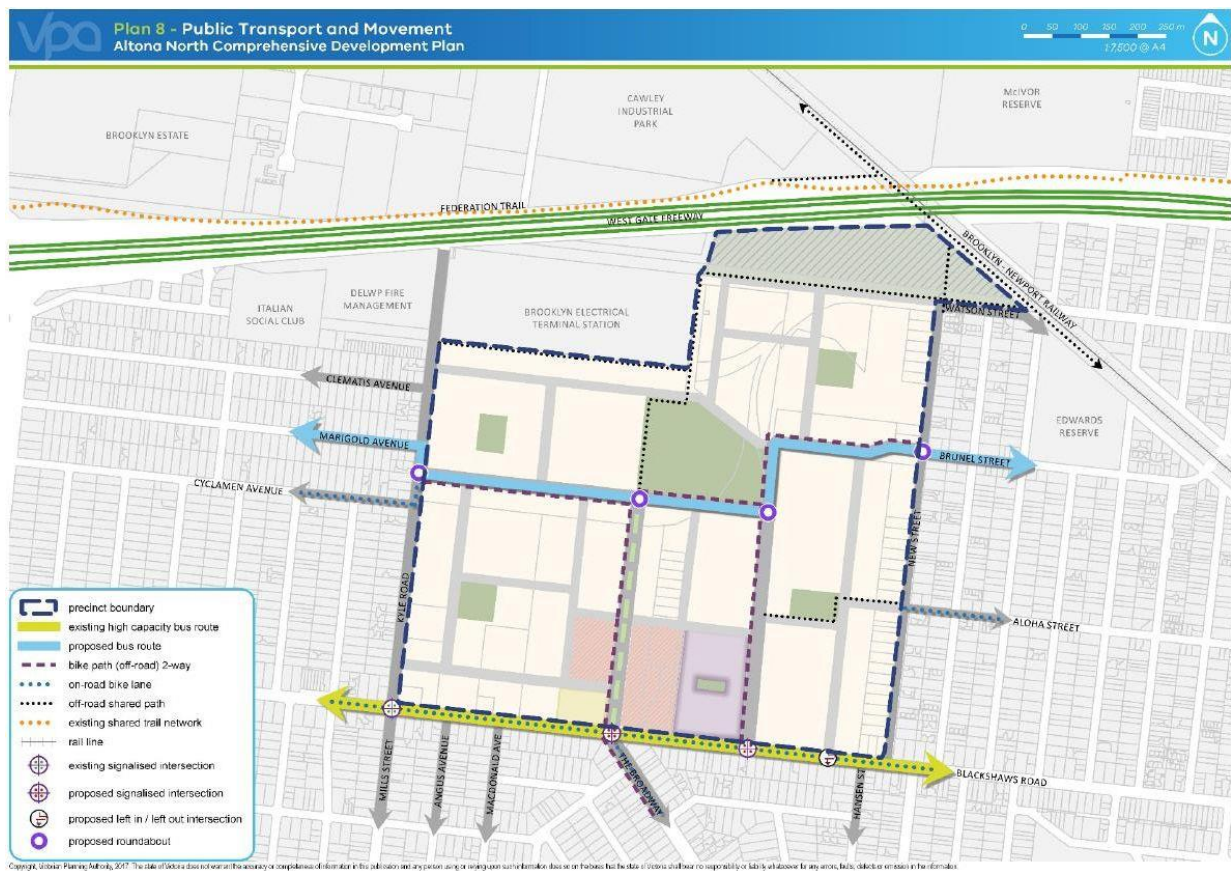
The exhibited CDP proposed a new street network (Figure 3), public transport linkages and walkability provisions (Figure 4) with connections to existing surrounding streets and paths. These were important to:

- enable delivery of an integrated, all modes of transport approach
- draw Precinct traffic movements to and from Blackshaws Road by;
 - improving and signalising the Kyle Road intersection with Blackshaws Road
 - extending The Broadway across a signalised intersection with Blackshaws Road
 - a second north-south collector road just west of New Street with a signalised intersection at Blackshaws Road
- accommodate local traffic demand and a future bus route through the Precinct
- promote pedestrian and cycle access and permeability by introducing key north-south and east-west links connecting to:
 - the Federation Trail along the West Gate Freeway
 - Spotswood and Newport train stations
 - City of Maribyrnong to the north.

Figure 3 Street network



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Figure 4 Public transport and movement

4.2 Management of traffic and transport impacts

(i) What is the issue?

The issue relates to:

- whether the traffic and transport impacts of the development can be effectively and safely managed.

(ii) Submissions and evidence

More than 60 per cent of local resident submitters raised concerns about likely traffic impacts, mainly focusing on the inability of the existing road network to cope with the expected extra traffic from the proposed development, including:

- congestion and general impacts on Millers Road and Melbourne Road and West Gate Freeway access
- impacts on surrounding local streets, such as “rat running”, especially when people are wanting to use the West Gate Freeway
- impacts on Blackshaws Road (and, in some cases, Millers Road) operations.

Some submitters made specific suggestions for better managing and accommodating increased traffic, such as:

- provision of an extra West Gate Freeway interchange between Melbourne Road and Millers Road

- signal and other improvements at the Millers Road intersections with Clematis Avenue and Cyclamen Avenue.

Ms Nicholson, who appeared for two submitters, challenged the traffic modelling, including using data perceived to be out of date and inadequacies in the assessments, and the timing of the Local Area Traffic Management (LATM) Study. She and many other resident submitters advocated that mitigating works should be in place before development occurred.

As most key parties were calling traffic evidence, the Panel directed these experts meet, along with VicRoads and TFV, to identify matters on which they agreed and disagreed. The conclave consisted of:

- Stephen Hunt (Ratio) on behalf of the P15LC
- Brett Young (Ratio) on behalf of P15LC
- Charmaine Dunstan (Traffix Group) on behalf of Council
- Ross Thompson (Traffix Group) on behalf of Council
- John Kiriakidis (GTA) on behalf of the VPA
- Andrew Rasulo (VicRoads)
- Rosario Pacheco (TFV).

Key matters on which the conclave agreed were the adequacy of the latest traffic modelling and analysis undertaken based on the West Gate Tunnel Project modelling, and the ability of the network to accommodate the extra traffic from 3,000 dwellings and the commercial uses, subject to additional external mitigation works.

The conclave agreed the external works in the DCP should be updated to show:

- an increased contribution to Millers Road/Blackshaws Road intersection (\$500,000), noting:
 - more work is required to identify the final form of the upgrade
 - the Minister for Planning in his Assessment of the WGTP Environment Effects Statement (EES) recommended a Millers Road Corridor Study by VicRoads may need to include Millers Road south of the West Gate Freeway
- an allowance to upgrade the works at the Blackshaws Road/Kyle Road/Mills Street intersection including changes to signal phasing, parking setbacks and changes to line marking
- a contribution to a Council-led LATM Study to identify works to mitigate traffic impacts in local areas to the east and west of Precinct 15. This would include funding obligations of any identified additional treatments.

Another important matter on which the conclave agreed was the adequacy of the proposed internal street network and its integration with the existing area, while encouraging access through Blackshaws Road.

Council, the VPA and landowners supported the outcomes of the traffic experts' conclave.

Council highlighted the need for a LATM Study of the areas surrounding Precinct 15. The study would review and develop appropriate mitigation measures, in consultation with the community, to mitigate the traffic impacts of the development of Precinct 15. Council expected the LATM Study would take at least 12 months to complete.

In response to concerns about the 'interim road' connection to New Street, Council adopted the evidence of Ms Dunstan, who was satisfied the road layout and road cross-sections were appropriate to meet the various needs of the community, including providing for standard traffic, buses, bicycles and pedestrians. Ms Dunstan considered the multiple connections to New Street ensured bicycle infrastructure could connect to existing infrastructure, including to Aloha Street to link with Spotswood Railway Station to the east.

Council remained supportive of the north-south link between Maribyrnong and Hobsons Bay but accepted the link should not be the sole responsibility of the landowners, rather, it should be considered in the wider context as a future project.

Council submitted it would continue to work with TFG and advocate for improved public transport services in Hobsons Bay. Council noted further investigation was needed on the effect of proposed truck bans along Blackshaws Road as a result of the WGTP.

The Panel questioned whether Council had considered widening New Street. Council advised that it had considered this during early phases of the Amendment. However, it determined the more appropriate approach was to introduce a new road link running through the precinct, wide enough to accommodate a bus route and reduce the pressure on local connector streets while encouraging traffic to use the arterial roads. Council submitted that any widening of New Street would be restricted in a practical sense by the existence of high voltage power lines along the west side of the street and the need to compulsorily acquire properties, both of which Council thought should only be countenanced when other options were exhausted.

The VPA and the P15LC accepted the outcomes of the conclave and the adjustments proposed to the DCP.

The VPA emphasised the importance of a boulevard-style connector road as an extension of The Broadway to provide a high amenity entrance to the Precinct and a green link connecting to the large central open space area.

The VPA submitted that future upgrades in the road and/or public transport network, changing transport patterns, or an innovative design or use solutions devised by a future proponent might justify developing more than 3,000 dwellings at the site. This would be a matter for the Responsible Authority to consider at the appropriate time.

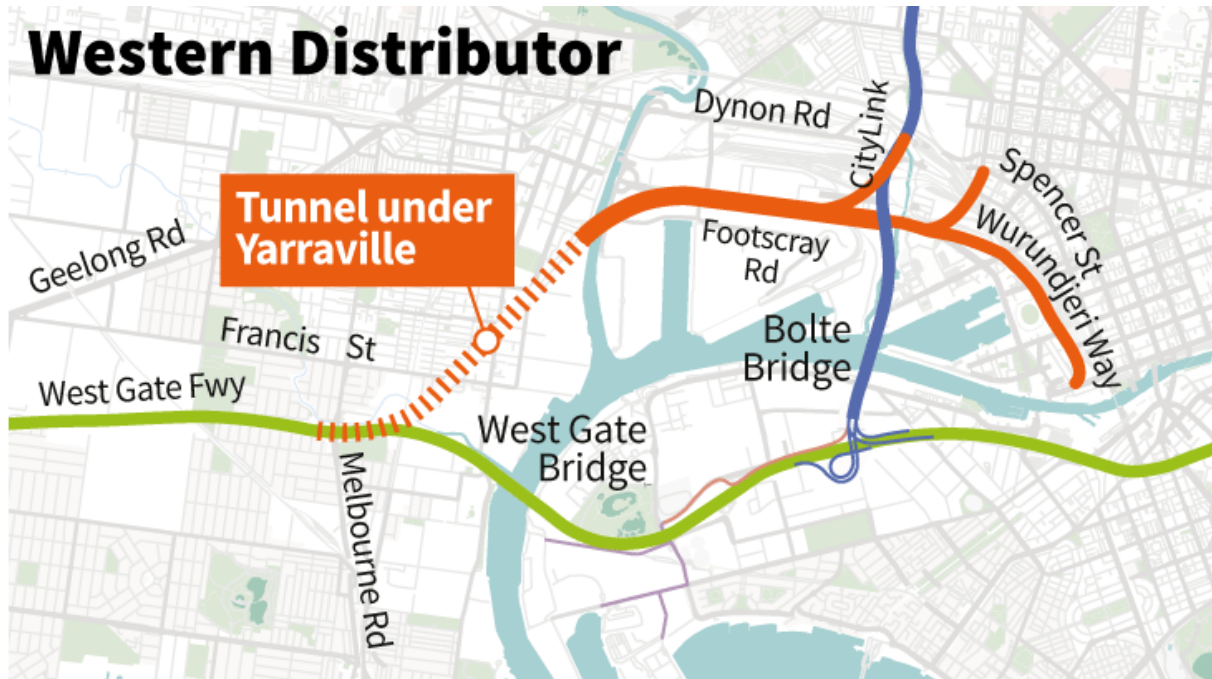
The P15LC noted the DCP contributions must only be applied to fund the traffic works identified in the DCP and are not to be regarded simply as a fund to be spent at the discretion of Council.

During the Hearing, the development of the WGTP was approved. Figure 5 indicates the route of the WGTP. In a memorandum dated 14 December 2017 (Document 85), Mr Thomson discussed parts of the WGTP Inquiry and Advisory Committee Report and the Minister for Planning's Assessment relevant to this Amendment. Key points included:

- there were no changes to the WGTP likely to adversely impact the road network surrounding Precinct 15 or change the extent of works agreed by the traffic experts
- the proposed Millers Road Corridor Study may result in further improvements to Millers Road but is not expected to impact the Precinct 15 transport infrastructure items

- reiteration of the State Government's commitment to implement full-time truck bans along Blackshaws Road.

Figure 5 Location of proposed West Gate Tunnel Project



The City of Maribyrnong did not support the proposed north-south link because it would intentionally draw more vehicles into Precinct 15 and the former Bradmill site.

(iii) Discussion and conclusions

The development envisaged at Precinct 15 will inevitably have consequences for the surrounding traffic network, particularly at some key intersections. The key issue is whether these can be appropriately mitigated.

Through the proposed mitigation works, expected improvements in accessing the West Gate Freeway at Millers Road, full-time truck bans along Blackshaws Road and other necessary works identified from the LATM and other studies, the network is expected to be able to accommodate the extra traffic.

The Panel appreciates the conclave approach was successful and, while it may not have resolved all traffic matters, its outcomes helped significantly in addressing resident and other parties' concerns.

The Panel's position was strongly influenced by the consensus reached at the traffic conclave. This consensus was based on the most recent and relevant modelling undertaken for the WGTP and on the key works required to mitigate the impacts of extra traffic from developing Precinct 15.

The Panel supports the proposed changes to the exhibited DCP and consequential changes to the Precinct Infrastructure Plan (PIP). The package of works in an updated DCP is considered reasonable and should facilitate the necessary works for 3,000 dwellings without

further permit applications and “*second bites*”. The ‘soft’ cap of 3,000 dwellings would be a trigger for further investigations, depending on the level of exceedance.

The Panel supports the following changes to the exhibited DCP agreed at the traffic conclave:

- Blackshaws Road – Frontage Works – increase from \$30,000 to \$50,000
- LATM Study and Implementation – increase from \$118,000 to \$590,000
- Blackshaws Road and Millers Road – Works – increase from \$472,550 to \$500,000
- Blackshaws Road/Kyle Road/Mills Street – Construction – increase from \$20,000 to \$40,000
- Blackshaws Road/Schutt Street – delete the item from the DCP
- Melbourne Road/Ross Street – delete the item from the DCP.

One of the key changes is the nomination of a fixed sum of \$500,000 for the Blackshaws Road/Millers Road intersection improvements. The Panel agrees this would be prudent given details of the necessary upgrade works have yet to be determined. The proposed Millers Road Corridor Study, although not expected to change the transport infrastructure items in the DCP, has not commenced.

The Panel agrees, as did the parties and traffic conclave, with the removal of the mitigation works at the eastern end of Blackshaws Road, namely Blackshaws Road/Schutt Street and Melbourne Road/Ross Street from the DCP because funding for these should come from elsewhere, probably from the development of Precinct 16.

Further, the Panel notes VicRoads may need to explore other potential measures to improve the connection between Blackshaws Road and Melbourne Road to minimise the present “*rat running*” along roads such as The Avenue, and freeway access congestion occurring at Melbourne Road.

The Panel supports changing the interim road linking to New Street to a permanent Local Access Street (16 metres) and the legend in Plan 5 (Street Network) in the CDP.

The Panel supports the P15LC submission about the need for an interim road (shown in Document 82 and described in Document 80) to provide access from Blackshaws Road to land allocated for the Local Community Facility and land immediately north (George Weston Foods Ltd land). This may provide access to the land prior to delivery of The Broadway extension connector street, however the Panel expects that The Broadway extension will be constructed in the early phases of development as the primary access into the Precinct and the interim road connection may only provide a secondary construction access point to land further north. This is consistent with the PIP that indicates this key road will be delivered in the short term.

The Panel accepts the internal street network and traffic management treatments within and along the southern edge of the precinct have been designed to direct most (around 80 per cent) of traffic to Blackshaws Road, an arterial road controlled by VicRoads. This is a key objective which should guide the detailed design and construction of roads and intersections and, importantly, the proposed LATM Study. As Council submitted, it would continue to advocate to VicRoads for improved safety measures along Blackshaws Road.

Although the final design detail for the WGTP is unknown, one item, a proposed extra lane entering West Gate Freeway from Millers Road, should help address some of the congestion problems.

The Panel supports the key parties' views about:

- the appropriateness of the proposed east-west and north-south connector roads in the precinct, noting Council's submissions about constraints on potential widening of New Street
- preserving the option for a future north-south link under the West Gate Freeway into the City of Maribyrnong.

The Panel agrees the CDP and DCP provide adequately for safe pedestrian and bicycle movements, including:

- along the northern boundary linking Kyle Road and New Street with the proposed central park and Federation Trail
- traffic signals and associated pedestrian crossings along Blackshaws Road, for example, at The Broadway intersection.

While Council submitted the LATM Study could take 12 months to complete, the Panel notes the strong views expressed by several submitters, including Ms Nicholson, that it should proceed as soon as practicable and before development starts. Although the Panel recognises development of Precinct 15 will be an evolving process with many potential unknowns over some time, it strongly encourages Council to undertake the LATM Study as early as possible in the process as an expression of intent and goodwill.

The Panel expects the LATM Study would consider many of the specific matters submitters raised, such as, potential improvements at the Millers Road intersections with Clematis Avenue and Cyclamen Avenue and be conducted in consultation with the local community.

At the Hearing, as part of any LATM considerations, the Panel raised the matter of potentially changing the signals at Millers Road/Marigold Avenue to ensure improved priority for bus movements, but not for other vehicles. This could improve Millers Road operations and reinforce the objective of encouraging cars to use Blackshaws Road.

The Panel supports the notion of providing the necessary traffic and transport mitigation works as early as practicable in the development schedule for Precinct 15, or even before, but understands and accepts this is not always feasible.

(iv) Recommendations

The Panel recommends:

4. Amend the exhibited Development Contributions Plan as follows:

- **Blackshaws Road – Frontage Works – increase from \$30,000 to \$50,000**
- **Local Area Traffic Management Study and Implementation – increase from \$118,000 to \$590,000**
- **Blackshaws Road and Millers Road – Works – increase from \$472,550 to \$500,000**

- **Blackshaws Road/Kyle Road/Mills Street – Construction – increase from \$20,000 to \$40,000**
- **Blackshaws Road/Schutt Street – delete the item from the Development Contributions Plan**
- **Melbourne Road/Ross Street – delete the item from the Development Contributions Plan.**

The Panel makes the following recommendations that has been incorporated or should be included in the revised Comprehensive Development Plan as provided in Appendix C2:

Victorian Planning Authority version of Comprehensive Development Plan (Document 79)

Amend Plan 5 (Street Network) by showing the interim road connection to Blackshaws Road west of the community facility to land further north.

Amend Table 4 (Precinct Infrastructure Plan) by:

- **deleting the infrastructure requirements for the Blackshaws Road and Schutt Street.**
- **inserting a new infrastructure requirement for Blackshaws Road, Kyle Road and Mills Street intersection.**

4.3 Access to public transport

(i) What is the issue?

The issue relates to whether access to public transport is adequate.

(ii) Submissions and evidence

Many submitters expressed concern about public transport inadequacies in the area, including links to and car parking at Newport Station. Some made comments about potential impacts on the existing Bus Service 432, the importance of implementing increased public transport services before completing development and the need for an extra train station.

Council, in its response to submissions, summarised its position:

The provision of public transport is the responsibility of the Victorian Government and Public Transport Victoria (this includes car parking at Newport Railway Station) has been involved in the process. Consequently the proposed street network has been designed to integrate with the existing bus network and allow bus access through the connector streets within the site. Council will continue to advocate for additional and improved public transport within Hobsons Bay and the western region of Melbourne.

...

The provision of additional car parking at Newport Railway Station is external to the planning scheme amendment process. ...

...

*The construction of a new railway station along the Newport – Sunshine freight rail corridor could be supported by Council however it is beyond the scope of this amendment. Council will continue to advocate for additional and improved public transport through Hobsons Bay and the western region of Melbourne.*⁷

The VPA advised it had worked closely with TFV in developing the new routes through the Precinct, including assessing their performance through GTA's traffic modelling. The VPA highlighted the importance of these bus routes in facilitating an increased public transport mode share and in meeting State policy directions to deliver public transport routes within 400 metres of every household.

TFV's submission raised several matters, most of which have been or will be addressed either in the CDP and planning controls or as development proceeds. TFV considered the following PIP items should be deleted as they are not committed to or funded:

- Improvements to implement bus stop at Spotswood Train Station.
- Construction and line marking to introduce bus parking at Spotswood Train Station.
- Marigold Avenue: Bus Stop Improvements - Construction of in-lane bus stops.
- Brunel Street: Bus Stop Improvements - Construction of in-lane bus stops.
- Spotswood Station - Construction of bicycle Parkiteer facility.

(iii) Discussion and conclusions

The Panel accepts the proposed street layout for the development has been designed to integrate with the existing bus network and would accommodate improved bus services for the Precinct as well as providing some benefit to surrounding areas.

Like TFV, the Panel strongly supports sustainable transport and accompanying mode shifts, including to public transport. However, the Panel is concerned about any perceptions of reluctance to more quickly deliver public transport improvements.

The Panel understands the public transport projects listed for Spotswood Train Station in the PIP in the exhibited CDP are not committed or funded and are outside the scope or direct influence of Precinct 15. However, they seem to be sound measures to help in modal shift ambitions, as would the other suggested improvements to access (for buses, cars and bicycles particularly) and car parking at Newport Train Station which are also beyond the scope of the Amendment. This is consistent with the Panel's approach to the works proposed at the eastern end of Blackshaws Road.

Given TFV's position, the Panel concludes it would be prudent to remove the two projects listed for Spotswood Train Station but retain the Marigold Avenue and Brunel Street bus stop improvements because they would have more immediate benefits.

(iv) Recommendations

The Panel makes the following recommendation that has been incorporated or should be included in the revised Comprehensive Development Plan as provided in Appendix C2:

⁷ Council Meeting Agenda 10 October 2017, Appendix 10

Victorian Planning Authority version of Comprehensive Development Plan (Document 79)

Amend the Precinct Infrastructure Plan by deleting the infrastructure requirements for Spotswood Station.

5 Dwelling density, yield and height

5.1 Overview

Building heights and dwelling yield are key components of the exhibited Amendment.

Building heights are expressed in the CDP and apportioned across the Precinct according to the following sub-precincts (Figure 6):

- Local road frontages – up to 9 metres with front façade height of 2 storeys and a 4-metre setback
- Internal residential – up to 20 metres with a front façade height of 3 storeys and a 4-metre setback
- Town centre - 16.8 metres with a front façade height of 4 storeys and a 2-metre setback (except for Blackshaws Road which is 3 metres)
- Mixed use/commercial area – 16.8 metres with a front façade height of 4 storeys and a 3-metre setback for Blackshaws Road
- Blackshaws Road frontage – up to 13.6 metres with a front façade height of 3 storeys and a 4-metre setback.

Figure 6 Sub-Precinct plan

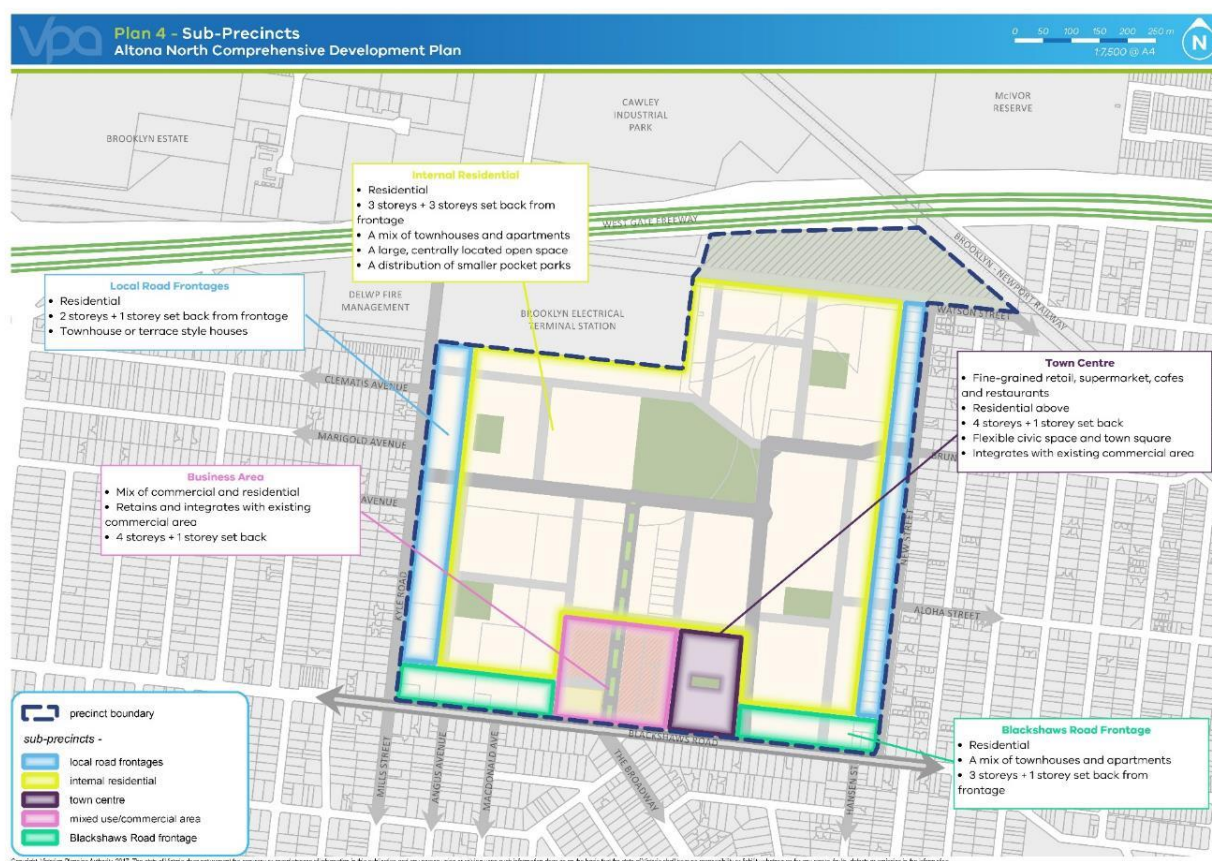


Table 2 of the CDP referred to 'maximum building height' and 'maximum front façade height', yet Requirement R7 contains the following text that seems to soften the weight that could be given to use of the word 'maximum':

*Built form in each respective sub-precinct should conform with guidance provided in **Table 2 and Plan 4**. Maximum building and street wall heights defined in **Table 2** do not apply to plant and service equipment, including plant rooms, lift overruns, solar collectors and other such equipment, provided the equipment is located, designed and screened to the satisfaction of the responsible authority (emphasis added).*

The Amendment contains a 3,000-dwelling ‘soft cap’ for the Precinct. This is expressed in Table 1 to the CDZ2 and requires a planning permit for the use of the land for more than 3,000 dwellings. Clause 2.0-2 (Use of the land) of the CDZ2 contains the following application requirements should the 3,000-dwelling yield be exceeded:

An Integrated Network Transport Study that describes:

- *the likely effects of the additional dwellings on the local and regional traffic network; and*
- *the works, services or facilities required to cater for those effects so that the efficiency and safety of the traffic network is maintained; and*
- *the proposed method of funding the required works, services or facilities.*

A Utility Services Report that describes:

- *the availability and capacity of the power, drainage, sewer, water and digital networks; and*
- *any necessary upgrades to those networks; and*
- *the proposed method of funding the upgrade works.*

A Social Impact Assessment prepared in accordance with Preparing Social Impact Assessments: Applicant Guidelines as adopted by Hobsons Bay City Council.

Clause 3.0 (Subdivision) of the CDZ2 contains the following application requirement:

A land use budget setting out the proposed land use areas or the number of premises e.g. dwellings in the plan, including details about how the development is contributing to the overall target of 3,000 dwellings.

The Amendment does not contain any specific direction on the equitable apportionment of dwellings across the Precinct.

5.2 What are the issues?

The key issues relate to:

- the rationale for the building height
- whether the height should be expressed as mandatory or discretionary
- dwelling yield, density and apportionment.

5.3 Building heights

(i) Evidence and submissions

Council referred to the initial proposal (Tract proposal) that sought an upper height limit of eight storeys. This was the subject of a further information request which, among others,

sought justification on the proposed heights. The P15LC commissioned DLA to address the proposed built form. DLA supported an upper building height of five and six storeys. Further negotiation resulted in the upper height being restricted to six storeys with reduced height at the street interfaces.

Building height around the public open space areas will need to consider overshadowing impacts with taller forms located to the south and east.

The VPA supported the lower built form (up to three storeys) at the residential interfaces as this was consistent with the maximum heights and number of floors allowable under the abutting General Residential Zone. The VPA submitted in relation to the proposed heights:

It is a balanced figure that considers a multitude of urban design principals including sustainability and amenity impacts as well as dwelling apportionment across land owners and forecast development scenarios.⁸

Mr Biacsi, in providing planning evidence for the P15LC, submitted:

I am unable to discern the rationale for the heights proposed or why (in circumstances where a site is as large and relatively unconstrained as the Precinct 15 land and which is capable of defining or shaping its own character) a maximum height over any part of the site should be limited to 6 storeys⁹.

(ii) Discussion

As was established in Chapter 4, the traffic and transport constraints of the Precinct restrict what otherwise could be a higher and denser built form outcome. The 3,000-dwelling cap is to be interpreted as a 'soft cap' which acts not as an ultimate limit, but as a trigger for further investigation into traffic, social and other impacts of more than 3,000 dwellings. The VPA submitted a potential development capacity plan (Document 73) to visualise what this may look like at 3,000 dwellings. This indicated an average dwelling density of approximately 50 dwellings per hectare, which confirmed the Precinct would participate well in what is termed as the 'heavy lifting' that is required by *Plan Melbourne* to increase housing yield and diversity, and to assist housing affordability in middle ring areas of Melbourne.

The Panel appreciates and accepts the level of investigation and planning has been significant in this process, and it assisted the Panel's understanding of the constraints of the Precinct and how it may develop.

None of the landowners objected to the proposed heights but expressed concerns whether they should be interpreted as discretionary or mandatory. The proposed heights are relatively modest from an urban infill perspective. Across a Precinct that is 67 hectares in size where much of it is remote from sensitive interfaces, the Panel was initially cautious at the restrained heights¹⁰, particularly given the policy imperative for these infill sites to have a focus on increased housing density and affordability.

⁸ VPA submission (Document 22), page 6, paragraph 22

⁹ Biacsi evidence statement, page 38, paragraph 119b

¹⁰ Panel Direction 14(d) sought advice from the parties on whether greater heights were ever considered

The Precinct is very large and has the capacity to accommodate significant built form. As the Precinct develops, its own character will emerge that will separate it from the traditional residential built form at its boundaries to the east, west and south.

As the numerical reference proved to be uncontroversial and is generally consistent with urban design principles for staggered heights, the Panel accepts that there is a rationale for the overall building heights.

How they relate to dwelling yield and density is discussed further.

(iii) Conclusions

The Panel concludes the exhibited and VPA versions of the building height figures in the CDP are appropriate.

5.4 Mandatory or discretionary building heights

(i) Evidence and submissions

The VPA, as the author of the Amendment documents and controls and supporting notification material, submitted that the building heights should be interpreted as discretionary¹¹, yet labelled them as *“preferred maximum building heights”* in its Hearing version of the CDP. It accepted the *“concern that the language of the amendment is capable of differing interpretations as to whether six storeys, amongst other specified maximum heights, is a mandatory maximum”*¹². It supported the use of more concise language if the Panel determined whether height should be expressed as discretionary or mandatory.

Council argued the exhibited heights were expressed as mandatory and that greater certainty was required for it, the community and landowners. It referred to the use of mandatory height controls in the residential zones as an example of a trend towards greater support for these. Policy 2.1.4¹³ of *Plan Melbourne*, it submitted, supports the strengthening of heights.

Mr Barnes did not address how the heights were expressed however he submitted that prescriptive requirements should be discretionary, unless Council considers them so important to development that they should be mandatory, with no ability to increase. Mr Czarny did not consider there were any mandatory provisions in the exhibited Amendment. Ms Lane submitted that the use of the term *“cannot be varied with a permit”*, should be added to the CDP to confirm the building height is mandatory.

Prior to the Hearing, Council sought clarification from the VPA on the nature of the building heights. Council tabled Document 81 (email dated 1 December 2017 from the VPA) that suggests building heights were mandatory by referring to *“maximum building height”*.

In its closing submission, Council requested the Panel consider additional design guidelines that address when additional height above a discretionary limit (if supported by Panel) was

¹¹ VPA submission (Document 22), page 5, paragraph 13

¹² VPA closing submission (Document 83), page 3 paragraph 16

¹³ ‘Provide certainty about the scale of growth in the suburbs’

appropriate. The P15LC did not support this and considered the general provisions of the planning scheme should provide Council with the ability to make an adequate assessment.

The landowners were united in their interpretation that the building heights were exhibited as, and should remain, discretionary. They referred specifically to the VPA submission, as the author of the documents, that confirmed the building heights were discretionary¹⁴. The P15LC referred to Council's experts (Messrs Barnes and Czarny), neither who supported mandatory height controls. Mr Biacsi agreed with the Panel that the exhibited heights read as mandatory controls but supported discretionary height controls across the whole Precinct. The landowners considered Council had not met the 'test' of Practice Note 59 which required it to explain why mandatory provisions should be the exception to the common practice of applying discretionary controls. The landowners considered VCAT was providing greater weight to preferred (or discretionary) building heights.

If the Panel found that the exhibited heights were expressed as mandatory and considered building heights should be discretionary, the landowners did not consider this would represent a transformation of the amendment and require re-notification. Reference was made to the Victorian Civil and Administrative Tribunal (VCAT) case *Winky Pop v Hobsons Bay* (2008) VCAT 206 which established it cannot be *"procedurally unfair to make a recommendation adverse to the interests or requirements of a person in circumstances where that person chooses not to participate in the Panel process"*¹⁵.

(ii) Discussion

At the Hearing, there was significant discussion on the nature of the height controls.

All land within the Precinct is affected by a height control contained in the CDP. Overall height and setback provisions are expressed in metres and front façade height is expressed as storeys. Height scales down to the boundaries of the Precinct (either 9 metres for New Street or Kyle Road, or 13 metres for Blackshaws Road), with greater height (20 metres) being contained in the internal residential sub-precinct. The commercial/mixed use area has a height of 16.8 metres.

Table 1 in the VPA version (Document 79) refers to *"maximum building height"* and *"maximum front façade height"*, yet Requirement R7 seems to soften the weight to be given to use of the word 'maximum' as previously noted where it says that *"built form in each respective sub-precinct should conform with guidance provided in Table 2 and Plan 4"*.

The Panel considers that the exhibited version of the CDP expressed building height in mandatory terms. This was accepted by Mr Biacsi and the VPA conceded the language needed to be clarified to avoid confusion. The VPA prepared a four-page summary of the CDP (July 2017) as part of community consultation that supported the exhibition of the Amendment. This referred to maximum building heights. At the very least, the impression is that building heights are mandatory, and the Panel can assume that this is how the community may have interpreted this.

Whether they should remain mandatory is another matter.

¹⁴ VPA submission, page 5, paragraph 13

¹⁵ P15LC submission (Document 48), page 35, paragraph 172

Plan Melbourne states in Policy 2.1.4 “in areas where greater change is expected—such as urban renewal Precincts and mixed-use and activity centre areas—requirements to adhere to preferred heights will also be strengthened. This will be achieved by improving the way height in strategic locations is managed and decisions are made”.

The Panel understands the Council position that there is a trend towards the wider use of mandatory heights, especially in the residential zones. However, the Panel considers this is for local residential areas. *Plan Melbourne* does not refer to the wider use of mandatory heights; indeed, it refers to preferred heights and relying on the way they are implementing as requiring strengthening. This could be achieved through stronger local policy or other measures, not the use of mandatory controls.

The Panel is comfortable that the size and dimensions of the Precinct allow for discretionary heights and its associated design flexibility for the internal residential sub-precinct. There is however a caveat on this. The Panel does not expect that significant variations to a discretionary height limit should be supported. As stated earlier, this Precinct is perhaps unique in that the Panel had several traffic experts in agreement that there needs to be some form of limit or ability to scrutinise proposals that may lead to more than 3,000 dwellings. It cannot be said that the Precinct is well serviced with public transport. The local road network has its limitations, particularly if the WGTP is constructed. This Precinct will be doing an appropriate level of ‘heavy lifting’ in terms of urban infill housing and its development needs to be cognisant of the constraints of the Precinct.

The Panel does not consider there is appropriate justification for mandatory height controls in the internal residential sub-precinct.

Notwithstanding this, the New Street and Kyle Road frontages should retain the building heights as exhibited and retained in the various versions of the CDP put to the Panel; and be read as mandatory controls. This addresses both street interfaces with established residential areas, and in the case of New Street at a width that is clearly residential in context, even though the west side is currently occupied by light industry.

Building height at Blackshaws Road should be discretionary to reflect the important role it plays in east-west vehicle movements in Altona North, its semi-commercial context and wider profile that creates an appropriate separation from the residential areas to its south. This will allow for greater height and design flexibility in the town centre and commercial/mixed use areas.

Despite several opportunities to clarify the language in respect of building height, both the VPA and P15LC CDP versions presented to the Panel retained the reference to ‘maximum building height’. The P15LC referred to it as ‘preferred maximum building height’ (unchanged from exhibition). Mr Tweedie accepted it may be better referred to as ‘preferred building height’.

The use of language is critical in conveying the right message. Drafting of heights controls has evolved over time with other panel reports and the approach of DELWP. Generally, for discretionary heights ‘preferred building height’ means Council wants built form at that height and ‘preferred maximum building height’ means Council wants built form up to that height. As a rule, the Panel supports the use of ‘preferred building height’ where discretion

exists and the use of ‘maximum building height’ where there is no discretion, reinforced by the term ‘cannot be varied with a permit’. The provisions should easily fall in either of these categories. This approach has been used in the drafting of the relevant requirement and guideline of the CDP.

The CDP does not contain any design guidelines that would guide the exercise of discretion on building height. Council requested the Panel support this if discretionary heights were supported. The Panel generally agrees that additional guidance should be provided, however the precise text was not considered at the Hearing. Many planning schemes have controls drafted in this fashion. The Panel is content to generally support this, noting however that approval of this Amendment is not contingent upon this further work being undertaken.

Despite the many submissions from the community, the Panel agrees with the landowner submissions that reverting to discretionary provisions from mandatory provisions would not transform the Amendment and would not therefore require further notification. The proposed uses and their distribution and general built form remain the same and the retention of mandatory height controls at the sensitive residential interfaces, indicate the outcomes at the Precinct periphery are relatively unchanged.

(iii) Conclusions

The Panel concludes:

- the Amendment was exhibited with mandatory building heights where the term ‘maximum building height’ is used
- the internal residential, Blackshaws Road residential frontage and commercial/mixed use sub-precincts should have discretionary building height and front façade height
- the local road frontages sub-precinct (New Street and Kyle Road) should have mandatory building and front façade heights
- design guidelines that consider how Council should use its discretion for proposals with additional height are appropriate, but not as part of this Amendment
- mandatory building heights should be expressed as *“maximum building height that cannot be varied with a permit”*
- discretionary building height should be expressed as ‘preferred building height’
- the recommendation to express heights (apart from the residential street interfaces) as discretionary does not result in a transformation of the Amendment, nor necessitate re-notification.

(iv) Recommendations

The Panel makes the following recommendations that have been incorporated or should be included in the revised Comprehensive Development Plan as provided in Appendix C2:

Victorian Planning Authority version of Comprehensive Development Plan (Document 79)

Amend Requirement R5 by inserting, as a replacement, the following:

- *Built form in the local road frontages Precinct must comply with the land use, development outcomes, setback and building heights provided in Table*

1 and Plan 4. A permit cannot be issued to vary the building heights or setback.

Insert a new guideline under Land Use and Built Form, as follows:

- *Built form in the internal residential, Blackshaws Road residential frontages, Commercial/mixed use area and town centre sub-Precincts should comply with the land use, development outcomes, setback and building heights provided in Table 1 and Plan 4.*

Amend the title of Table 1 to 'Land use and built form outcomes'

Amend the Table 1 headings of Columns 4 and 5 by deleting 'maximum' and Column 6 by deleting 'preferred'.

5.5 Dwelling yield, density and apportionment

(i) Evidence and submissions

The VPA submitted that a permit requirement for 3,001+ dwellings is an:

... imperfect arrangement to what is essentially a strategic problem. The VPA submits, however, that the solution adopted in the amendment is the best of the alternatives available. A hard cap of dwelling numbers would impose an undue constraint on the capacity of the Precinct to accommodate additional dwellings if the prevailing circumstances supported such a proposal. The acceptability of such a proposal is capable of being assessed by the responsible authority and ought not to require consideration as part of a planning scheme amendment¹⁶.

The VPA proposed a change to the application requirements for dwellings, by deleting reference to an Integrated Network Traffic Study as it was out of proportion to individual dwelling applications, but retain the more generic content material as follows:

- *The likely effects of the additional dwellings on the local and regional traffic network;*
- *The works, services or facilities required to cater for those effects so that the efficiency and safety of the traffic network is maintained; and*
- *The proposed method of funding the required works, services or facilities.*

In response to a Panel request, the VPA submitted a dwelling density plan (Document 75) that addressed the dwelling cap and the fragmented ownership of the Precinct. It, however, did not support the inclusion of the plan within either the CDP or CDZ2 as it:

... would have the potential to promote undesirable unintended consequences, for example to incentivise proponents to accelerate a proposal or to seek to land bank. It is not the role of strategic planning to pick winners.

¹⁶ VPA closing submission (Document 83), page 4, paragraph 22/23

The VPA submits that this potential for mischief inherent in the fragmented ownership of land at the Precinct and the Precinct's constraints is best addressed by the Precinct wide soft cap of dwelling numbers and consideration of the built form requirements and guidelines and the usual amenity and neighbourhood character concerns that would be considered as part of any application to use and develop land at the Precinct. If a proposal were to be unacceptable then that may be assessed on the merits of the proposal¹⁷.

The VPA did not support a dwelling cap, either at an individual parcel or sub-precinct level on the following basis:

- *the VPA 3D working model for the site forecasts that a relatively constrained number of apartments will be required across the Precinct to achieve the cap. If we agree with the VPA analysis that a relatively limited number of apartment buildings are required to fill this relatively large sub-precinct, can we, indeed should we, try to assign a preferred subset of this central Precinct as preferred for apartments? There has been a conspicuous lack of agreement in the past amongst parties as to the most appropriate locations for apartments, relative to townhouses, within the central sub-precinct*
- *demonstrating preferred locations creates expectations that these entire areas will develop fully in this format, when in fact the VPA model suggest this is not the case*
- *there are other localised considerations that may favour the development of apartments over townhouses, including the need for piling over formerly quarried areas, and the need for expensive vapour barriers to mitigate against contamination*
- *the general difficulties in predicting the property market and decision-making 10 - 20 years in advance¹⁸.*

Council submitted that the 3,000-dwelling figure was not arbitrary and has been a basis for all strategic planning work, including traffic assessments. Council supported the dwelling provision and the need for applications to demonstrate any increase is appropriate from a traffic, social and utility perspective. The consequences of under or over-development of the Precinct was addressed by Mr Barnes:

- *If the 3,000 limit is not reached. The responsible authority will experience a shortfall in development contributions received to fund infrastructure.*
- *If the 3,000 limit is exceeded. Planning permit applicants will be required to provide additional information to justify the total number of dwellings exceeding 3,000¹⁹.*

Ms Lane submitted:

¹⁷ VPA closing submission, page 5, paragraph 30/31

¹⁸ VPA submission, page 6/7, paragraph 28

¹⁹ Barnes evidence statement, page 19, paragraph 81

The dwelling density and yield plan submitted by the VPA is far more detailed than Council intended or Mr Barnes and Mr Czarny contemplated through their evidence. To this end, Council understands the concern expressed in the submission for Ouson Pty Ltd about the VPA plan. Council is keen to see a more flexible range of dwelling numbers offered per precinct, which nonetheless assists in avoiding under-development²⁰.

Mr Barnes supported the addition of a dwelling density and dwelling yield plan in the CDP which:

... could show the estimated number of dwellings (possibly within a range) and the dwelling density required to be achieved in each Precinct. The dwelling yield and density would be estimated for each Precinct, based on the type and height of residential development envisaged, as outlined in the CDP. The more fine grained the Precincts used, the more useful such an approach would be. This approach would enable the responsible authority and applicants, to make a 'judgement' as to whether or not the density of development being proposed by individual applications, is generally consistent with the total dwelling yield expected to be realised in each Precinct, and thus across the entire site²¹.

Mr Czarny addressed this issue by submitting:

I believe that a more 'granular' mapping of low, medium and high density residential formats would be apt in relevant CDP Plans as illustrated in both earlier the DLA and Mesh work. An identification of such assists in an orderly distribution of the 3,000 dwellings across the land over time (therefore avoiding the potential for over or under development of particular Precincts within the parcel). Such approach also assists in better management of block 'fronts' and 'backs' within the development area, especially between the site's core and along residential interface areas²².

The following application requirement was contained in the Council 4 December 2017 version of the CDZ2 (Document 43, Attachment 2) that refers to the dwelling density and dwelling yield plan:

An assessment of the dwelling density and dwelling yield of the residential development proposed in relation to the target density identified for the sub-Precinct in which the land is located, as shown on the Dwelling Density and Dwelling Yield Plan contained in the CDP. The assessment should set out how the number of dwellings proposed is contributing to the overall target of 3,000 dwellings.

The landowners did not support a permit requirement for greater than 3,000 dwellings or its related dwelling application requirements. Mr Tweedie proposed that Council could maintain a spreadsheet to monitor approved dwellings across the Precinct to ensure one

²⁰ Council closing submission, page 8, paragraph 42

²¹ Barnes evidence statement, page 19, paragraph 82

²² Czarny evidence statement, page 17

landowner is not gouging dwelling numbers and assist in the timing of further investigation should dwellings exceed 3,000. Council and the VPA did not support this.

Mr Finanzio considered the reference to “*target*” densities in the VPA CDZ2 (Document 43) inferred a cap of sorts and had no basis.

(ii) Discussion

While the 3,000-dwelling figure was never meant to operate as a hard cap, it has formed a key part of the planning for the Precinct. It has informed several traffic assessments and reports on community facilities, utilities and public open space. This has assisted the Panel to comprehend how the 67-hectare Precinct could be developed. The Panel appreciates the 3D model produced by the VPA is indicative only and aids in this visualisation. It was never meant to form a part of the proposed controls. It would seem to undo some of this good work if the Panel was to disregard the dwelling ‘soft cap’ and delete it from the CDZ2; with the potential to open the site up to over-development.

The landowners want the ‘soft cap’ to sit informally outside of the planning controls as a reference for a tracking mechanism to manage the effective apportionment of dwellings across the Precinct. Under this scenario, there would be no trigger for further investigation and this would rely on the Council assessment of the day. Over a 15-20 year development period, the likelihood of this remaining a relevant and recognisable consideration outside of the planning scheme would significantly diminish over time. The Panel does not support an approach to monitoring that would lie outside the planning scheme. This is tantamount to not having a mechanism in place.

The Panel notes:

- It was widely accepted by all parties that the Precinct has traffic issues that constrain the potential dwelling yield from the site. The outcomes of the traffic conclave and related oral evidence confirmed that the 3,000-dwelling ‘soft cap’ was appropriate and additional traffic investigations were required if more dwellings were proposed.
- There is a link between dwelling yield, density and the apportionment of dwellings across the Precinct. If the Precinct was not so constrained by the traffic network, and perhaps if it was located closer to public transport or included direct access to the West Gate Freeway, these issues would fall away or be reduced in importance. This is not the case with Precinct 15.
- It seems disproportionate that the 3,000th dwelling requires no further assessment, yet one more triggers the need for further strategic investigation on matters that are germane to the Precinct. As the VPA stated, it is an imperfect tool.
- Without any guidance on dwelling density across the Precinct, there is the distinct potential that early developers will consume a disproportionate number of dwellings, particularly considering the Panel supports discretionary building heights in the internal residential, Blackshaws Road frontage and the commercial/mixed use sub-precincts.
- Alternatively, with the many individual landowners, there is the potential for land banking if density controls were introduced.

The DLA and Mesh reports, Mr Barnes and Mr Czarny all highlighted the need to control dwelling density across the Precinct to ensure there is an equitable dwelling distribution. This was also a condition of authorisation letter from DELWP. The VPA density plan prescribes a dwelling density range per sub-precinct that could result in a 10 per cent variation, resulting in an overall dwelling range of 2,700 to 3,300.

One option the Panel has considered is to retain the 3,000-dwelling ‘soft cap’ in the CDZ2 as a trigger for further investigation and introduce a dwelling density and yield plan on a sub-precinct level that is a discretionary measure and could be varied, if justified. This would convey the same message as a discretionary building height; that is, the measure is appropriate as a preferred outcome that could be varied, if it was sufficiently justified. The operation of the two discretionary measures (height and density) should act as a constraint on overly ambitious proposals that could seek to gouge the dwelling yield for the Precinct.

This would have the benefit of introducing an element of certainty (that is, this is what Council seeks for the Precinct) and a degree of flexibility (that is, the ability to vary height and dwelling yield, within reason). Whether this approach would result in land banking is a separate issue, and entirely at the instigation of the landowners. The Panel sees greater benefit in providing guidance and flexibility on height and yield, than potentially avoiding land banking without any guidance on yield and density. The latter would seem to heighten the likelihood of applications being lodged that would challenge the requirements of the CDP and zone.

The VPA submitted two versions of a dwelling density and dwelling yield plan (Documents 58 and 75). Both divide the Precinct into 11 sub-precincts not based on ownership, but in logical sections that effectively are defined by the proposed internal street network or land uses. Generally, if there is a greater proportion of townhouses than apartments, then the dwellings per hectare will be lower. Where there are no apartments proposed in sub-precincts 1, 2 and 3 along New Street, Kyle Road and Blackshaws Road (west), the yield is generally 32 dwellings per hectare. Where more intense apartment-built form is expected in the town centre and sub-precinct 9 to the north the yield is 100 and 87 dwellings per hectare, respectively. The form of Document 75 is supported by the Panel as it is consistent with the land use and development outcomes expected from the building height table in the CDP.

The Panel notes the landowners did not seek to delete the expected development outcomes of this table. As there is a link between dwelling densities and expected development outcomes, this indicates landowners implicit support for the varying densities across the Precinct, provided they were interpreted as discretionary measures; which the Panel supports.

Council proposed to locate the dwelling density and dwelling yield plan in the CDP as an appendix, but it requires further work to address it’s and other’s concerns. The Panel supports this but does not have sufficient information to guide this drafting task. On this basis the Panel is content to use the VPA plan as a basis for a dwelling density and dwelling yield plan to be inserted into the CDP. Council proposed to cross-reference this to the CDZ2 with an application requirement; which the Panel supports, but with the deletion of the word “target” which infers the provision is more mandatory than discretionary. There

should also be a guideline in the CDP under the 'land use and built form' theme that confirms its role and that its strict interpretation of the numbers is not sought, but the use of them as a guide.

The Panel agrees with the VPA that the built form requirements and guidelines of the CDP will assist in apportioning dwellings across the Precinct; but not in isolation from other measures highlighted above.

The CDP has a five-yearly review period built into it. There may be three or four reviews over the life of the Precincts redevelopment. If this approach with discretionary height and dwelling density and yield forms such an obstacle to development then there is the potential for this to be reviewed, along with any other provision of the controls.

In response to the evidence of Mr Czarny, the Panel considers the need for greater depth to the local frontages sub-precincts should be informed by further discussion between Council and the landowners. The use of land ownership boundaries to define sub-precinct boundaries is a reasonable outcome to facilitate appropriate development and reduce complexities.

(iii) Conclusions

The Panel concludes:

- the 3,000-dwelling figure should be interpreted as 'soft cap' and exceeding this should trigger further investigation. It is appropriate to retain it as a Section 1 condition in the CDZ2 for 'accommodation'
- there is a need for a mechanism that would monitor the orderly apportionment of dwellings across the Precinct
- a dwelling monitoring mechanism that is not located within the planning scheme is not supported
- a dwelling density and dwelling yield plan which is based on Document 75 from the VPA, with a range of dwellings for each of the 11 sub-precincts is appropriate. This plan should be interpreted as discretionary, or as a guide. This is to be inserted as an appendix in the CDP with a guideline under the 'land use and built form' theme
- an application requirement for a dwelling density and dwelling yield plan in the CDZ2 is appropriate, provided it deletes the word "*target*" from the VPA text.

(iv) Recommendations

The Panel makes the following recommendations that have been incorporated or should be included in the revised Comprehensive Development Plan and Schedule 2 to the Comprehensive Development Zone as provided in Appendices C2 and D2:

Victorian Planning Authority version of Comprehensive Development Plan (Document 79)

Insert the Dwelling Density and Dwelling Yield Plan in Appendix B.

Insert the following new requirement under the 'land use and built form' theme:

- *Dwelling apportionment in each of the sub-precincts should be generally consistent with the Dwelling Density and Dwelling Yield Plan contained in Appendix B.*

Victorian Planning Authority version of Schedule 2 to Comprehensive Development Zone (Document 78)

Amend Clause 3.0 under Subdivision application requirements by inserting the following:

- *An assessment of the dwelling density and dwelling yield of the residential development proposed in relation to the density identified for the sub-precinct in which the land is located, as shown on the Dwelling Density and Dwelling Yield Plan contained in the CDP. The assessment should set out how the number of dwellings proposed is contributing to the overall target of 3,000 dwellings.*

6 Commercial floorspace

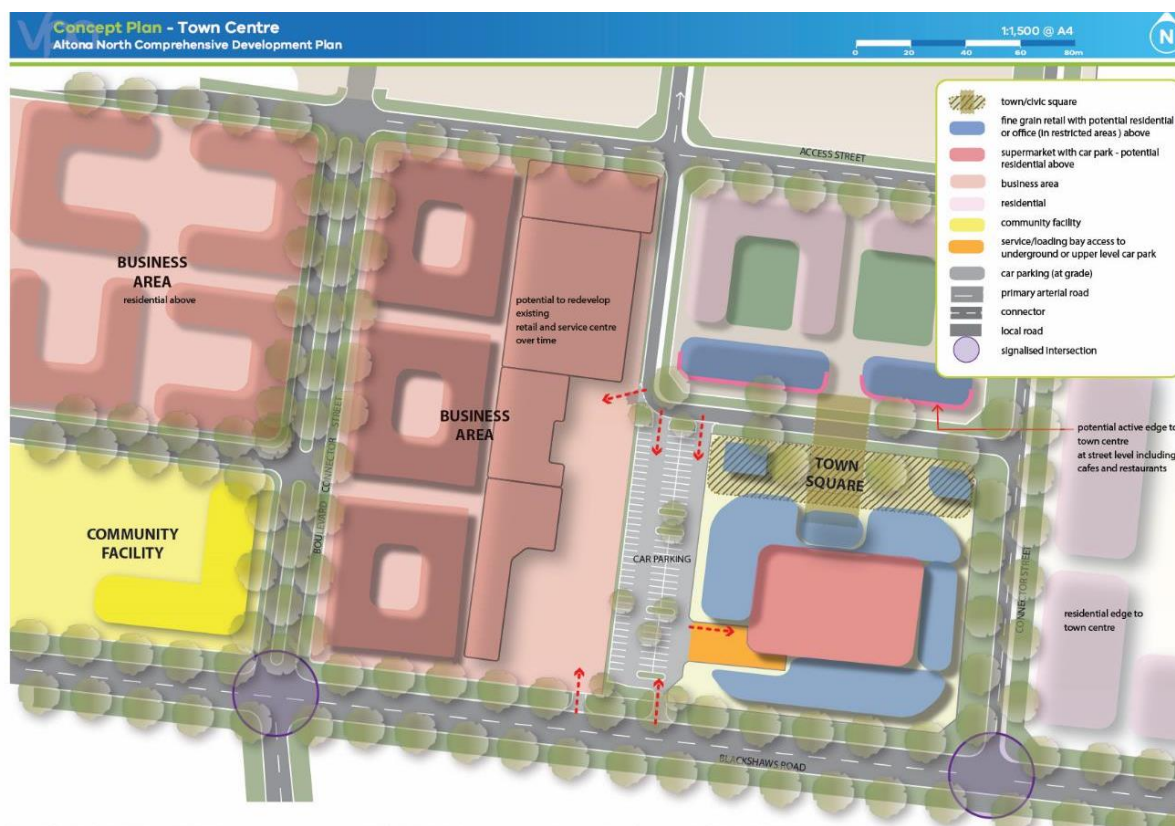
6.1 Overview

The CDP supports 33,000 square metres of commercial floorspace as new floorspace in addition to that already existing²³. This is apportioned in the following manner:

- Town centre, first floor – 1,300 square metres
- Existing²⁴, new first floor – 5,400 square metres
- Proposed two storeys – 26,340 square metres.

Figure 7 contains the exhibited town centre concept plan.

Figure 7 Town centre concept plan



The CDZ2 requires commercial floorspace to be located in the town centre or (existing) business area (known as Shaw's Business Park) without the need for a planning permit. A permit would be required if it is located outside of the town centre or mixed use/commercial area.

Requirements R18 to R25, guidelines G15 and G16 and design guidelines DG1 to DG12 from the exhibited CDP relate to the town centre and commercial/mixed use area.

²³ The land use budget at Table 1 refers to commercial floorspace as 'new', and conversely retail floorspace as 'total' including existing floorspace

²⁴ Shaw's Business Park

6.2 What are the issues?

The key issues relate to:

- whether there is a need for commercial office floorspace within the Precinct
- the amount of floor space that should be provided
- how the town centre plan should be configured.

6.3 Need for commercial office floorspace

(i) Evidence and submissions

Council and Mr Barnes supported the provision of office floorspace within Precinct 15. Mr Barnes outlined the policy context for this issue and referred to *Plan Melbourne* in the following manner:

A major component of Plan Melbourne relates to jobs, in particular to providing jobs in locations close to people's homes, as part of mixed use redevelopments on major urban renewal sites, and to achieving the aim of a 20 Minute City (Clauses 11.06-1 and 2).

He referred to the need for aspirational planning “to realise the worthy planning objective of creating jobs close to where people live”.

The economic expert conclave agreed that:

The planning-linked aspiration to provide some level of commercial floorspace within Precinct 15 is reasonable.

(ii) Discussion

There was consensus that commercial office floorspace should be provided as part of the development of Precinct 15. The Panel supports this outcome, as a starting point.

The key difference between the landowners and the VPA/Council is the quantum of this office space and how it should be represented on the town centre plan within the CDP. The Panel accepts that reference to 33,000 square metres is an error and should be read as 26,400 square metres of GLFA in the CDP.

6.4 Quantum of floorspace

(i) Evidence and submissions

Council referred the Panel to the DELWP submission (Document 40) which stated:

The provision of commercial floor space (with associated employment and job opportunities) is a key reason why the Department considered that the amendment was strategically justified. For these reasons, the Panel's attention is brought to the need to ensure that sufficient land is provided for jobs and commercial floor space, with a genuine mix of land uses in the CDP. A reduction in the amount of commercial floor space may undermine the high level strategic directions and objectives of State policy.

The economic expert conclave did not agree on the quantum of office floorspace that was required. Mr Ganly, Mr Papaleo and Mr Quick all agreed that *“Precinct 15 will only support 5,000 – 10,000 sqm of commercial floorspace at capacity”*. Mr Naughton considered the upper end of the figure represented aspirational planning.

Regarding demand, there was a distinct difference between Mr Henshall and other experts in the conclave. Mr Henshall considered new Hobsons Bay residents would support 105,000 square metres of additional office floorspace. Other experts considered there was a demand for between 5,500 and 28,000 square metres in Hobsons Bay.

Mr Henshall supported the goal of 33,000 square metres of commercial floorspace, but in oral evidence sought to correct the figure to 26,400 square metres of gross leasable floor area (GLFA), not a gross figure. Mr Henshall agreed at the expert conclave that *“there was no external research commissioned by the VPA subsequent to this to justify the increase to 33,000sqm”*. Mr Henshall supported the 26,400-square metre requirement on the following basis:

- the growth of white-collar workforce in Hobsons Bay between 2016 and 2031 would create a demand for 105,000 square metres²⁵ of office floorspace
- there is very little office-based employment provided in Hobsons Bay, hence it is seen as an opportunity to increase job containment in the municipality
- local real estate agents support the need for more office-based employment, and acknowledge supply is limited.

Mr Quick submitted it was unlikely that job containment in office-based employment will increase much from current levels due to the proximity of the Melbourne CBD and the lack of demand locally. Mr Quick referred to the *Hobsons Bay Activity Centre Strategy Technical Report 2016* prepared by Mr Henshall’s firm, Essential Economics, which stated:

In terms of office accommodation, businesses that service the needs of local residents tend to be the major occupiers of commercial floorspace in centres in the municipality. The non-retail role of Hobsons Bay is limited, with few examples of regional-serving office activities (which generally rely on access to an extensive regional base of professional workers serving regional needs).²⁶

The landowners, Mr Ganly, Mr Papaleo and Mr Quick all referred to Mr Henshall’s 2016 activity centres assessment as containing relevant information for the consideration of commercial floorspace in Hobsons Bay. They drew a distinction between this document and Mr Henshall’s September 2017 Precinct 15 assessment and evidence statement. For example, the 2016 activity centres report concluded there was a forecast demand of between 8,760 square metres and 27,820 square metres for commercial office floorspace in Hobsons Bay (based on a metric of 1.25 square metres per white collar worker); yet the 2017 assessment concluded there was a forecast demand of 105,000 square metres (based on a metric of 20 square metres per white collar worker).

²⁵ Results from 5,240 new residents in white collar jobs multiplied by 20 square metres as an industry average per office job

²⁶ Page 89

Mr Papaleo considered the view that demand was strong because there were only a few office properties for lease or sale in Hobsons Bay was “*patently incorrect*”. Mr Papaleo considered this was representative of “*historic low supply and weak market and demand conditions*”.

Mr Henshall considered the activity centre report was not particularly relevant as the report dealt with retail and commercial development in activity centres.

The VPA supported the vision setting process and testing of it, through evidence provided by Mr Henshall and referred the Panel to the DELWP submission. In response, Mr Naughton submitted:

There is nothing wrong with aspirational planning, there is a place for that in strategic planning. However, there is a difference between aspirational, yet well considered evidence-based planning on the one hand, and planning that is devoid of any sense of critical analysis or reality. The weight of evidence before this Panel indicates that the current Business Area proposed is firmly within the latter category.

*If planning is devoid of critical analysis or reality, it is not really planning. It is certainly not good planning, and can lead to either a planning framework void or planning blight, sometimes both.*²⁷

Mr Barnes supported the creation of as much employment on the site as possible but acknowledged “*the difficulty of realising office based jobs on the site/in the area, especially of the scale identified i.e. potentially 33,000 sqm*”. Mr Barnes considered the Precinct was not as accessible as other activity centres in Hobsons Bay or the region.

(ii) Discussion

Table 2 presents a summary and comparison of what each economic expert supported for the Precinct. Mr Henshall effectively supported the exhibited requirement; albeit in GLFA terms. Mr Ganly and Mr Quick generally agreed with each other and Mr Papaleo only supported office development in the town centre itself.

Forecasting is inevitably an imprecise science (hence the floor area ranges and variations provided by the experts), however there still is a need to provide some basic justification for the quantum of office floorspace to be provided.

There are similarities in how the 26,400 square metres has been put with the 10 per cent public open space requirement (refer to Chapter 8). It seems both figures were chosen as an input into the assessment without justification. Council originally considered 7,000 square metres to be appropriate in February 2017 and then, in the lead up to exhibition, 33,000 square metres was inserted as the floor space requirement. Mr Henshall’s September 2017 report was completed after exhibition. The Panel agrees that there is a role for vision setting for the development of a 67-hectare landholding as a mixed use residential Precinct. However, for specific land uses there needs to be added rigour to ensure there is a likelihood

²⁷ GWF/TIC submission, page 7, paragraphs 29 and 30

of the Precinct supporting 26,400 square metres of office floorspace and the provision will not result in the sterilisation of the land due to lack of demand.

Table 2 Supported commercial office floorspace comparison

Office floorspace exhibited	Henshall	Papaleo	Quick	Ganly
33,000 sqm gross	26,400 sqm GLFA	1,300 sqm but accepted at the conclave that 5,000 to 10,000 sqm could be provided at capacity	5,000 to 10,000 sqm could be provided at capacity	6,000 to 10,000 sqm but accepted at the conclave that 5,000 to 10,000 sqm could be provided at capacity

The Panel notes page two of the authorisation letter from DELWP includes matters Council is to have regard to. The authorisation letter does not provide details or commentary of DELWP's assessment of the commercial floorspace.

The Panel was presented with evidence from three experts that do not support that quantum of office floorspace. Mr Henshall's evidence substantially justified its provision based upon the growth in the white-collar workforce in Hobsons Bay using a metric of 20 square metres per white collar worker. If this metric was used, according to Mr Ganly²⁸, across the whole of metropolitan Melbourne there would be a total demand for office floorspace of 21.9 million square metres; whereas statistics indicate the demand is for 7.6 million square metres. The growth in the white-collar workforce includes dedicated office jobs and those that may be ancillary to other employment sectors, such as managers in the industrial sector. As Mr Papaleo noted that in 2016, 46 per cent of Hobsons Bay's white-collar workforce was employed in blue collar industries and only 16 per cent were employed in traditional white-collar sector employment²⁹. The Panel considers the Mr Henshall metric is overly simplistic and unable to support the intended outcome.

On balance, the Panel does not support the provision of 26,400 square metres GLFA of office floorspace in Precinct 15 as there is a lack of strategic justification.

The Panel does not accept that the 2016 activity centre report is not relevant. At the very least, what is being created is an activity centre and should be considered in light of any recent and relevant investigation into activity centres. This, combined with Mr Henshall's acceptance in his 2016 report that the non-retail role of Hobsons Bay is limited and the constraints of the Precinct as an office park (that is lack of public transport, proximity to Melbourne CBD and new centres such as Fishermans Bend), lead the Panel to conclude that a figure less than the exhibited requirement is appropriate.

The Panel is aware of the existing office floor space provision, and whatever level is set, it should be made clear it is new floorspace. The Panel does not support Mr Papaleo's initial

²⁸ Ganly evidence statement, page 22, paragraphs 104 and 105

²⁹ Papaleo evidence statement, page 9, paragraph 50

figure³⁰, which would only see the town centre developed with offices at a level that is almost negligible and not befitting of state policy to generate employment in SRAs. Based on two experts supporting a range of office floorspace between 5,000 and 10,000 square metres, the Panel accepts 10,000 square metres of new office floorspace as a reasonable reflection of the need to generate local employment within the confines of the exhibited commercial/mixed use area and with a stronger and rational justification. This is more aligned with the initial 7,000 square metres figure considered by Council, more so than the exhibited requirement.

The Panel considers the provision of 10,000 square metres office floorspace is consistent with State policy that requires the creation of local jobs in addition to that already provided in Precinct 15, and it will contribute to a vibrant commercial centre supported by an emerging local population. Additionally, the Panel observes and supports the wide range of Section 1 uses in the CDZ that do not require a permit, as well as the innominate uses falling into Section 2. This will allow opportunities for additional community and other uses to be considered in the commercial/mixed use area.

6.5 Town centre plan

(i) Evidence and submissions

Mr Papaleo and Mr Quick both considered in the conclave statement that:

There is more than enough capacity to supply the required commercial floorspace within the Town Centre component of Lot 11 and the Commercial/Mixed Use component of Lot 10.

Furthermore, such development is more likely to be supportable within the Town Centre or immediately adjacent given that the profile of likely future users will be primarily smaller tenants attracted by the higher amenity of a retail location.

In contrast, Lot 8 and Lot 9 offer a less convenient location relative to the Town Centre. Furthermore, the nature of the existing development form on Lot 10 and the large proposed north-south road reservation present barriers to movement between the sites and the Town Centre. The road reservation on Lot 9 also results in a narrow site. These factors all contribute to a view that office development on Lots 8 and 9 is unlikely to be feasible.

Mr Naughton, on behalf of George Weston Food Ltd (GWF)/TIC Group Pty Ltd (TIC) submitted a town centre plan (Document 66) that better suited his clients. For Property 9, it retains a mixed use residential function at the northeast corner of Blackshaws Road and The Broadway extension and deletes commercial/mixed use to its north and replaces it with residential. For Property 8, it deletes commercial/mixed use to the north of the community centre and replaces it with residential.

The P15LC supported the revised town centre plan provided by Mr Naughton.

³⁰ The Panel notes Mr Papaleo agreed in the conclave statement that 5,000 to 10,000 sqm should be provided

The VPA version of the CDP (Document 79) contains a new town centre plan that seeks to provide further guidance on gateway treatments, mid-block pedestrian links and vehicle access. This plan contained the following note:

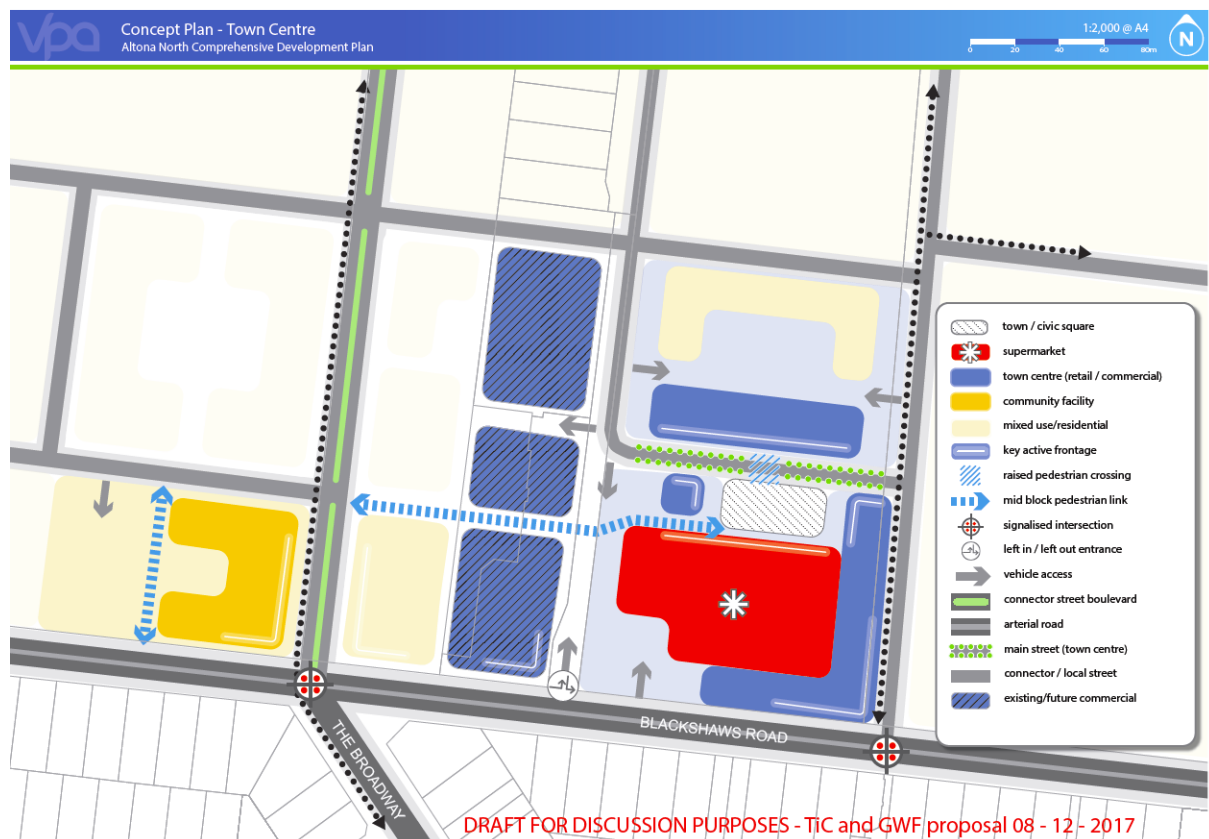
This is a concept plan of the town centre only and is only intended to illustrate a preferred outcome. Variations to this design can occur as long as it is generally in accordance with the rest of the CDP and town centre design guidelines.

Mr Finanzio on behalf of Ouson noted that there were modified access arrangement to his client's land on the new VPA plan.

Mr McNamara considered the town centre concept plan was likely to be counter-productive and provided examples of how activity centres in growth areas that once developed, can be quite different to what was intended as part of the relevant planning controls.

Document 83 (VPA closing submission) contained the town centre plan with notes that indicated how much commercial office floorspace could be provided across the town centre and commercial/mixed use area. This indicated for Property 8 there would be 14,000 square metres of office floorspace.

Figure 8 Landowners town concept plan



(ii) Discussion

The Panel's support for 10,000 square metres of new office floorspace will have an impact on the town centre plan. It requires commercial office floorspace to be located on the

ground and first floors of developments west and east of The Broadway extension, including the possible redevelopment of Shaw's Business Park, land within the shopping centre and to its north. Development in these areas can be potentially five storeys high (or greater as the heights recommended are discretionary), so the upper three storeys would be apartment style dwellings.

According to the VPA closing submission (Document 83):

- Property 8 (GWF, 248-268 Blackshaws Road, located west of The Broadway extension) is expected to provide 14,000 square metres of commercial office floorspace
- Property 9 (TIC, 232-246 Blackshaws Road, located east of The Broadway extension) is expected to provide 10,000 square metres of commercial office floorspace.

As the Panel has recommended a reduced quantum of office floorspace from 26,400 to 10,000 square metres, a total around 16,000 square metres is not required. The logical place for this loss to be reflected is at the periphery of the commercial/mixed use area, to not fragment the flow of and integration of the town centre area more broadly. The only place this can occur is on Property 8, to the north of the community centre. According to the VPA this removes 14,000 square metres of floorspace. This has the benefit of retaining a continuous community/commercial/retail activated frontage along Blackshaws Road from the community centre to the town centre.

The Panel considers there is additional benefit in retaining commercial office development at the ground floor and first floor on Property 9 as it activates a side of the street that will have a different character from the west side. Further it aids in the possible aggregation of land for redevelopment, particularly with Shaw's Business Park further to the east. It complements the role of The Broadway extension as the major entry thoroughfare into Precinct 15, and good integration and urban design should ensure these opportunities are maximised.

The area north of the community centre on Property 8 should revert to the internal residential sub-precinct. This may have an impact on the dwelling density and yield plan that may need to be adjusted to reflect the potential for an increased dwelling yield arising from this recommendation. This adds further support to the need to interpret this in discretionary terms. The increase in the number of dwellings may be counter-balanced by the loss of employment land so its traffic impacts may be negligible. Going forward, the Council and VPA may wish to consider this further. The Panel did not turn its mind to how many additional dwellings could be created.

If the VPA town centre plan is viewed in the correct light as a concept plan that has the ability of being varied, then the concern expressed by Mr Finanzio about additions to the plan are reduced. The Panel supports additional guidance on vehicle and pedestrian movements, and the addition of gateway markers to the town centre plan and to the future urban structure plan of the CDP.

6.6 Conclusions

The Panel concludes:

- there was consensus about the need for a commercial/mixed use area to complement the town centre
- there is no strategic justification for the provision of 26,400 square metres GLFA of commercial office floorspace
- a minimum of 10,000 square metres of GLFA commercial office floorspace should be provided (noting that more could be provided if demand exists)
- the commercial office floorspace should be provided between The Broadway extension and the town centre to avoid fragmentation of the centre
- the VPA town centre plan should be amended to reflect the reduction of the commercial/mixed use area, and its replacement by the internal residential sub-precinct
- the location of gateway sites should be shown on Plan 1 (Future urban structure) to complement those shown on the town centre plan.

6.7 Recommendations

The Panel recommends:

5. Amend the Comprehensive Development Plan as follows:

- **Amend Plan 1 (Future Urban Structure) by deleting the 'commercial/mixed use area' from Property 8 north of the community facility and consolidating it with the internal residential sub-precinct.**
- **Amend Plan 1 (Future Urban Structure) to add the gateway locations.**
- **Amend Plan 3 (Altona North Local Town Centre Concept Plan) by deleting the 'commercial/mixed use area' from Property 8 north of the community facility and consolidating it with the internal residential sub-precinct.**

6. Amend Map 1 of Schedule 2 to the Comprehensive Development Zone by deleting the 'commercial/mixed use area' from Property 8 north of the community facility and consolidating it with the internal residential sub-precinct.

The Panel makes the following recommendation that has been incorporated or should be included in the revised Comprehensive Development Plan as provided in Appendix C2:

Victorian Planning Authority version of Comprehensive Development Plan (Document 79)

Amend Table 1 (Land use budget table) by deleting reference to 33,000 square metres of Gross Leasable Floor Area commercial floorspace (new) and replacing it with 10,000 square metres.

7 Affordable housing

7.1 Overview

Requirement 17 (R17) of the exhibited CDP addresses affordable housing in the following manner:

Each development must provide 5% of the total number of dwellings approved for their site, or the equivalent value, to a registered housing association for the purpose of affordable housing (to be located on the site or an agreed alternative location), subject to the following:

- i. A Precinct-wide provision of affordable housing that achieves 5% of the total number of dwellings may be considered as an appropriate outcome;*
- ii. The registered housing association may increase the provision of affordable housing by leveraging the affordable housing provision provided by each developer; and*
- iii. An alternative means of delivering affordable housing may be provided to the satisfaction of the responsible authority.*

Before the subdivision of land for residential development, or before the construction of a dwelling, whichever is to occur first, the owner of the land must enter into an agreement under s 173 of the Act to implement this requirement.

The VPA version of the CDP translated a form of this requirement to the CDZ2, which addresses affordable housing within the definition of accommodation.

7.2 Evidence and submissions

Council referred to Clause 21.03 of the MSS as it relates to SRAs that identify one of the issues to be addressed is the provision of affordable housing. Council advised it has adopted the *Affordable Housing Policy Statement 2016* but it is not part of the planning scheme. This policy proposes to:

- *Seek 10 per cent non-market affordable housing (as per the previous iteration of this policy statement) until a revised trigger is in place*
- *Capture the betterment uplift of zoning changes, amended planning controls (e.g. building heights), or significant public infrastructure investments (e.g. road or rail changes)*
- *Be incorporated in planning overlays, Section 173 Agreements, and or planning conditions³¹.*

The policy defines affordable housing as “market and non-market affordable housing that is occupied by households in the lower 40 per cent of the income distribution scale including key workers”. Council submitted that the policy had been included in the planning scheme for

³¹ Council Affordable Housing Policy Statement 2016, page 9, paragraph 1.6

other SRAs, at Precinct 16 (through DDO10) and Precinct 13 (through the General Residential Zone Schedule 3). Clauses 16.01-1 and 16.01-5 of the SPPF and Policy 2.3.4 of *Plan Melbourne* were referred to as a policy basis. Council accepted how affordable housing measures are implemented is “unsettled”.

Dr Spiller considered the provision of affordable housing in return for the rezoning of the land is justified on the planning principle of ‘value sharing’ referred to in *Plan Melbourne* and *Homes for Victorians*. Dr Spiller considered 5 per cent affordable housing was too low on the basis “census data on households exhibiting various levels of severity in unmet housing needs, ranging from outright homelessness to moderate income households in rental stress.”³² He argued 10 per cent was required, consistent with Council policy and what is required at a state and national level³³.

The total indicative cost of providing the affordable housing obligation for Precinct 15 would be in the order of \$157.5 million³⁴ for 300 dwellings. This he said, could be implemented by a housing to floor area ratio of 0.118 affordable housing units per 100 square metres of floor area and result in either a transfer of as-built dwellings, a cash payment equivalent to the cost of the dwellings or a combination of both.

In its Part B submission, Council confirmed its position as:

*... there should be a requirement for the provision for the creation of 300 permanently affordable dwellings (i.e. 10% of the residential dwellings) or a contribution of equivalent value within the Amendment Area*³⁵.

Council expected that a Hobsons Bay Housing Trust would be in operation prior to development in the Precinct and would manage the dwellings. During the Hearing, Council modified its stance and submitted that “while Council is not seeking that this Amendment include any provision which contemplates a direct capture of the ‘betterment uplift of zoning changes’, the notion has generally informed the Council’s current adopted affordable housing policy”³⁶. In other words, the ‘gifting’ of housing stock was not being pursued.

The VPA supported the 5 per cent affordable housing requirement and the insertion of appropriate housing principles in the CDP relating to voluntariness, accountability, local provision, perpetuity, portability and need.

The landowners considered the exhibited requirement for affordable housing was “unlawful” and proposed new text in the CDZ that committed the landowners to the provision of 5 per cent affordable housing through an agreement that allowed for the purchase of the dwellings by Council or a Housing Trust at a 20 per cent discount to the two-bedroom dwelling median cost in Altona North. Council supported a 25 per cent discount as this would enable housing trusts to more easily raise debt to purchase the dwellings. The VPA did not support the landowners text as:

³² Spiller evidence statement, page 13, paragraph 101

³³ Spiller evidence statement, Section 3.5

³⁴ Based on \$525,000 median market price for a 2-bedroom apartment in Altona North

³⁵ Council Part B submission, page 44, paragraph 219

³⁶ Council closing submission, page 7, paragraph 31

A virtue of the language preferred by the VPA is that it allows flexibility in the manner in which a proponent would deliver affordable housing, in part because it does not express a preference for any method or methods of delivering that contribution. The landowners' suggested provision might unduly influence negotiations between the responsible authority and a proponent as to how affordable housing might be provided. Given the present state of policy development in this field it is preferable, in our submission, for the broader form of words preferred by the VPA to be adopted.³⁷

The VPA supported the translation of an amended version of the affordable housing requirement to the CDZ2.

Mr Tweedie submitted *"the landowners are opposed to **any** provision which mandates any outcome in this regard"*. He noted Council had *"resiled"* from Dr Spiller's evidence and referred to the current State Government approach of implementing a new framework³⁸ for defining and delivering affordable housing in Victoria. Mr Tweedie considered the Council local policy should be given *"very little, if any, strategic weight"* as it has not been tested through an independent or peer review and was not part of the planning scheme. He noted the policy sought to pursue negotiated agreements for the provision of affordable housing, and not the mandatory gifting of housing stock. Mr Tweedie concluded:

Rather, the Landowners submit that a reasonable and practicable affordable housing outcome can be achieved by requiring the Landowners to provide 5% of their dwelling yield at a below market rate.

This approach has the benefit of reflecting the widely accepted concept of affordable housing. It also has the benefit of being achievable and practicable. The Landowners' commitment to providing affordable housing is to be commended and should be supported. It represents the only appropriate means by which to achieve housing affordability outcomes within Precinct 15. It should not be squandered by unreasonableness.³⁹

Mr Tweedie considered the only substantive difference between Council and the landowners was whether a 20 or 25 per cent discount should apply.

7.3 What are the issues?

The key issues relate to:

- whether there is State policy support for affordable housing
- what is a reasonable amount of affordable housing for the Precinct
- how a requirement for affordable housing should be implemented.

³⁷ VPA closing submission, page 12, paragraph 77

³⁸ Note references to *Planning and Building Legislation Amendment (Housing Affordability and Other Matters Act 2017 (Vic)*

³⁹ P15LC submission, page 21, paragraphs 98/99

7.4 Discussion

(i) Policy framework

The issue of affordable housing occupied considerable time at the Hearing through evidence, cross-examination and submission.

In 2017 the Victorian government introduced the Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Bill into Parliament. The Bill seeks to implement policy initiatives set out in *Homes for Victorians* for voluntary arrangements to facilitate the provision of social and affordable housing, using section 173 agreements. It proposes that the Minister for Planning be given powers to specify what is appropriate (in a planning sense) for social and affordable housing, including the location of housing in relation to public transport and activity centres, amenity and household size. The Bill received Royal Assent on 26 August 2017.

As there is no statewide framework in place, implementation of a definitive way to deal with affordable housing is unclear. The Panel appreciates this is a key social and economic issue, the policy basis for which is emerging with a soon-to-be introduced policy framework into the Act. The evidence and submissions has assisted greatly in the Panel's view on this matter.

Given this, the approach of the Panel is quite straightforward on two issues:

- Without a statewide policy framework in place, any notion of mandatory requirements, including the gifting of housing stock, cannot be supported. On this basis, the Panel does not accept the evidence from Dr Spiller that 300 dwellings should be gifted by the landowners to Council or a Housing Trust. The Panel notes Council's adjusted position on this. Any requirement must be via a negotiated agreement, that, inherently, must be to the satisfaction of both parties.
- What constitutes affordable housing is a moot point. Consistent with Council's reference to Yarra Planning Scheme Amendment C185 Panel Report, it is not for the Panel to define what constitutes affordable housing (whether it is solely market housing or social non-market housing), particularly as the State Government is seeking to resolve this issue.

The provision of affordable housing broadly has a policy basis in Clause 16.01 of the SPPF, and in Clause 21.03 of the MSS. Apart from Council's *Affordable Housing Policy Statement* 2016 that sits outside of the planning scheme, the policy in the planning scheme is silent on the quantum of affordable housing to be provided. The Act allows Council to give some weight to local policy that has been adopted by Council, however in this instance on such a significant issue and where a new statewide policy framework is imminent, this weight is limited.

(ii) Quantum of affordable housing

The examples referred to by the parties where affordable housing has been supported in planning proposals have been based on negotiated agreement arrangements⁴⁰ that do not

⁴⁰ See Yarra Planning Scheme Amendment C185, Part 5.3 which rejected the gifting of housing stock

require more than a 5 per cent contribution. The examples referred to by Council for Precincts 13 and 16 do not refer to a specific quantum of affordable housing, nor a mechanism for implementation. They reference the policy at the time in decision guidelines with no further mention in the control itself. The Panel was advised that various agreements have been struck between Council and landowners for the provision of affordable housing, for example at Precinct 16; none of which include a 10 per cent requirement. To the Panel it seems Amendment C88 is the first time Council has pursued an affordable housing requirement that specifically requires the provision of 10 per cent of the housing stock, or an equivalent.

Without a statewide approach in place and little clarity on what may be the quantum requirement, the Panel refers to other examples cited and the exhibited Amendment which has a 5 per cent requirement. If the Council's local policy was part of the planning scheme and had been reviewed by DELWP or a Panel, then it may have been more willing to support the 10 per cent requirement.

The Panel therefore supports a 5 per cent affordable housing requirement for Precinct 15.

Further, the Panel notes that developing this very large urban infill site will in a more holistic way, assist to provide affordable housing opportunities in the form of townhouses and apartments in an area of middle Melbourne and the Central Business District. A contribution to housing affordability is not just the provision of a specified amount of housing, but also the overall cost of housing, and other factors such as transport costs, access to social and community services, employment opportunities, walkability to shops and businesses and the like.

(iii) How should it be implemented?

The VPA supported the exhibited text within the CDP for the affordable housing requirement. Council supported the exhibited version with a 10 per cent requirement and the landowners supported an alternate version in the CDZ2.

The proposed landowners text is:

*The land owner must make a contribution towards affordable housing (**Affordable Housing Contribution**) to the satisfaction of the Council.*

For the purposes of the agreement "affordable housing" is to have the same meaning as any definition of that phrase contained within the Planning and Environment Act 1987, or (if no such definition exists) it means housing that is appropriate for the housing needs of very low, low and moderate income households or any other definition as agreed between the land owner and the Council.

The agreement must include terms which provide for the manner in which the Affordable Housing Contribution is to be made, including when and how the contribution is to be made.

The agreement must provide for the Affordable Housing Contribution that is to be made by the land owner to be determined as follows:

- *A number of dwellings equal to 5% of the total dwellings that are constructed on the land rounded down to the nearest whole number, or any lesser number of dwellings as agreed between the parties, must be identified as Affordable Housing Dwellings by the land owner.*
- *The Affordable Housing Dwellings are to be made available by the land owner for purchase by either the Council, or by a housing agency which is registered as either a housing association or housing provider under the Housing Act 1983 (**Housing Agency**).*
- *The price at which the Affordable Housing Dwellings are to be made available for purchase to the Council or a Housing Agency must not exceed an amount that is 20% less than the current 12-month median unit price for a 2-bedroom unit in Altona North as published by the Real Estate Institute of Victoria as at the date the agreement is made (**Offer Price**).*
- *Alternatively, the land owner and the purchaser may agree to a purchase price that is different to the Offer Price for any or all of the Affordable Housing Dwellings.*
- *If any of the Affordable Housing Dwellings are not purchased by the Council or a Housing Agency then, with respect to any unpurchased Affordable Housing Dwellings, the land owner must instead make to the Council or a Registered Housing Association an Affordable Housing Payment.*
- *The amount of the Affordable Housing Payment must not be less than an amount equal to the number of Affordable Housing Dwellings that have not been purchased, multiplied by a figure which represents 20% of the current 12-month median unit price for a 2 bedroom unit in Altona North as published by the Real Estate Institute of Victoria as at the date the agreement is made.*

The agreement must also provide that it is open to the parties to reach agreement as to any other, alternative method by which the land owner can make or deliver the Affordable Housing Contribution.

The agreement must also provide that where the parties have agreed on an alternative method by which the Affordable Housing Contribution may be provided, and the land owner makes a contribution that is in accordance with that agreed method, then any obligation of the land owner to make the Affordable Housing Contribution has been fully and finally discharged.

As the Hearing progressed, some common ground between the parties emerged. The notion of gifting housing stock was not supported and the provision should be a negotiated outcome through agreement with the text including a percentage figure representative of the overall specific requirement. The Panel does not comment on the 'legality' of the exhibited provision, however the text does need to be clear in its intent, it must be reasonable and it must use plain English.

The landowners' proposed text is based on identification of affordable housing dwellings, making them available for purchase, putting parameters around a price and providing for an alternative approach. These seem to be logical steps in procuring affordable housing at

Precinct 15. The key concern of the VPA is that the text may unnecessarily constrain other approaches. The VPA proposed a truncated version that stated:

A permit for building and works must ensure that, before a certificate of compliance is issued for the subdivision, the owner of the land enters into an agreement under section 173 of the Act that obligates the landowner to provide for 5% of the total number of dwellings permitted by the subdivision, or stage of subdivision to be affordable housing. The agreement must take into account the affordable housing principles in the Altona North CDP. This requirement does not apply where an agreement addressing the same subject is registered on the title to the subject land.

The “less is more principle” of the VPA reduces the guidance that is provided. The Panel believes there is benefit in retaining further guidance, which may limit future disagreement. The key elements of the text should be a clear statement that affordable housing is to be delivered by agreement, at a defined rate, with at least one method of delivery, but with the possibility of others. To this end, the exhibited text and that proposed by the landowners is not significantly different. On balance, the Panel supports the landowners’ proposed text. This, it believes, strikes the right balance between the key elements and providing relevant guidance. The Panel is aware that provision of affordable housing is a key component of the draft amendments for Fishermans Bend, where a six per cent requirement is sought.

The remaining substantive difference related to the level of discount that should be provided. Council submitted the 25 per cent figure has not been selected at random, “*but is informed by expert knowledge and experience from within Council’s staff and from external consultants*”. The Panel was not presented with any specific evidence of this knowledge. However, it would be untenable if the good will of providing affordable housing within the Precinct was frustrated by the inability to raise funds for its implementation. It could be said either figure is arbitrary. If a housing association is to be the primary vehicle for the purchase of the dwellings, the Panel is conscious of ensuring that this is the outcome. On balance, it supports the Council request for a 25 per cent discount.

The landowners proposed to move the affordable housing requirement to the CDZ2 as a requirement of subdivision, which all parties considered as the appropriate trigger point. It then seems logical that the requirement should be located within the zone, not the CDP, which contains it within the one control. The Panel supports this request.

In the earlier versions of the CDP (Document 22, Appendix 4), the VPA inserted six affordable housing principles under the Housing theme. However, these were not carried across to its final version (Document 79) the Panel is considering, even though its closing submission maintain support for these⁴¹. The Panel considers there is no need to insert the principles as the CDZ2 now contains the affordable housing requirement as a mandatory provision. The Panel has however inserted the need for affordable housing to be well located close to services and facilities in Guideline G16.

⁴¹ VPA closing submission, page 13, paragraph 83

7.5 Conclusions

The Panel concludes:

- the absence of a statewide framework for providing affordable housing makes it difficult to support an approach that is not generally consistent with other tested and approved examples, this includes the mandatory gifting of housing stock to Council or Housing Trust
- any provision for affordable housing must be through an agreement between the parties
- the landowners' text for the provision of affordable housing is appropriate and should be included in the CDZ2 as a subdivision requirement
- a 25 per cent discount of market value for affordable housing is appropriate
- there is no need to refer to affordable housing principles as this is now a mandatory requirement in the CDZ2 and Guideline G16 is amended to require well located affordable housing.

7.6 Recommendations

The Panel makes the following recommendations that have been incorporated or should be included in the revised Comprehensive Development Plan and Schedule 2 to the Comprehensive Development Zone as provided in Appendices C2 and D2:

Victorian Planning Authority version of Comprehensive Development Plan (Document 79)

Amend Guideline G16 to require affordable housing to be well located to services and facilities.

Victorian Planning Authority version of Schedule 2 to the Comprehensive Development Zone (Document 78)

Amend Clause 3.0 by inserting the following text for affordable housing as a replacement for the existing text:

*The land owner must make a contribution towards affordable housing (**Affordable Housing Contribution**) to the satisfaction of the Council.*

For the purposes of the agreement "affordable housing" is to have the same meaning as any definition of that phrase contained within the Planning and Environment Act 1987, or (if no such definition exists) it means housing that is appropriate for the housing needs of very low, low and moderate income households or any other definition as agreed between the land owner and the Council.

The agreement must include terms which provide for the manner in which the Affordable Housing Contribution is to be made, including when and how the contribution is to be made.

The agreement must provide for the Affordable Housing Contribution that is to be made by the land owner to be determined as follows:

- *A number of dwellings equal to 5% of the total dwellings that are constructed on the land rounded down to the nearest whole number, or any*

lesser number of dwellings as agreed between the parties, must be identified as Affordable Housing Dwellings by the land owner.

- *The Affordable Housing Dwellings are to be made available by the land owner for purchase by either the Council, or by a housing agency which is registered as either a housing association or housing provider under the Housing Act 1983 (Housing Agency).*
- *The price at which the Affordable Housing Dwellings are to be made available for purchase to the Council or a Housing Agency must not exceed an amount that is 25% less than the current 12-month median unit price for a two bedroom unit in Altona North as published by the Real Estate Institute of Victoria as at the date the agreement is made (Offer Price).*
- *Alternatively, the land owner and the purchaser may agree to a purchase price that is different to the Offer Price for any or all of the Affordable Housing Dwellings.*
- *If any of the Affordable Housing Dwellings are not purchased by the Council or a Housing Agency then, with respect to any unpurchased Affordable Housing Dwellings, the land owner must instead make to the Council or a Registered Housing Association an Affordable Housing Payment.*
- *The amount of the Affordable Housing Payment must not be less than an amount equal to the number of Affordable Housing Dwellings that have not been purchased, multiplied by a figure which represents 25% of the current 12-month median unit price for a 2 bedroom unit in Altona North as published by the Real Estate Institute of Victoria as at the date the agreement is made.*

The agreement must also provide that it is open to the parties to reach agreement as to any other, alternative method by which the land owner can make or deliver the Affordable Housing Contribution.

The agreement must also provide that where the parties have agreed on an alternative method by which the Affordable Housing Contribution may be provided, and the land owner makes a contribution that is in accordance with that agreed method, then any obligation of the land owner to make the Affordable Housing Contribution has been fully and finally discharged.

8 Open space

8.1 Overview

Figure 9 shows the proposed distribution of open space and community facilities across the Precinct.

A total of 4.74 hectares credited public open space is proposed that includes:

- a large central park of 3.15 hectares
- four local parks sized between 0.30 and 0.40 hectares
- a town square of 0.1 hectares.

Figure 9 Community facilities and open space



There is 4.11 hectares of uncredited open space, including 1.11 hectares for a redundant utility easement/tree reserve and three hectares at 2 Watson Street for the WGTP.

The CDZ2 does not require a permit for 'informal outdoor recreation'.

The exhibited Schedule to Clause 52.01 requires a 9.2 per cent contribution for public open space based on net developable area (NDA).

The DCPO2 funds the sporting reserve projects (construction of sports pavilion and playing surface) at a cost of approximately \$5.6 million, fully apportioned to the landowners. The construction and landscaping of the linear reserve to the south of the Watson Street WGTP land is also funded.

Requirements R29 to R36 and guidelines G20 to G24 of the exhibited CDP relate to open space. R31 allows for the equalisation of contributions between individual landowners.

8.2 What are the issues?

The key issues relate to:

- the quantum of public open space that should be provided
- the function of the central local park.

8.3 Evidence and submissions

The VPA supported the 9.2 per cent of NDA for unencumbered public open space. Mr Panozzo of ASR Research for the VPA provided evidence and considered, in comparing this to the 5 per cent Council general requirement, that:

... the draft Altona North CDP's proposed provision of 9.2% of the subject site's NDA as credited public open space represents a very satisfactory outcome. If you then add the uncredited public open space (8% NDA), and, as I do, believe this land will provide a useable and very beneficial public open space function, the overall public open space outcome is clearly impressive.⁴²

Mr Panozzo submitted that the public open space rates in inner and middle ring municipalities across Melbourne generally range from two to eight per cent. He supported an off-site contribution towards the improvement of existing active open space in the area.

The VPA submitted it:

... had not been able to gain sufficient information from Council to undertake analysis of the capacity and usability of the surrounding active recreation reserve network. In the absence of that information, and with the professional technical advice of Mr Panozzo the VPA has provided its 'best guess': a fully costed contribution for the development of an AFL football oval and associated pavilion.⁴³

The VPA considered the use of the central park dominated by an active sports reserve would be of marginal benefit to the wider community. The VPA, in supporting the exhibited provision, considered there was “sufficient flexibility for Council to develop an active recreation facility, or equivalent, of its choosing”.

Ms Jeavons considered the need for open space equated to more than 10 hectares based on a sustainable sports park of eight hectares and two local parks of one hectare each, but considered it was reasonable to reduce the size of the sports park to four hectares, with the four local parks increased in size to 0.5 hectares each. This would equate to 10 per cent of the overall area for uncredited public open space and comprise:

- land for a four-hectare central park
- land for four local parks at 0.5 hectares each
- land to provide the civic open space at the town centre at 0.1 hectares
- land to provide trails to connect open spaces with the Precinct

⁴² Panozzo evidence statement, page 13

⁴³ VPA closing submission, page 11, paragraph 69

- cash for landscaping, the linear reserve, sports reserve surface construction and the pavilion.

Ms Jeavons considered:

- the priority open space functions are social family recreation, a network of off-road trails and a sports park (for the central park)
- the configuration of the central park was not appropriate for a sports park, and its enlargement to 4 hectares would provide for two soccer-football fields side by side with a full-sized cricket pitch between the fields.

Council referred to other 'brownfield' examples, such as *Ascot Chase* (Moonee Valley City Council) in Ascot Vale which required 20 per cent open space.

The landowners supported the exhibited public open space requirement, with one correction. The Schedule to Clause 52.01 requires a percentage of the whole of the land area in Precinct 15, not the NDA. This would result in a figure of 7.1 per cent. Mr Tweedie submitted that the landowners agreed with the equalisation principle but considered the mechanism in the CDP chosen to implement it was not lawful. He contended there needed to be a Section 173 agreement provision in the CDZ2 that permits over-provision and compensation to occur. He provided the following text:

Compensation for Additional Public Open Space Land

*If the land to be subdivided is required by the Altona North Precinct Comprehensive Development Plan to include an area or areas of Public Open Space that in total area exceeds the percentage specified as the open space contribution for the land in clause 52.01 (**Additional Land**):*

- *The owner must agree to transfer to the Council at no cost all of the land in the subdivision identified in the Altona North Precinct Comprehensive Development Plan as Public Open Space to the Council including the Additional Land; and*
- *The Council must agree to pay compensation to the landowner for the Additional Land, at a time and in a manner agreed to by the parties.*

If the land to be subdivided is required by the Altona North Precinct Comprehensive Development Plan to include an area or areas of Public Open Space that is less than the percentage specified as the open space contribution for the land in clause 52.01:

- *The owner must agree to transfer to the Council at no cost all of the land in the subdivision identified in the Altona North Precinct Comprehensive Development Plan as Public Open Space to the Council; and*
- *The owner must agree to pay an amount to the Council that reflects the difference between the amount of actual land being transferred to the Council and the percentage identified as the open space contribution for the land in clause 52.01, at a time and in a manner agreed to by the parties.*

Mr Tweedie considered a reasonable amount of open space should be informed by:

- the five per cent rate that applies to other redeveloped areas in Hobsons Bay, including the Port Phillip Woollen Mills site
- the amount of encumbered or uncredited open space, which is 4.11 hectares
- other contributions made to community facilities and infrastructure through the DCP.

Mr Tweedie considered Ms Jeavons had started with the figure contained in the Council *Public Open Space Plan 2005* (that is, 10 per cent) and then worked backwards to justify that predetermined result. He noted under cross examination of Ms Jeavons that she had accepted her evidence did not include any formal demand assessment and that Mr Panozzo's approach included a review in 2016⁴⁴ that ascertained current capacities. Mr Panozzo noted the plan was 12 years old, under review, and has never been subject to independent review and is not represented in the planning scheme (that is, Clause 52.01).

8.4 Discussion

The location and distribution of public open space was generally supported by all parties. The proposed provision of open space is currently above the requirement for other areas within Hobsons Bay, and when consideration is given to other factors/contributions noted by Mr Tweedie, the landowners are making a significant contribution that those living in Precinct 15 and the general community will benefit from for years to come.

The Panel is concerned that there seems to be some 'reverse engineering' by Council with the use of a 10 per cent requirement contained in an "*untested*" policy as a starting point, not an end point, for the assessment of open space needs. For the Panel to support a doubling of the current requirement, there would need to be a significantly stronger justification based on a policy within the planning scheme, particularly as there has been evidence put that the figure is within reasonableness for inner and middle ring municipalities. The Panel encourages Council, after its conclusion of the open space plan review, to progress its implementation in the planning scheme. This is the only way to validate an open space contribution rate that is specific to Hobsons Bay.

Overall, the Panel prefers the methodology adopted by Mr Panozzo which seems to have a more rigorous basis provided by his 2016 assessment. This found there was a demand generated by Precinct 15 for organised sport that could be better mitigated by improving local facilities within a one-kilometre radius of Precinct 15 (which the DCP does not currently provide for). Further, there could be the potential for amenity conflict within Precinct 15 if an active sports facility was provided. Mr Panozzo ultimately supported the exhibited requirements for an active sports park and considered good master planning could overcome the potential for amenity conflict.

As Ms Jeavons' evidence was not based on a local demand assessment, the Panel questions how the need for a larger sports park has been reached. However, it accepts the exhibited requirements provide Council with a degree of flexibility in its master planning to define the role of the central park. The Panel does not agree with Mr Panozzo that the DCP money should be used to fund improvements to sporting reserves outside of the Precinct.

⁴⁴ *Review of Active Open Space and Council Community Centre Needs for the Altona North Precinct 2016*

The Panel is aware of golf course sites (for example, Eastern Golf Course, Doncaster) in Melbourne that have been redeveloped where the open space provision is significantly higher than 5 or 10 per cent. These comparisons do not assist the Panel greatly as golf courses, or other land affected by environmental constraints, may have flooding and/or poor drainage that is retained as encumbered open space. Others may have a landscape that has many features worthy of retaining (such as linear stands of mature trees). Precinct 15 does not have these features.

The WGTP land at Watsons Street will have some benefit as encumbered open space; and should not be ignored in the Panel's consideration. It is clear the land will not have any open space function until the WGTP has been completed, when most of the land is to be returned to a landscaped park. Its amenity might be a limiting factor, but it is likely to be used informally for passive recreational pursuits.

The Panel supports the provision of 9.2 per cent of the NDA or 7.1 per cent of overall site area for public open space in Precinct 15. As the Schedule to Clause 52.01 requires the percentage to be expressed in terms of overall land area, the Panel supports the inclusion of 7.1 per cent in the schedule.

As with the affordable housing issue, the avoidance of doubt has guided the Panel's approach. Both Council and the VPA did not comment directly on Mr Tweedie's proposed text for the CDZ2. The Panel's reading of the text is that it achieves the original intent to have an equalisation mechanism in place.

8.5 Conclusions

The Panel concludes:

- the provision of 7.1 per cent of the overall site area for unencumbered private open space is appropriate and this figure should be included in the Schedule to Clause 52.01
- Council should progress its review of the open space plan and seek its implementation in the planning scheme
- the exhibited requirement for an active sports park within Precinct 15 is appropriate; and a larger central park that would provide more active sports facilities is not supported
- master planning of the central park will be important to define its role and function and limit amenity conflict with surrounding residents
- the Development Contributions Plan funds should not be used to improve sporting reserves outside of Precinct 15
- the West Gate Tunnel Project land at 2 Watsons Street will be developed into encumbered public open space and should not be considered as a contribution to public open space
- the equalisation text proposed by Mr Tweedie and its location in the CDZ2 is appropriate.

8.6 Recommendations

The Panel recommends:

7. Delete 9.2 per cent and replace it with 7.1 per cent in the Schedule to Clause 52.01 (Public open space contribution and subdivision).

The Panel makes the following recommendations that have been incorporated or should be included in the revised Comprehensive Development Plan and Schedule 2 to the Comprehensive Development Zone as provided in Appendices C2 and D2:

Victorian Planning Authority version of Comprehensive Development Plan (Document 79)

Reinstate the 'Local Parks' table (shown as Table 3), amend it by adding after 9.2 per cent, that is net developable area, and add an additional column that expresses the public open space requirement as a percentage of overall land area set at 7.1 per cent.

Victorian Planning Authority version of Schedule 2 to the Comprehensive Development Zone (Document 78)

Amend Clause 3.0 to replace the reference to Clause 52.01 with:

Compensation for Additional Public Open Space Land

*If the land to be subdivided is required by the Altona North Precinct Comprehensive Development Plan to include an area or areas of Public Open Space that in total area exceeds the percentage specified as the open space contribution for the land in clause 52.01 (**Additional Land**):*

- The owner must agree to transfer to the Council at no cost all of the land in the subdivision identified in the Altona North Precinct Comprehensive Development Plan as Public Open Space to the Council including the Additional Land; and*
- The Council must agree to pay compensation to the landowner for the Additional Land, at a time and in a manner agreed to by the parties.*

If the land to be subdivided is required by the Altona North Precinct Comprehensive Development Plan to include an area or areas of Public Open Space that is less than the percentage specified as the open space contribution for the land in clause 52.01:

- The owner must agree to transfer to the Council at no cost all of the land in the subdivision identified in the Altona North Precinct Comprehensive Development Plan as Public Open Space to the Council; and*
- The owner must agree to pay an amount to the Council that reflects the difference between the amount of actual land being transferred to the Council and the percentage identified as the open space contribution for the land in clause 52.01, at a time and in a manner agreed to by the parties.*

9 Community facilities

9.1 Overview

The CDP provides for a local community facility on the northwest corner of Blackshaws Road and the extension of The Broadway. The community facility has a floorspace area of 913 square metres (providing a kindergarten for 66 children, community meeting space, two meeting rooms and three kitchenettes), a verandah/canopy of 409 square metres and outdoor play area of 800 square metres.

Requirements R26 to R28 and guidelines G17 to G19 of the exhibited CDP relate to community facilities.

The DCPO2 funds the provision of 0.47 hectares of land for the community facility and construction of the community facility at a cost of approximately \$3.25 million.

9.2 What are the issues?

The key issues relate to:

- the functions the community facility should have
- the floorspace each function should have.

9.3 Evidence and submissions

The VPA referred to the evidence of Mr Panozzo that concluded there was a need for a kindergarten and a community meeting space, but no need for long day child care or maternal and child health, as other nearby existing facilities had capacity. The VPA considered the DCP requirements met the tests of nexus and equity and *“the design of the facility was planned with maximal flexibility in an environment of uncertainty: a lack of agreement of the demographic composition of the future community and an absence of Council advice relating to the capacity and utilisation of existing facilities”*. The DCP costs (land and construction) would be fully apportioned back to the landowners.

The VPA highlighted an error it considered needed to be corrected, where the CDP referred to 0.47 hectares of land for the community centre and Table 11 of the DCP referred to 0.5 hectares of land. The VPA supported the 0.5 hectares as a basis for the calculations used in the DCP. It seemed the 300-square metre difference was associated with a splay on the corner to provide for The Broadway extension. The landowners supported this correction.

Ultimately, the VPA considered there was little difference between the exhibited design elements of the community facility (based on Mr Panozzo’s assessment) and that proposed by Ms Bennett of C Change for Council.

Table 3 contains a comparison between Ms Bennett and Mr Panozzo for the components of the community facility. Ms Bennett considered the community centre should have a floor area of 1,260 square metres with an outdoor area of 1,290 square metres, mostly apportioned to the landowners, with a consequential reduction in the land area apportioned to the landowners (from 0.5 to 0.38 hectares).

Council supported the evidence of Ms Bennett who had sought advice from Council on the current capacities of facilities located around Precinct 15. She concluded the current

facilities were at or near capacity. Council noted Mr Panozzo had not conducted a similar investigation who in response said it fell beyond the scope of his assessment. Council submitted the landowners should contribute 100 per cent for the early childhood focus and 20 per cent for the general community centre functions, totalling 2,014 square metres of floor space. As the general community centre functions were to support the existing external population, Council proposed to include a similar contribution in the DCPs for Precincts 13, 16 and 20⁴⁵.

Table 3 Comparison between Bennett and Panozzo evidence

Item	Bennett	Panozzo
Land	0.50 ha with 0.38 ha apportioned to landowners	0.5 ha ⁴⁶
Maternal and child health	100 sqm ⁴⁷	Not required
Childcare ⁴⁸	50 sqm ⁴⁹	Not required
Kindergarten	450 sqm indoor and 990 sqm outdoor ⁵⁰	264sqm indoor and 800sqm outdoor ⁵¹
Community centre	660 sqm ⁵²	649sqm
Total indoor floorspace	1,260 sqm	913sqm
Total outdoor space	1,290 sqm	840sqm
Total floor area	2,550 sqm	1,753 sqm
Apportioned to landowners	2,014 sqm	1,753 sqm
Timing	Within 5 to 7 years or after 1,000 dwellings	Not addressed

Ms Bennett, Mr Panozzo and Mr Czarny supported the location of the community facility in a highly prominent location, provided the kindergarten was located to the rear of the building to reduce potential noise impacts from Blackshaws Road.

9.4 Discussion

The provision of a new community centre is an important element of Precinct 15. There does not seem to be any controversy on that point, nor its prominent location. The Panel agrees with the VPA that there is little difference between the parties on this issue, apart from the external apportionment of the land and detailed functional issues.

⁴⁵ Not part of the Amendment C88

⁴⁶ Apportioned to landowners

⁴⁷ 100 per cent apportionment to landowner

⁴⁸ Occasional and playgroups

⁴⁹ 100 per cent apportionment to landowner

⁵⁰ Ibid and based on three rooms

⁵¹ Based on two rooms

⁵² 20 per cent apportionment to landowners

The variations in the kindergarten and community centre floor areas is derived from the two experts approach to the anticipated population levels.

The Panel agrees with the proposition put by Mr Tweedie that if the facility was not to be fully apportioned to the landowners, then there would need to be a commensurate reduction in the amount of land apportioned to the landowners.

Council contended that the evidence of Ms Bennett should be preferred as she had sought advice about the capacities of existing facilities; information that Mr Panozzo had considered was necessary, but beyond the scope of his assessment. The Panel understands this was conveyed to Ms Bennett by Council staff, and not derived from her own investigations. The Panel considers there should be further direct discussion with providers of maternal and child health and occasional child care to ascertain the level of service and whether there is anticipated to be any long-term capacity at these facilities that could service the new population of Precinct 15. If not, the Panel then understands Council has either committed to funding a larger facility or will have the capacity to commit additional funds.

At this stage, the Panel is reluctant to recommend changes to the DCP on this matter and considers the principle of full apportionment of land to the landowners is appropriate for the creation of a new population of 7,000 to 8,000 people. Based on a facility with 1,753 square metres, full apportionment is supported, with the potential of Council funding additional floor area with services.

The timing of the facility will be commensurate with the level of redevelopment at the Precinct. The Panel considers it is the role of Council to make that judgement and to schedule the construction of the facility.

9.5 Conclusions

The Panel concludes:

- it supports the provision of 0.5 hectares of land at the northwest corner of Blackshaws Road and The Broadway extension for the community centre, fully apportioned to the landowners
- it supports a community facility with a floor area of 1,753 square metres, fully apportioned to the landowners
- further discussion should occur with local providers of maternal and child health and occasional child care to determine whether similar services should be provided for in the Precinct 15 community centre
- if these maternal and child care and occasional child care services are required, Council should fund the additional floorspace required
- the timing of construction of the community centre should be determined by Council.

9.6 Recommendations

The Panel makes the following recommendation that has been incorporated or should be included in the revised Comprehensive Development Plan as provided in Appendix C2:

Victorian Planning Authority version of Comprehensive Development Plan (Document 79)

Amend Table 1 (land use budget) by replacing 0.47 hectare with 0.5 hectare for the community facility and increase total net developable area to 51.67 hectares and other consequential adjustments.

10 Other drafting issues

10.1 Flexibility and certainty

(i) What is the issue?

The key issue relates to:

- whether an appropriate level of flexibility and certainty can be provided within the CDP and CDZ2.

(ii) Submissions and evidence

The VPA supported the use of the term *“all requirements in the CDP must be met”* in the CDZ2 as it relates to the CDP. It submitted this was *“to deliberately identify requirements in the CDP as mandatory ...The effect of this is to ‘lock-in’ those aspects of the plan that are agreed or otherwise uncontroversial”*. In relation to planning applications that may be generally in accordance with, the VPA submitted:

... it deliberately avoids stating that an application or permit ‘must be generally in accordance with the CDP’ as is common in historic CDZ schedules and provisions such as the Development Plan Overlay and Urban Growth Zone. The effect of this is to allow for permits to issue that may not be ‘generally in accordance’ with the CDP. However, this is not as laissez faire as it might first sound as:

- *Firstly, the CDP remains as a decision guideline, which as stated by the tribunal, “elevates the status of [the document] beyond that which it would have as either an incorporated document or a reference document that is not specifically identified as a decision guideline”*
- *Secondly, there are no exemptions from notice and review for a buildings & works application that is not generally in accordance, or ‘generally consistent’ as are the words in the zone. Selected use and subdivision applications are also exposed to notice and review provisions.*

In its closing submission, the VPA adjusted its position by locating mandatory requirements in the CDZ and discretionary requirements in the CDP, which would act as a broad decision guideline for CDZ2 and development within Precinct 15. The VPA version of the CDP the Panel is using as the basis of its considerations in this report is drafted in this fashion. For instance, as the VPA considered the building heights were discretionary, these were retained in the CDP; conversely, the provision of affordable housing was considered mandatory and therefore located in the CDZ2. The VPA considered this reduced the potential of the CDP being challenged.

The landowners favoured the replacement of the *“the Altona North CDP must be complied with”* with *“the use and development of land must be generally in accordance with the Altona North CDP”*. Mr Tweedie submitted these words are often used in similar planning controls, like the DPO and Incorporated Plan Overlay. Mr Biacsi and Mr McNamara supported the use of *“generally in accordance with”*.

The VPA, the landowners and Council referred to various VCAT decisions on this issue. Council in its closing, referred to *Casey Gardens*⁵³ which, according to Council, established that the less precision in the primary document (that is, the CDP), the more flexibility is given by the phrase “*generally in accordance with*”. Council noted the hearing versions of the CDP from all parties have generally resulted in a lessening of precision. It submitted that “*if the CDP was approved in its exhibited form then ‘generally in accordance with’ would offer an appropriate degree of flexibility*”⁵⁴.

Mr Barnes supported the exhibited text, and stated:

*I have no problem with the wording proposed, provided that the level of control and discretion expressed by the CDP, is clearly stated in that document.*⁵⁵

Council closed by stating:

*Provided that any mandatory component of the CDP is clearly identified (noting Council wishes building heights to be so designated), the balance of the CDP provides important direction and guidance for the future development of the Precinct and, as such, it is correct and preferable that the CDP ‘must be complied with’.*⁵⁶

Council supported the use of the exhibited phrase “*all requirements of the CDP must be met*”.

In its closing, the VPA noted:

- it preferred to retain ‘must’ for discretionary requirements as an expression of the weight to be given to the requirement, however was happy to accept the use of ‘should’ if the Panel considered otherwise
- all figures and cross-sections of the CDP are meant to be a guide and not mandatory, and the VPA suggested the addition of ‘indicative only’ to each figure and plan.

Mr Finanzio supported the use of ‘must’ and ‘should’, not to convey whether they are mandatory or discretionary but to allocate weight to each based on their importance. He considered if this approach was adopted “*then decision makers have nothing to fear*”.

(iii) Discussion

The Panel appreciates the steps that have been taken to simplify and streamline the CDP. The Panel received numerous versions of the CDP from the key parties and this has informed its response to these and other issues.

The Panel generally agrees with the VPA, Council and Mr Barnes that the CDZ should retain the text that the “*all requirements of the CDP must be met*” provided the CDP clearly distinguishes between mandatory and discretionary requirements. Using this text does not

⁵³ Casey Gardens Developments Pty Ltd v Casey CC (2009) VCAT 2489

⁵⁴ Based upon the use of mandatory building heights

⁵⁵ Barnes evidence statement, page 10, paragraph 24

⁵⁶ Council closing submission, page 3, paragraph 12

infer that clearly discretionary requirements become mandatory. It simply means that the discretionary requirement must be interpreted that way. If it is intended for a requirement to be mandatory then ‘must’ is to be used, and, likewise, if discretionary then ‘should’ is used.

The test that has been applied by VCAT in *Casey Gardens* is compelling; if there is less precision in CDP, then it would consider there is more flexibility provided with the use of “*generally in accordance with*”. This would be the case in the CDP if it contained mainly discretionary requirements without an appropriate level of detail. The Panel prefers to retain a form of text in CDZ2 that distinguishes and reflects the role of the requirements and guidelines as mandatory and discretionary provisions, respectively. Based on this, the Panel supports the words “*the use of land must be generally in accordance with the Altona North Comprehensive Development Plan, noting that all requirements must be met*”.

The Panel generally supports the location of the key mandatory requirements (such as affordable housing and open space equalisation) within the CDZ2. Other requirements within the CDP are to be interpreted as mandatory and guidelines as discretionary. The Panel does not support the use of these words to convey weight or importance. This has resulted in a reduction of requirements in the CDP, which is representative of the Panel’s support for a generally performance-based document.

The head clause of the CDZ addresses land use, subdivision and buildings and works in the same fashion with “*any requirement in the schedule to the zone must be met*”. It does not refer to a CDP (or related requirement) and how it should be treated. There is no practice note that explains how the relationship between the CDZ and CDP operates. Locating the key mandatory requirements in the zone, not the CDP, therefore seems a neat fit and is appropriate, if it is practical. As the Panel considers some of the building heights at the external interfaces should be mandatory and most others discretionary, it prefers to retain these in the CDP, provided this distinction is made clear.

The Panel supports the addition of a note to all figures within the CDP that confirms they are indicative.

The redrafted CDP supported by the Panel rennumbers several plans and tables. The plans contained in Appendix C2 are to be renumbered as follows:

- Plan 1 – Future Urban Structure
- Plan 2 – Sub-Precincts
- Plan 3 – Altona North Local Town Centre Concept Plan
- Plan 4 – Community Facilities and Open Space
- Plan 5 – Street Network
- Plan 6 – Public Transport and Movement.

The tables in Appendix C2 are to be renumbered as follows:

- Table 1 – Summary Land Use Budget
- Table 2 – Land Use and Built Form Outcomes
- Table 3 – Local Parks
- Table 4 – Precinct Infrastructure Plan.

(iv) Conclusion

The Panel concludes:

- Clause 2.0 of the CDZ2 be amended to insert the following preamble:
 - *“The use of land must be generally in accordance with the Altona North Comprehensive Development Plan, noting that all requirements must be met”*
- the distinction between mandatory and discretionary requirements should be made clear
- ‘must’ is to be used if it relates to a mandatory requirement
- ‘should’ is to be used if it relates to a discretionary requirement.

(v) Other changes to the Comprehensive Development Plan

Table 4 (Appendix C1) provides a summary of the changes proposed by Council and the landowners that have not been addressed elsewhere in this report to the VPA CDP version (Document 79). For instance, as the Panel does not support increasing the size of the public open space areas, as addressed in Chapter 8, this matter is not dealt with as a change to the CDP. The final CDP version supported by the Panel is contained at Appendix C2. This version should be referred to for the precise text that is supported by the Panel.

Due to the difficulty of addressing the myriad of changes proposed to the CDP and making legible tracked changes to the CDP, a final version of the CDP has been provided at Appendix C2. Appendix C1 does not address individual word changes or short phrases that were put forward. The reader should refer to Appendix C2 for the Panel’s position. This is an efficient approach to the consideration of the many changes that were put to the Panel.

SJB Planning, appeared on behalf of Urban DC Pty Ltd, which owns 98-100 New Street South Kingsville. The land is within two sub-precincts. The northern title is within the local road frontages sub-precinct and the southern title is within the Blackshaws Road frontage sub-precinct. It was submitted this would result in an anomaly with two quite different outcomes from a height and urban form perspective. The Panel has considered this request on its merits and acknowledges there will be examples where lot boundaries will not align with the controls of planning documents. The adjustment to the boundary between the two sub-precincts would resolve this issue without undermining the intent of the Amendment, which is to create a gateway treatment to this corner. The Panel supports the request to contain 98-100 New Street within the Blackshaws Road frontage sub-precinct.

Mr Tweedie requested the following additional CDP figure changes that have not been addressed elsewhere in this report (refer to Document 80):

- Amend Plan 2 (Sub-Precincts) to:
 - reduce the length of the Kyle Road local road frontage sub-precinct before its northern boundary with the BTS and replace it with the internal residential sub-precinct.

The Panel supports this as a built form screen to the BTS would be appropriate and the internal residential sub-precinct should have its southern boundary at the east/west internal road.

- reduce the depth of the Kyle Road local road frontage and Blackshaws Road frontage sub-precincts to single dwelling depth (similar to New Street).

The Panel does not support this as the current internal boundaries are based upon ownership boundaries. To support this would add a further level of complexity to future development.

- Amend Plan 5 (Street network) to reduce the width of north-south local access street on Properties 2 and 5 from 19 metres to 16 metres.

The Panel supports this.

- Amend Plan 6 (Public transport and movement) to ensure there is flexibility in the location of off-road shared path along the southern boundary of the BTS

The Panel does not see this requiring any change as there is flexibility in built into the figures and how the CDP interprets them.

- Amend Figure 1 (Blackshaws Road interface) to show an on-road bike lane to be consistent with other plans.

The Panel supports this.

(vi) Recommendations

The Panel makes the following recommendations that have been incorporated or should be included in the revised Comprehensive Development Plan and Schedule 2 to the Comprehensive Development Zone as provided in Appendices C2 and D2:

Victorian Planning Authority version of Comprehensive Development Plan (Document 79)

Use “*must*” to refer to mandatory requirements

Use “*should*” to refer to discretionary requirements

Add a note to Figures 1- 17 that they are indicative only

Renumber the Plans as follows:

- Plan 1 – Future Urban Structure
- Plan 2 – Sub-Precincts
- Plan 3 – Altona North Local Town Centre Concept Plan
- Plan 4 – Community Facilities and Open Space
- Plan 5 – Street Network
- Plan 6 – Public Transport and Movement
- Plan 7 – Interfaces Plan.

Renumber the Tables as follows:

- Table 1 – Summary Land Use Budget
- Table 2 – Land use and built form outcomes
- Table 3 – Local Parks
- Table 4 – Precinct Infrastructure Plan.

Implement the changes recommended in Table 4 in Appendix C1.

Amend Plan 2 (Sub-Precincts) to:

- contain 98-100 New Street within the Blackshaws Road frontage sub-Precinct
- extend the internal residential sub-Precinct to Kyle Road between the Brooklyn Terminal Sub-station and the internal east / west street.

Amend Plan 5 (Street Network) to reduce the width of north-south local access street on Properties 2 and 5 from 19 metres to 16 metres.

Amend Figure 1 (Blackshaws Road Interface) to show an on-road bike lane.

Victorian Planning Authority version of Schedule 2 to Comprehensive Development Zone (Document 78)

Amend Clause 2.0 under Requirements to insert:

- *“The use of land must be generally in accordance with the Altona North Comprehensive Development Plan, noting that all requirements must be met.”*

10.2 Interplay between the Plan and the Zone

(i) Issue and discussion

Some of the Panel recommendations that relate to specific elements of one document also relate to another document where this element is repeated. For example, Table 1 (Summary land use budget) in the CDP also appears in the DCP (refer to Table 9). Where this occurs, Council should ensure there is consistent approach to these elements across all parts of the Amendment.

(ii) Recommendation

The Panel makes the following recommendation that should be addressed in the revised Comprehensive Development Zone as provided at Appendix C2, Schedule 2 to the Comprehensive Development Zone as provided in Appendix D2 and the Development Contributions Plan:

Ensure individual changes to elements of one document are addressed in other documents where the element is repeated.

10.3 Other changes to Schedule 2 to the Comprehensive Development Zone

(i) What is the issue?

The key issue relates to:

- whether the changes proposed to the exhibited version of the CDZ2 are appropriate.

(ii) Submissions, discussion and conclusions

The CDZ2 was the subject of fewer changes than the CDP. Nonetheless, changes were put by various parties, some with a relationship to corresponding changes in the CDP. The Panel takes the same approach it did with the CDP, by using the VPA version (Document 78) as the base document and referring to individual changes in Table 5 (Appendix D1) with an assessment of each. As with the CDP, if changes have been dealt with in previous chapters, they are not considered here.

Appendix D2 contains the CDZ2 version supported by the Panel.

(iii) Recommendations

The Panel makes the following recommendation that has been incorporated or should be included in the revised Schedule 2 to the Comprehensive Development Zone as provided in Appendix D2:

Victorian Planning Authority version of Schedule 2 to the Comprehensive Development Zone (Document 78)

Implement the changes recommended in Table 5 in Appendix D1.

10.4 Review mechanism within the Development Contributions Plan

(i) What is the Issue?

The key issue relates to:

- whether the review mechanism in the DCP should be changed.

(ii) Submissions and discussion

Council submitted that the review mechanism at Part 4.4 of the DCP should be amended to include the following four considerations:

- the timing of projects and receipt of DCP contributions over the past five years (or less)
- the estimated timing for projects and receipt of DCP contributions over the next five years
- costs (including interest) Council has incurred on borrowings to fund the project construction
- whether a finance charge should be included in the revised DCP to neutralise the cost of borrowed funds for infrastructure projects that are to be delivered by Council over the next five years.

This would be in addition to the four points already contained in the DCP. Council considered they are required to guard against the risks identified by Dr Spiller (such as Council borrowing funds to construct DCP items) in Part 2.2 of his evidence statement.

In response, Mr Tweedie submitted the new considerations are unnecessary and the risk of Council borrowing funds for a DCP item is not a risk, as Council has full control of this issue. Mr Tweedie considered this would only be risk if Council decided to bring forward the construction of a DCP item before there was sufficient funds generated by the DCP.

The Panel does not support the need for further text on the DCP review mechanism as the current text contains a general 'catch all' consideration which states "*updates to any aspect of the plans as required*". The Panel prefers a less prescriptive approach to a review that will be conducted some years in the future and that any aspect may be part of that review. As Mr Tweedie stated: "*the simple and discretionary language of Part 4.4 in its current form should be preferred to any amendment that would introduce rigidity and confusion.*"⁵⁷

⁵⁷ Mr Tweedie submission, page 37, paragraph 186

10.5 Changes to the Municipal Strategic Statement

(i) What is the Issue?

The key issue relates to:

- whether the Amendment should include changes to the MSS.

(ii) Submissions and evidence

The VPA agreed there should be some consequential changes to the MSS to reflect the future role of Precinct 15, and submitted:

- *An instance raised by the Panel is Clause 21.03-1 Activity centres which could describe the planned small centre on Blackshaws Road.*
- *Another is 21.06 Built Environment and Character and 22.08 Hobsons Bay North Neighbourhood Character which might specifically address the different character expected in the amendment area.*
- *Another is 21.03-2 Strategic redevelopment areas which described the site in its current and historical state.*
- *Finally Clause 21.08 Economic development could be updated to remove the area from the map in the clause but also address the commercial/mixed use area⁵⁸.*

Mr Biacsi considered it was surprising there were no changes to the MSS given the redefined role of the Precinct and the presence of an activity centre.

Council acknowledged the MSS could be updated however did not submit this should occur as part of this Amendment. The landowners did not submit on this issue.

(iii) Discussion

The redevelopment of the Precinct will be significant. The Precinct's historical and proposed role are significantly different, and the Panel too was surprised there were no consequential changes to the MSS.

The Panel considers the following changes should be made:

- refer to the new planned Neighbourhood Activity Centre in Clause 21.03-1
- amend Map 1 of Clause 21.03 by identifying the planned NAC
- amend the Application of zones and overlays of Clause 21.03-2 by inserting Precinct 15 in dot point 1 and add a new dot point that refers to the CDP/CDZ for Precinct 15
- amending Map 2 and 3 to update references to Precinct 15.

The updates are administrative in nature to avoid any anomalies that may be created by the Amendment with existing policy provisions.

(iv) Recommendations

The Panel recommends:

8. Amend the preamble of Clause 21.03-1 with:

⁵⁸ VPA closing submission, page 9, paragraph 56

A small supermarket-based Neighbourhood Activity Centre and mixed use/commercial area is planned at the former industrial Precinct 15 in Altona North.

9. Amend Map 1 of Clause 21.03-1 by identifying the planned Neighbourhood Activity Centre and mixed use/commercial area at Precinct 15.

10. Amend the Application of zones and overlays in Clause 21.03-2 by adding:

Apply the Comprehensive Development Zone, based on a Comprehensive Development Plan, for Precinct 15 in Altona North to transition it to a residential/mixed use Precinct.

11. Amend Map 2 of Clause 21.04 by identifying the planned open space areas in Precinct 15.

12. Amend Map 3 of Clause 21.08 by identifying Precinct 15 fully within the strategic redevelopment area by partly deleting the secondary industrial area.

10.6 Status of pipeline operators

(i) What is the issue?

The key issue relates to:

- whether the fuel pipeline operators be a recommending referral authority.

(ii) Submissions

APA Group (high pressure gas pipeline) and Mobil Oil Australia (aviation gas to Tullamarine Airport) own and operate fuel pipelines that are located not within the Precinct, but adjacent to its north-eastern boundary within the railway reserve.

APA requested the Panel to include it as a recommending referral authority for sensitive uses in the Schedule to Clause 66.04 of the Hobsons Bay Planning Scheme, and not as a body to be notified under Clause 66.06. This was based on APA operating a critical piece of state-significant infrastructure. Mobil Oil Australia made a similar submission.

Further Mobil reached agreement with APA at the Hearing that:

- ‘accommodation’ and a ‘minor sports and recreation facility’ could be deleted as a sensitive use in the Council-proposed Schedule to Clause 66.06 and this should be translated to the Schedule to Clause 66.04.

The VPA, Council and landowners did not support the upgrading of the status of the operators and reiterated that they should only receive notice. Mr Tweedie submitted that it is usually public bodies/agencies who receive referrals, not private operators of infrastructure.

(iii) Discussion and conclusion

In response to a question from the Panel, both operators were not able to provide examples where their status was elevated to a referral authority. The approval of Amendment C82 for Precinct 16 (former Caltex Terminal) has notice provisions under Clause 66.06.

This is a matter that should have state-wide consistency, and until that occurs, the Panel does not support varying the operators' status. It should remain as a requirement of the Schedule to Clause 66.06.

The Panel supports the insertion of a Clause 66.06 notice requirement for the operators. As the Schedule to Clause 66.06 was not part of the exhibited Amendment, a change needs to be made.

(iv) Recommendations

The Panel recommends:

13. Amend the Schedule to Clause 66.06 by inserting the following provisions:

Clause	Kind of application	Person or body to be notified
37.02 Schedule 2	<p>To use and develop land within 450 metres of the South Melbourne to Brooklyn (PL108) gas transmission pipeline or the Altona to Somerton (PL118) fuel pipeline for:</p> <ul style="list-style-type: none"> • Residential aged care • Child care centre • Education centre • Place of assembly 	Operators and Licencees authorised under pipeline licence Nos PL108 (Brooklyn to South Melbourne Licensed Pipeline) and PL118 (Somerton to Altona Licensed Pipeline)
37.02 Schedule 2	<p>To subdivide land within 60 metres of the South Melbourne to Brooklyn (PL108) gas transmission pipeline or the Altona to Somerton (PL118) fuel pipeline for:</p> <ul style="list-style-type: none"> • Residential aged care • Child care centre • Education centre • Place of assembly 	Operators and Licencees authorised under pipeline licence Nos PL108 (Brooklyn to South Melbourne Licensed Pipeline) and PL118 (Somerton to Altona Licensed Pipeline)

Appendix A Submitters to the Amendment

No.	Submitter	No.	Submitter
1	Craig Miller	53	Penny
2	Mohamad Abouhasna	54	Janine P
3	Lawrence Salvosa	55	Natalie Coleman
4	M Clark	56	Jacinda
5	Erin Garden	57	Peter Westbrook
6	Charles Moscato	58	Simon Lovell
7	Simon Laugesen	59	Ken
8	Jen Garcia	60	Shae Hecimovic
9	Sarah Hayward-May	61	Stavroula Paleologoudias
10	Liz Virtue	62	Spiro Paleologoudias
11	Carmen Saliba	63	Madonna O'Brien
12	Andrew Webster	64	Mike Nolan
13	Elise Hardiker	65	Peter Weller
14	Ange Petz	66	Fay Paleologoudias
15	Aaron Watson	67	Robert Chamberlain
16	City West Water	68	Prue Handbury
17	Denise Fry	69	Daria Hewitt
18	Kelley Giles	70	Emma Barrett
19	Paul Huynh	71	Jerry Tan
20	Norm	72	Victorian Planning Authority
21	Lisa	73	Simon Mathieson
22	Ronald Tan	74	Secon Freight Logistics
23	Tahlie Ashcroft	75	Kristian & Natalie Leszczynski
24	Downer	76	Anna Trist
25	B & J MacKenzie	77	Stephen Spiteri
26	Tim Baumgarten AusNet Services	78	Rowena Joske
27	Margaret Thomson	79	Michael Holt
28	Francis Noonan	80	Mirvac
29	Matt Sammut	81	Christian Groves
30	Clare McCann	82	Planning and Property Partners
31	Elisa Cirene	83	Norton Rose Fulbright
32	Craig Walsh	84	Noel Allenby
33	Jo Parr	85	Kyle Road Developments Pty Ltd

34	Col Finnie	86	Stockland
35	Ray	87	Urbis
36	Sheryl Clark & Brian McCabe	88	Guy Boyer
37	Bryony Horrocks	89	Michael Mielczarek
38	Julie Richards	90	John Milanese
39	Glenn Cavaye	91	Adam Santilli
40	Hew Gerrard of SJB Planning	92	Gabrielle
41	Noel Landry	93	Transport for Victoria
42	Lilian	94	Environment Protection Authority
43	Luke and Alison Brinksma	95	Adrian Bishop
44	Matt Rodd	96	Ratio
45	Mobil Oil Australia	97	VicRoads
46	Rachel Brown & Leon Simpson	98	Maribyrnong City Council
47	Tabyta Djuga	99	Ricki Hershburgh of UDIA Victoria
48	Western Distributor Authority	100	Form 700
49	Steven Daicos	101	Bozana Bugja
50	Angelone Family	102	APA Group
51	Judith Nicholson, Nicholson Planning and Development	103	Mario Xerri
52	Filicia Pirritano		

Appendix B Document list

No.	Date	Description	Presented by
1	2 November (2017)	Western Distributor Authority letter 1 Nov 17 – submission update	Peter Sammut, Chief Executive Officer
2	3 November	Panel Directions Letter 3 Nov 17 and Hearing Timetable	Kathy Mitchell, Panel Chair
3	“	270 Blackshaws Road Pty Ltd letter 3 Nov 17 expanding on submission by related company, Form 700 Pty Ltd	Scott Stewart, Ward Lawyers
4	8 November	Victorian Planning Authority (VPA) emails updating expert witnesses to be called	Tim Lolicato, VPA
5	9 November	Hobsons Bay City Council (HBCC) Part A Submission 9 Nov 17	Simon D'Angelo, Maddocks
6	“	HBCC Part A Further Documents	“
7	13 November	Panel email with revised Hearing Timetable (Version 2) and revised Distribution List (Version 2)	Andrea Harwood, PPV
8	“	Ouson Group Pty Ltd expert witness statements: <ul style="list-style-type: none"> Gavin Duane of Location IQ (economics) Bernard McNamara of BMDA Development Advisory (planning) 	Lara Perrett, Gadens
9	“	TIC Group Pty Ltd and George Weston Foods Ltd expert witness statements: <ul style="list-style-type: none"> Rhys Quick of Urbis (commercial office assessment) Robert Papaleo of Charter Keck Cramer (market-based opportunities assessment) 	Meg Sweeney, Planning & Property Partners
10	“	HBCC expert witness statements: <ul style="list-style-type: none"> David Barnes of Hansen Partnership (town planning) Craig Czarny of Hansen Partnership (urban design) Charmaine Dunstan of Traffix Group (traffic – local impacts) Ross Thomson of Traffix Group (traffic - cumulative impacts) Marcus Spiller of SGS Economics & Planning (Development Contributions Plan and affordable housing) Vanessa Bennett of C Change Sustainable Solutions (community infrastructure) Sally Jeavons of @leisure (open space) 	Adeline Lane, Maddocks
11	“	HBCC's track-changed updated versions of three of the planning control documents	“
12	“	Precinct 15 Landowners Consortium expert witness	Sally Macindoe,

No.	Date	Description	Presented by
		statements: <ul style="list-style-type: none"> • Andrew Biacsi of Contour (planning) • Stephen Hunt of Ratio (traffic) • Justin Ganly of Deep End Services (economics); and Letter 9 Nov 17 on buffers from Tim Pollock of GHD	Norton Rose Fulbright Australia
13	“	VPA expert witness statements: <ul style="list-style-type: none"> • Robert Panozzo of ASR Research Pty Ltd (proposed community facility and open space) • John Henshall of Essential Economics (economics) • John Kiriakidis of GTA (transport impact) 	Bruce Hunter, VPA
14	“	HBCC confirmation of names and order of witnesses	Simon D’Angelo
15	17 November	Joint economic expert statement 16 Nov 17	Victoria Vilagosh, Norton Rose Fulbright
16	“	Maddocks letter 17 Nov 17 seeking change in hearing timetable	Adeline Lane
17	“	Traffic expert’s conclave 15 Nov 17 report	Victoria Vilagosh
18	20 November	Mr Kiriakidis review of Traffic expert’s conclave 15 Nov 17 report	“
19	“	VPA Revised version of Comprehensive Development Plan (CDP) – tracked changes and clean copy	Louise Hicks of Counsel
20	“	EPA letter 1 Nov 17 to HBCC responding to outstanding matters in EPA’s submission 4 Sep 17 to the exhibited amendment	Bruce Hunter
21	21 November	Three emails on 19 & 20 Sep 17 between Mr Henshall, HBCC and VPA on <i>Altona North Commercial Analysis Final Report</i> 21 Aug 17	“
22	“	VPA Submission 21 Nov 17 with five appendices: <ul style="list-style-type: none"> • Submissions Index • VPA comments on HBCC tracked changes to Schedule to CDZ • VPA revised CDP (tracked changes) • VPA revised CDP (clean copy) • VPA comments annotated on CDP (exhibited version) 	Louise Hicks
23	“	VPA 3D Image/Model of CDP	“
24	“	SGS Economics & Planning letter 14 Oct 16 to HBCC on <i>Precinct 15 – Active Sports Ground Study and Recommendations</i>	Adeline Lane
25	“	VPA email 20 Nov 17 on records of interactions with Mr	Bruce Hunter

No.	Date	Description	Presented by
		Henshall	
26	"	Mr Henshall letter 21 Nov 17 with corrected Table 4.1 in his expert witness statement	John Henshall
27	22 November	PPV email 22 Nov 17 with Panel Chair Direction: HBCC and VPA to provide consolidated version of changes (both agreed and not agreed) to exhibited CDP by 12 noon 30 Nov 17	Andrea Harwood
28	"	Extract of exhibited and updated versions of DCP Table 11: Infrastructure Projects and Calculation of Costs	John Kiriakidis
29	"	VPA email 22 Nov 17 with updated DCP Table 11 <i>Draft for Panel 22 November 2017</i> with all changes from exhibited version in red	Bruce Hunter
30	23 November	<i>Precinct 15: An analysis of active sports ground use and capacity in the vicinity of Precinct 15, Altona North, September 2016</i>	Adeline Lane
31	"	Amended Table 15 in Robert Panozzo's expert witness statement	Ian Munt of Counsel
32	"	HBCC email 12 Oct 17 to Ms Bennett clarifying the existing facilities situation	Vanessa Bennett
33	"	<i>Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Act 2017</i>	Adeline Lane
34	"	<i>Precinct 15 – Affordable Housing Contributions. Final report</i> , March 2017. Prepared for HBCC by SGS Economics & Planning	"
35	"	<i>Improved Housing Choices for Residents on Low Incomes (Affordable Housing) Policy Statement</i> . Adopted by Hobsons Bay City Council 8 February 2011	"
36	"	<i>Establishment of the Hobsons Bay Affordable Housing Trust</i> , October 2017	"
37	"	<i>Plan Melbourne 2017 – 2050 Direction 2.3 - Increase the supply of social and affordable housing</i>	Nick Tweedie, SC
38	"	Victorian Government Fact Sheet: <i>Facilitating the supply of affordable housing</i>	"
39	"	<i>An Affordable Housing Overlay in the Victorian Planning Provisions</i> , March 2007, by SGS Economics & Planning	"
40	29 November	Department of Environment, Land, Water and Planning submission, November 2017	Steven Cox, DELWP
41	30 November	Maddocks letter 30 Nov 17 with consolidated HBCC and VPA tracked-change versions of the CDP and CDZ2	Adeline Lane
42	4 December	Department of Education & Training letter 30 Nov 17	Lynda Rogers, DET
43	"	HBCC Part B Submission 4 Dec 17 with four attachments: <ul style="list-style-type: none"> Appendix 1 to Council Meeting Agenda 10 Oct 17 	Adeline Lane

No.	Date	Description	Presented by
		<ul style="list-style-type: none"> Clean copy of CDZ2 presented by HBCC 4 Dec 17 Clean copy of CDP presented by HBCC 4 Dec 17 Schedule to Clause 66.06 (4 Dec 17) 	
44	"	Yarra C185 Panel Report 10 Jan 17	"
45	5 December	Maddocks letter 4 Dec 17 clarifying proposed 10 per cent affordable housing contribution and copy of Peter Seamer presentation slides 19 Jul 17	"
46	"	HBCC proposed text for inclusion in DCP Section 4.4 (Attachment 5 to HBCC Part B Submission (Document 43))	"
47	"	Andrew Biacsi evidence 16 Nov 16 to Yarra Planning Scheme Amendment C185	"
48	"	Precinct 15 Landowners Consortium Submission	Nick Tweedie
49	"	Moonee Valley Schedule 1 to Comprehensive Development Zone	"
50	"	<i>East Brunswick Village Pty Ltd v Moreland CC</i> [2012] VCAT 1307	"
51	"	SPPF Clause 16 <i>Housing</i>	"
52	"	<i>Merri Developments Pty Ltd v Darebin CC (Red Dot)</i> [2010] VCAT 1045	"
53	"	Extract Advisory Committee Report <i>Former Port Phillip Woollen Mills</i> , 10 May 2011	"
54	"	<i>Planning and Building Legislation Amendment (Housing Affordability and Other Matters)</i> Act 2017	"
55	"	Hobsons Bay <i>Schedule 10 to the Design and Development Overlay (The Former Caltex Terminal)</i>	"
56	"	Hobsons Bay <i>Schedule 3 to Clause 32.08 General Residential Zone</i>	"
57	"	<i>Concept Plan - Town Centre, Altona North Comprehensive Development Plan</i> VPA Draft 5 Dec 17	Tim Lolicato
58	8 December	VPA Draft Dwelling Yield & Density Plans – by Precinct and by Sub-Precinct 1 Dec 17	Ian Munt
59	"	<i>John Palenkas v Whitehorse CC</i> [2003] VCAT P1306/2003	Nick Tweedie
60	"	Ouson Group Pty Ltd Submission	Adrian Finanzio, SC
61	"	Ouson Group marked up part clean copy of CDP by HBCC 4 Dec 17 (part Document 43)	"
62	11 December	Landowners Consortium clean copy of revisions to HBCC version of CDZ2 (4 Dec 17 – part Document 43)	Nick Tweedie
63	"	Landowners Consortium clean copy of revisions to HBCC version of CDP (4 Dec 17 – part Document 43)	"
64	"	Landowners Consortium Clean Copy of revisions to HBCC version of CDZ2 (4 Dec 17 – part Document 43)	"

No.	Date	Description	Presented by
65	“	TIC Group Pty Ltd (TIC) and George Weston Foods Ltd (GWF) Submission	Mark Naughton
66	“	TIC Group Pty Ltd (TIC) and George Weston Foods Ltd (GWF) Draft Town Centre Concept Plan 8 Dec 17	“
67	12 December	APA Group Submission and aerial map of Location of South Melbourne-Brooklyn Pipeline	Phillip McCutcheon
68	“	Mobil Oil Australia Pty Ltd Submission	Brad Frick
69	“	Judith Ross and Meredith Adams Submission	Judith Nicholson, Nicholson Planning and Development
70	“	Extract (Section 6.5.2, pages 39 - 41) of <i>Traffic Impact Assessment</i> 23 March 2015 by GTA	“
71	13 December	Landowners Consortium CDP Comparison with HBCC version 4 Dec 17	Nick Tweedie
72	“	Landowners Consortium CDZ2 revisions to HBCC clean version 4 Dec 17	“
73	“	VPA Potential Development Capacity 3D Image/Model of CDP and Dwelling Yield & Density Plan /Table	Ian Munt
74	“	Urban DC Pty Ltd Submission	Henry Wood, SJB Planning
75	“	VPA Draft Dwelling Yield & Density Plan (By Sub-Precinct) 13 Dec 17	Bruce Hunter
76	14 December	Ward Lawyers letter 13 Dec 17 for 270 Blackshaws Road Pty Ltd	Scott Stewart
77	“	APA Group email 13 Dec 17 with suggested text for Clause 66.04	Michael Mielczarek, APA Group
78	“	VPA CDZ2 version 14 Dec 17	Ian Munt
79	“	VPA CDP version 14 Dec 17	“
80	“	Landowners Consortium CDP with plans based on HBCC clean version 4 Dec 17	Nick Tweedie
81	“	VPA email 1 Dec 17 to HBCC – on mandatory heights	Bruce Hunter
82	“	Landowners Consortium Street Network Plan showing interim roads	Nick Tweedie
83	“	VPA Closing Submission	Ian Munt
84	“	HBCC Submission in Reply	Adeline Lane
85	“	Traffix Group memorandum 14 Dec 17: <i>Impact West Gate Tunnel Project EES Assessment on Altona North Precinct</i> 15	Ross Thomson
86	“	West Gate Tunnel Project endorsed plan 6 Dec 17 extract: Section 4.2.5 <i>New public open space</i>	Nick Tweedie

No.	Date	Description	Presented by
87	"	West Gate Tunnel Project drawings 29 Nov 17: <i>Section through southern portal near Precinct 15 looking east and Section through West Gate Freeway near Mclvor Reserve</i>	"
88	"	<i>SM253 Pty Ltd v Port Phillip CC [2017] VCAT P1604/2017</i>	"
89	18 December	Email with Panel Chair Post-Hearing Direction	Andrea Harwood
90	22 December	Email with HBCC documents: <ul style="list-style-type: none"> • Part B Submission • CDZ2 clean updated version 4 Dec 17 • CDZ2 clean updated version 22 Dec 17 • Schedule to Clause 66.06 4 Dec 17 	Simon D'Angelo

Appendix C1 Assessment of changes to the Comprehensive Development Plan

The Panel recommends the following changes that have been incorporated in the revised Comprehensive Development Plan as provided in Appendix C2:

Table 4 Proposed CDP changes

CDP item	VPA base document (Document 79)	Council (Document 43 Attachment 3)	Landowners (Documents 71 and 80)	Panel recommendation
Introduction	Deleted, including Plan 1 and Plan 2	Retained, with clarity on how to interpret requirements and guidelines	Deleted, in support of VPA	A brief introduction is supported that clearly distinguishes between requirements and guidelines. The deletion of the regional context plan and Precinct location and features plan is supported.
Outcomes	Retained	Retained	Deleted, but retain short statement on the role of the background report.	A vision for the Precinct is an important starting point. The exhibited and VPA version is to be retained
Objectives	Reduces objectives to 17	Reduces objectives to 17 in support of VPA	Reduces objectives to nine with modified text	The landowners nine objectives are supported with cross referencing to the future urban structure plan. Ensure landowner changes do not conflict the recommendations in the report.
Future urban structure plan	Retained	Retained	Retained	Supported
Image and character	Incorrectly titled 'housing' on Document 79	Support VPA version	Modify R1 to relocate street tree interval measurements to G2 and replace 'must' with 'should' and other text updates to requirements	The use of street trees should be a mandatory requirement (using 'must'), accept that reference to intervals as a guideline is appropriate
			Delete G1	Supported – this will be difficult to enforce and monitor
Land use and built form	Delete reference on how to measure height	Retained reference to how to measure height	Height – use <i>"generally in accordance with"</i>	The reference to how height is measured is to be deleted

CDP item	VPA base document (Document 79)	Council (Document 43 Attachment 3)	Landowners (Documents 71 and 80)	Panel recommendation
				R5 should refer to height in both mandatory and discretionary terms as a combined requirement and guideline
			Fencing – 1.5 m instead of 1.2 m	A fence height of 1.2 m is to be retained but this should be a guideline as all parties refer to in discretionary terms (i.e. 'should')
			Interfaces – replaces 'must' with 'should'	Other landowner changes to guidelines are accepted, except for G10 where 'should' is to be retained
Sub-Precincts plan	Refer to Document 79	Support VPA version	Kyle Road north - extend internal residential height to north end of Kyle Road to assist in screening terminal station	Extend internal residential sub-Precinct into Kyle Road north generally defined by the east-west access street
			Depth on Kyle Road and Blackshaws Road frontages – reduce to same depth as New Street	The depth of Kyle Road and Blackshaws Road frontages is appropriate
Interfaces plan	Refer to Document 79	Retained	Retained but with changes to reflect reduced Public Open Space (POS) areas and preferred town centre outcome	This should be retained, not with the proposed landowner changes
Figures 1-17	Refer to Document 79	Support VPA version	Street network – reducing width of north-south local access street on Property 2 and 5 from 19m to 16m	In the Street Network plan reduce width of north-south local access street on Property 2 and 5 from 19m to 16m
			Interim access to New Street to be a permanent Local Access Street	In the Street Network plan show Interim Road to New Street as a permanent Local Access Street (16m) and change the legend to note 'Interim Road' as 16m width consistent with Local Access Street
			Additional 'Interim Road' connection to be	In the Street Network plan show additional

CDP item	VPA base document (Document 79)	Council (Document 43 Attachment 3)	Landowners (Documents 71 and 80)	Panel recommendation
			included immediately west of 26m Boulevard Connector Street to provide access to land allocated for Local Community Facility and land immediately north prior to delivery of the 26m Boulevard Connector Street (Document 80)	'Interim Road' connection immediately west of 26m Boulevard Connector Street to provide access to land allocated for the Local Community Facility and land immediately north. Change legend to note 'Interim Road' as 16m width consistent with Local Access Street
			Public transport and movement – flexibility to address off-road shared path at BTS	No need to amend reference to shared path at BTS as there is flexibility built into the CDP
			Interface and road cross-section plans – existing development should be distinguished from new development, consistency with Hobsons Bay City Council Road and Drainage Construction Standards, referring to setbacks as 'preferred', built from is not to be interpreted as an architectural guide	The general changes to the Interface and road cross-section plans are not supported as these plans are indicative and should have a note appended to each to confirm this
			For Blackshaws Road interface amend notes to delete need for external living areas located away from road interface	It is good urban design principle to locate external living areas away from road frontages
			Should show on road bike lane	Support the delineation of a bike lane on the Blackshaws Road frontages
			For Kyle Road – allow for front loaded dwellings via shared driveways	It would be inappropriate to have front loaded dwellings along Kyle Road, which would lead to a dominance of garaging at the expense of built form. Rear loaded dwellings are appropriate
			New Street – existing 7m carriageway should be noted, not 5m and footpath should match existing, not 1.8m	Amend plan to reflect a 7m carriageway A 1.8m footpath is supported

CDP item	VPA base document (Document 79)	Council (Document 43 Attachment 3)	Landowners (Documents 71 and 80)	Panel recommendation
			Local Park interface (direct abuttal) – reduce paper road width to ‘as required’ and not 4m and street light should be located within the paper road	Supported
			Commercial interface – Reduce carriageway width to 5.5m with 1.25m shrub outstands	Not supported
			Terminal station interface – delete as too prescriptive and another approach may be better	Supported
			Transitional industrial interface – Assume preference is for it to be deleted as too prescriptive and other approaches may be better	Supported as the CDZ2 requires further acoustic assessments and other approaches may suffice
Housing	Refer to Document 79	Refer to 4 December 2017 Council version	Amend R8 wording Delete G12	Supported Retain G12
Employment and local centres	Refer to Document 79	Retain R13 and R16	Amend title to refer to town centre	Support the retention of R13 and R16 Not supported as the Panel supports a mixed use/commercial area also
			Amend text to add to town centre plan that it is indicative and not determinative	Supported
			Amend design guidelines	Not supported – sufficient flexibility is provided
Community facilities	Refer to Document 79	Support VPA version	Use ‘should’ instead of ‘must’ Delete R19 and G14, G15, G16	Not supported – all requirements and guidelines are reasonable
Open space	Refer to Document 79		Delete R21, R25 and R28	Not supported – these requirements are reasonable and measurable

CDP item	VPA base document (Document 79)	Council (Document 43 Attachment 3)	Landowners (Documents 71 and 80)	Panel recommendation
			Amend R22	Supported, provides greater clarity
			Delete G19 as repetitive of Australian Standards	Supported, no need to repeat an Australian Standard
		Reinstate local parks table	Reinstate local parks table with the exhibited open space sizes, uncredited open space and percentage of NDA	Supported - Reinstate local parks table with the exhibited open space sizes, uncredited open space and percentage of net developable area
Transport	Refer to Document 79	Delete R27	Amend R27 to allow for more discretion	Retain R27 and support landowner's changes
			Delete R28 and R29	Retain R28 and R29
			Amend G21 and G22	Supported
Walking and cycling	Refer to Document 79	Support VPA version	Amend R31 to allow for more discretion and alternative footpath and shared path widths	Not supported – retain use of 'must'
			Amend R32 to allow for more discretion and delete references to Federation Trail and Spotswood Station	Retain use of 'must' and support removal of references to facilities outside of the Precinct
Integrated water management and sustainability	Refer to Document 79	Support VPA version	Amend R33 and R34 to refer to unless agreed with authorities	Supported
			Delete R37 and R38	Not supported
			Delete G25, G27 and G28	Not supported – the guidelines are reasonable
Utilities servicing	Refer to Document 79	Support VPA version	Delete R39 and R40	Not supported - it is reasonable in an urban renewal site that existing and proposed electricity infrastructure is placed underground
			Amend G30	Supported

CDP item	VPA base document (Document 79)	Council (Document 43 Attachment 3)	Landowners (Documents 71 and 80)	Panel recommendation
Infrastructure delivery	Refer to Document 79 – requirement R45 and R46 have been transferred to the CDZ2	Retain R45 and R46	Amend R45, R46, R47, R48 and R49 to allow for more flexibility and delete some infrastructure	Support the relocation of R45 and R46 into the CDZ Do not support the deletion of certain infrastructure
Development staging	Refer to Document 79	Support VPA version	Amend R47 and R48 to allow for more flexibility (should instead of must)	Not supported as these are requirements
Precinct Infrastructure Plan	Refer to Document 79	Support VPA version	Support VPA version Open space and commercial areas	Noted
Land budget tables	Refer to Document 79	Delete land use budget table summary as it is located in the DCP	Delete summary and property specific land use budget tables as they are within the DCP	Retain and relocate the property budget summary table to re-worked introduction as a useful summary Delete property specific land budget table as this is in the DCP

Appendix C2 Comprehensive Development Plan supported by the Panel

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1. INTRODUCTION

The Altona North Comprehensive Development Plan (the CDP) applies to approximately 67 hectares of land eight kilometres west of the Melbourne CBD in Altona North and South Kingsville; within the municipality of Hobsons Bay. The land is bordered to the north by the West Gate Freeway, AusNet's Brooklyn Terminal Sub-station, the Sunshine to Newport freight line and 2 Watson Street, to the east by New Street, to the south by Blackshaws Road, and to the west by Kyle Road.

Precinct 15 has been used for industry for much of the 20th century and is now largely vacant and undergoing decontamination.

The CDP is a long-term plan to facilitate the redevelopment of Precinct 15 as a residential and commercial/mixed use precinct. It describes the future layout and use of the partially vacant precinct as a modern urban residential based community, including how and where community and transport infrastructure are planned to support development.

The CDP and Altona North Development Contributions Plan, Schedule 2 to the Comprehensive Development Zone and the Environmental Audit Overlay provide a set of controls, requirements and guidelines that will guide the development of the Precinct for many years.

1.1. How to read this document

The CDP is incorporated into the Hobsons Bay Planning Scheme. As such it should be read as part of the planning scheme.

The way in which the various elements of the CDP are to be applied is as follows:

- **Vision and Objectives:** The vision and objectives must be complied with.
- **Future Urban Structure:** The future urban structure of the site as shown on Plan 3, must be generally complied with, to the satisfaction of the responsible authority. Minor variations may be permitted by the responsible authority, provided the overall vision and objectives for the development of the site are complied with.
- **Requirements:** All requirements must be complied with. Requirements outline matters that must be taken into account in the design of a development. They include mandatory requirements that cannot be varied by the issue of a planning permit. Other mandatory requirements are contained in Schedule 2 to the Comprehensive Development Zone.
- **Guidelines:** All guidelines should be complied with. Guidelines outline matters that should be taken into account in the design of a development. If the responsible authority is satisfied that an application for an alternative to a guideline satisfies the vision, objectives or requirements of the CDP, then the responsible authority may consider the alternative.

Table 1 provides a summary of the land use budget for Precinct 15.

Table 5 - Summary Land Use Budget

Altona North Comprehensive Development Plan			
	HECTARES	% OF TOTAL	% OF NDA
TOTAL PRECINCT AREA (ha)	66.95		
Transport			
Land required for the West Gate Tunnel Project	1.04	1.6%	2.0%
Connector Roads - Widening and Intersection Flaring	4.26	6.4%	8.3%
Non-Arterial Road - Retained existing road reserve	0.96	1.4%	1.9%
Sub-total Transport	6.26	9.3%	12.2%
Community Buildings			
Local Community Facility (DCP land)	0.5	0.7%	0.9%
Sub-total Community	0.5	0.7%	0.9%
Open Space			
Uncredited Open Space			

Redundant Utility Easement / Tree Reserve	1.11	1.7%	2.2%
Proposed Area Required by West Gate Tunnel Project	3.00	4.5%	5.8%
Sub-total Uncredited Open Space	4.11	6.1%	8.0%
Credited Open Space			
Local Park (via CI 52.01)	4.74	7.1%	9.2%
Sub-total Credited Open Space	4.74	7.1%	9.2%
Total All Open Space	8.85	13.2%	17.2%
TOTAL NET DEVELOPABLE AREA (NDA, ha)	51.37	76.7%	
Sub-Totals			
RESIDENTIAL NDA (ha)	46.37	69.3%	
COMMERCIAL NDA (ha)	5.00	7.5%	
Local Town Centre (New)	2.15	3.2%	
Business Area (Existing)	1.13	1.7%	
Business Area (New)	1.73	2.6%	
Assumptions			
Dwellings	3,000	dwelling units	
Retail Floorspace (Total)	5,500	m2 gross floorspace	
Commercial Floorspace (New)*	10,000	m2 gross floorspace	

2. OUTCOMES

2.1 Vision

Precinct 15 represents an exciting opportunity to develop a vibrant, accessible and sustainable residential community that will support approximately 7,000 people in high quality homes with a full range of facilities to provide a mixed use development that integrates with and enhances the existing urban environment.

The area will allow for the conversion of previously industrial lands into a new community in the heart of an existing residential area. Development will respond well to the character of the surrounding area through the provision of low-rise townhouses around the perimeter of the site, transitioning toward some medium rise apartments in the centre of the large site where the impact of development on existing residents will be limited. New development will respond sympathetically to allow existing industrial activities to continue to operate and will reference its former industrial past through the interpretation of design.

A new local town centre is located on Blackshaws Road and its alignment is essential to linking existing and future communities. It is envisaged to include a supermarket, cafes, restaurants and other specialty retail with the ability for apartments to be located above the ground floor. The town centre will include civic spaces to encourage pedestrian activity and the ability to hold small public events. The town centre will integrate with the existing mixed-use centre at 216-230 Blackshaws Road that includes a large medical centre and the future 'commercial / mixed use' which will incorporate a new community centre.

The 'commercial / mixed use' will be centred upon a distinctive boulevard street that diagonally connects with The Broadway. This link will mark the entrance to the new community which will provide a direct view line from the community centre that terminates at the key open space in the centre of the precinct. The spine road has been designed with enhanced street trees and a focus on the amenity of the cyclist and pedestrian around a mix of office and residential uses to encourage the creation of local jobs. Combined with the town centre, and some of the existing uses within the existing Shaw's Business Park, the area will integrate as a mixed use centre over time to encourage activity and intensification along Blackshaws Road and the north-south spine roads.

Residents will have access to a generous amount of high quality local parks and public spaces. Public spaces including streets will be extensively planted with trees to create an attractive, pleasant and safe place to work and live.

Key routes and open spaces will link to an excellent network of cycle paths including a link to the Federation Trail beneath the West Gate Freeway and to train stations at Spotswood and Newport. The precinct will also benefit from excellent access to buses that will connect with these stations and to the CBD. A mix of sustainable transport solutions have been provided to ease traffic congestion in the wider area.

The development will facilitate the collection of development contributions for key roads, cycling facilities and community infrastructure to provide the critical connections and ensure reliable access throughout the precinct to essential services.

2.2 Objectives

O1	To establish well designed development that contributes to high quality, integrated built form throughout the precinct, generally in accordance with Plan 1.
O2	To facilitate residential development that comprises a variety of households and living styles throughout Precinct 15 in predominantly low rise buildings (generally 2-3 storeys) interspersed with suitably located mid-rise buildings (generally 4-6 storeys).
O3	To transition the area from industrial to residential, commercial and mixed use and to appropriately manage interfaces with any continuing uses.
O4	To achieve environmentally sustainable design in relation to energy management, water sensitive urban design, construction materials, green walls/roofs, indoor climate control, waste management and transport.
O5	To create a safe and vibrant local town centre and commercial/mixed use areas with pleasant public spaces and a range of local jobs and services, appropriate to the scale of the centre.
O6	To allow for the development of a multipurpose and flexible community facility within the precinct that supports residents of all ages, encourages social interaction, and creates a sense of place and civic pride, reinforcing the prominent location of the centre on The Broadway corner.
O7	To develop a legible and properly inter-connected street, bus, bike and pedestrian network within the precinct that connects into surrounding neighbourhoods.
O8	To facilitate a network of diverse and highly accessible open spaces capable of accommodating a wide range of social and recreational activities.
O9	To ensure that development staging is co-ordinated for efficient delivery to reduce the cost to the community and that first-acting development does not prevent the realisation of cohesive and integrated neighbourhoods.



3. IMPLEMENTATION

3.1 Image and character, use and built form

3.1.1 Image and Character

REQUIREMENTS	
R1	Street trees must be planted on both sides of all new roads and streets at regular intervals appropriate to tree size at maturity, unless otherwise agreed by the responsible authority.
R2	Trees in parks and streets must be: Larger species wherever space allows (to facilitate continuous canopy cover); Planted in modified and improved soil to support tree establishment; Appropriate in size to nature strips, nearby utilities and built form; Used consistently across neighbourhoods to reinforce movement hierarchy and local character; and Consistent with any guidance provided on the relevant cross-section within this CDP. unless otherwise approved by the responsible authority.
R3	A consistent suite of lighting, furniture and way-finding signage must be employed across the precinct to the satisfaction of the responsible authority.
R4	The proposed extension of The Broadway must provide a distinctive boulevard street that will provide a direct view to the central park from Blackshaws Road.

GUIDELINES									
G1	High quality and cohesive landscape treatments should be provided throughout the precinct, within the streetscape and public open spaces, particularly in the town centre, the community facility and at key interfaces in gateway locations.								
G2	Variations in street tree species should be used to reinforce and support the road hierarchy or create visual cues in appropriate locations such as forecourts to building entries, pedestrian spaces, the termination of view lines and key intersections. Street trees should be planted at the following average intervals and heights: <table border="1"> <thead> <tr> <th>Average interval</th><th>Tree size (in height)</th></tr> </thead> <tbody> <tr> <td>5 - 7 metres</td><td>Small trees (less than 10 metres)</td></tr> <tr> <td>7 – 10 metres</td><td>Medium trees (10 – 15 metres)</td></tr> <tr> <td>10 – 15 metres</td><td>Large trees (15 metres or greater)</td></tr> </tbody> </table>	Average interval	Tree size (in height)	5 - 7 metres	Small trees (less than 10 metres)	7 – 10 metres	Medium trees (10 – 15 metres)	10 – 15 metres	Large trees (15 metres or greater)
Average interval	Tree size (in height)								
5 - 7 metres	Small trees (less than 10 metres)								
7 – 10 metres	Medium trees (10 – 15 metres)								
10 – 15 metres	Large trees (15 metres or greater)								
G3	Retention of mature trees throughout the precinct is encouraged, where practical and appropriate.								

3.1.2 Land Use & Built Form

REQUIREMENTS	
R5	Built form in the Local Road Frontages sub-precinct must conform with the maximum heights and setbacks contained in Table 2 and Plan 2 . A planning permit cannot be issued to vary this requirement.

GUIDELINES	
G4	Built form in the Internal Residential, Blackshaws Road frontage, town centre and commercial/mixed use sub-precincts should comply with the preferred heights and setbacks contained in Table 2 and Plan 2 .
G5	Dwelling apportionment in each of the sub-precincts should be generally consistent with the Dwelling Density and Dwelling Yield Plan contained in Appendix B.
G6	Land use for all sub-precincts should comply with Table 2 and Plan 2 .

G7	Interfaces should be constructed in accordance with Plan 3 and cross sections contained at Figures 1-17 or utilise an alternative solution to the satisfaction of the responsible authority.
G8	Architecture should be designed to contribute to the character of the precinct, providing visual interest, articulation and encourages passive surveillance.
G9	Front fences should not be higher than 1.2 metres
G10	Development should incorporate high quality materials and finishes on all buildings.
G11	Encourage distinctive built form at gateway locations (as identified on Plan 4 Altona North Local Town Centre Concept Plan), focal points and view lines along streets to provide a recognisable and identifiable sense of address.
G12	Where buildings directly abut open spaces, easements or other public realms, they should have a positive address to that space.
G13	Buildings on corner lots should be activated by providing a positive address to both frontages. This can be achieved through the use of appropriate placement of glazing, architectural elements and high quality boundary fencing.
G14	Buildings and layout including the design of laneways, interfaces with bicycle links and pedestrian areas should incorporate appropriate measures from the Crime Prevention Through Environmental Design (CPTED) and Safer Design Guidelines.
G15	All buildings should be designed to incorporate universal design principles.

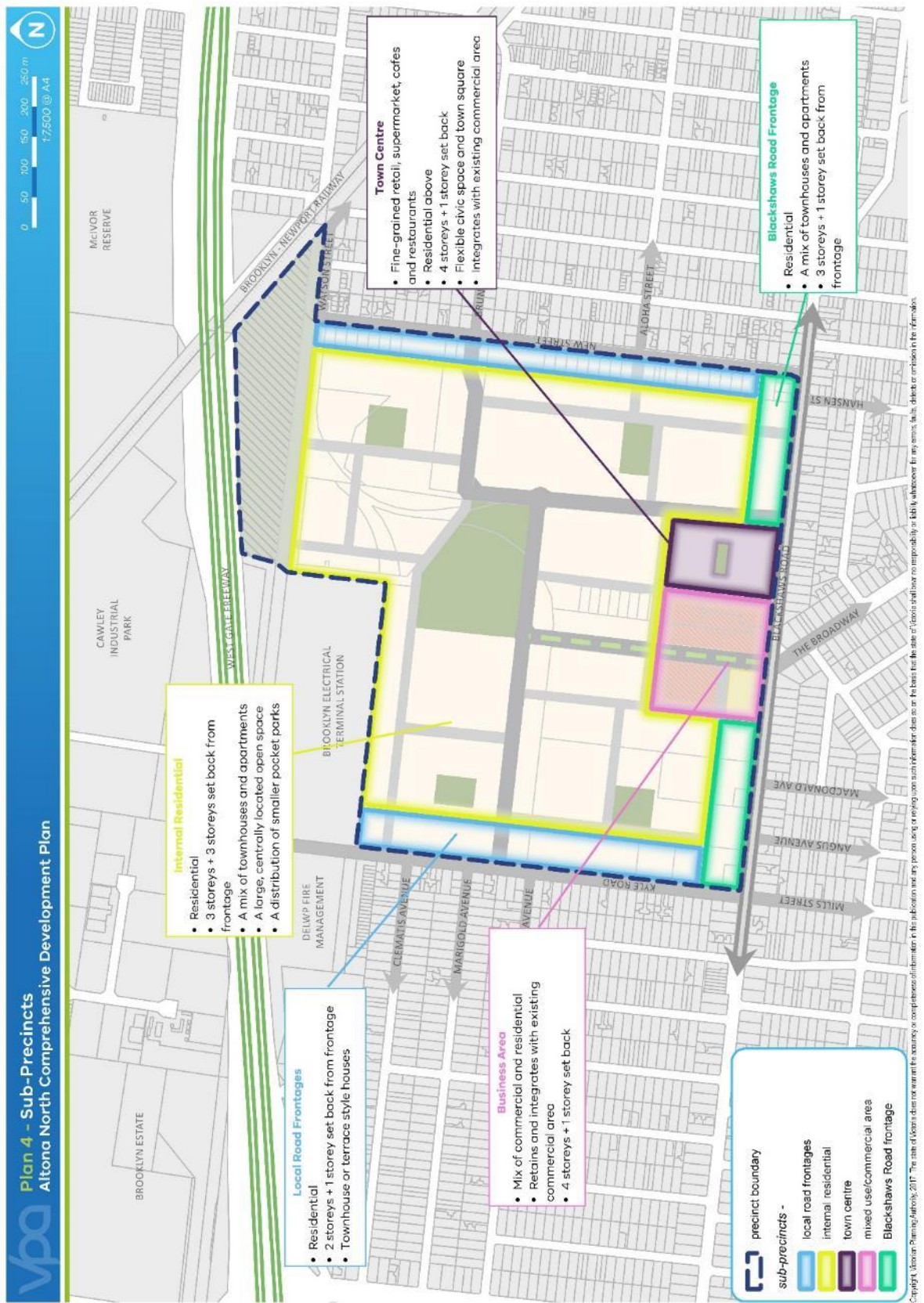


Table 2 - Land use and built form outcomes

SUB-PRECINCT	LAND USE	DEVELOPMENT	BUILDING HEIGHT	FRONT FACADE HEIGHT	FRONT SETBACK
Local Road Frontages	Residential. New Street includes a row of industrial premises that will convert to residential over time.	Townhouse or terrace style built form, appropriate to the scale of existing dwellings on the opposite side of the street.	9.0m	2 storeys	4m setback
Blackshaws Road Residential Frontage	Residential. Does not include the frontage in the Commercial / Mixed Use Area or Town Centre.	Townhouses or apartments, appropriate to the scale of existing dwellings on the opposite side of the street. Buildings should front onto Blackshaws Road and provide an active frontage where possible. Rear accessways are required at rear of dwellings to reduce car movements at the front of the site.	13.6m	3 storeys	4m setback
Internal Residential Areas	Residential with provision of a centrally located larger open space that should support a diverse range of activities. A distribution of smaller local parks should provide a specific role for the surrounding community.	A mix of townhouses and terrace style dwellings with occasional medium-rise apartments located away from existing neighbourhoods and focussed along connector roads, open spaces, near to the town centre and commercial / mixed use area or where it can be demonstrated that it is providing a noise attenuation function. All apartments should include some open space on site. Encourage apartment buildings that capitalise on key views and vistas to Port Phillip Bay and the central Melbourne skyline. Public open space areas should be a focal point for the surrounding residential uses.	20m	3 storeys	3m setback
Commercial/ Mixed Use Area	Mixed use for the existing commercial area comprising of commercial, light industrial uses and residential above. In the unestablished area, predominantly offices and other suitable uses at ground floor with the potential for residential properties to be located above ground floor. Some residential uses may be appropriate at ground floor if it can be demonstrated that it is not a prominent location and allows for the Boulevard connector to remain punctuated with active frontages at street level.	The existing commercial area at Shaws Business Park will continue in its existing capacity and over time may intensify and integrate further with the new development for this area and the proposed town centre. Physical linkages between the existing and proposed centre should be encouraged to assist in the transition towards an integrated centre in the future. Buildings should be built to the property boundary adjoining the street frontage, or otherwise have activity within the front setback. Active frontages should be located on street corners, along Blackshaws Road and distributed along the	16.8m	4 storeys	None specified (except Blackshaws Road which is 3m)

	Includes a location for a new community centre opposite The Broadway.	Boulevard connector to ensure activity at ground level. Car parking and service infrastructure should be located to the rear of primary pedestrian access points.			
Town Centre	A mixed use Town Centre made up of fine grain retail, a supermarket, offices and cafes. Residential and offices can be located above. A civic space will provide the community with a flexible, central meeting space.	Encourage the town centre to be oriented towards a 'main' street. The supermarket will include an overhead/underground car park or a car park at grade that could convert in the future to a more intense town centre development. Car parking should not be visible from key street frontages. Buildings should either be built to the property boundary adjoining the street frontage or should allow a front setback for on-street dining. Ground level facades should be articulated into sections no greater than 8m wide in order to establish a fine grain built form. Shops along Blackshaws Road should ensure an active frontage is provided.	16.8m	4 storeys	2m (except Blackshaws Road which is 3m)

3.2 Housing

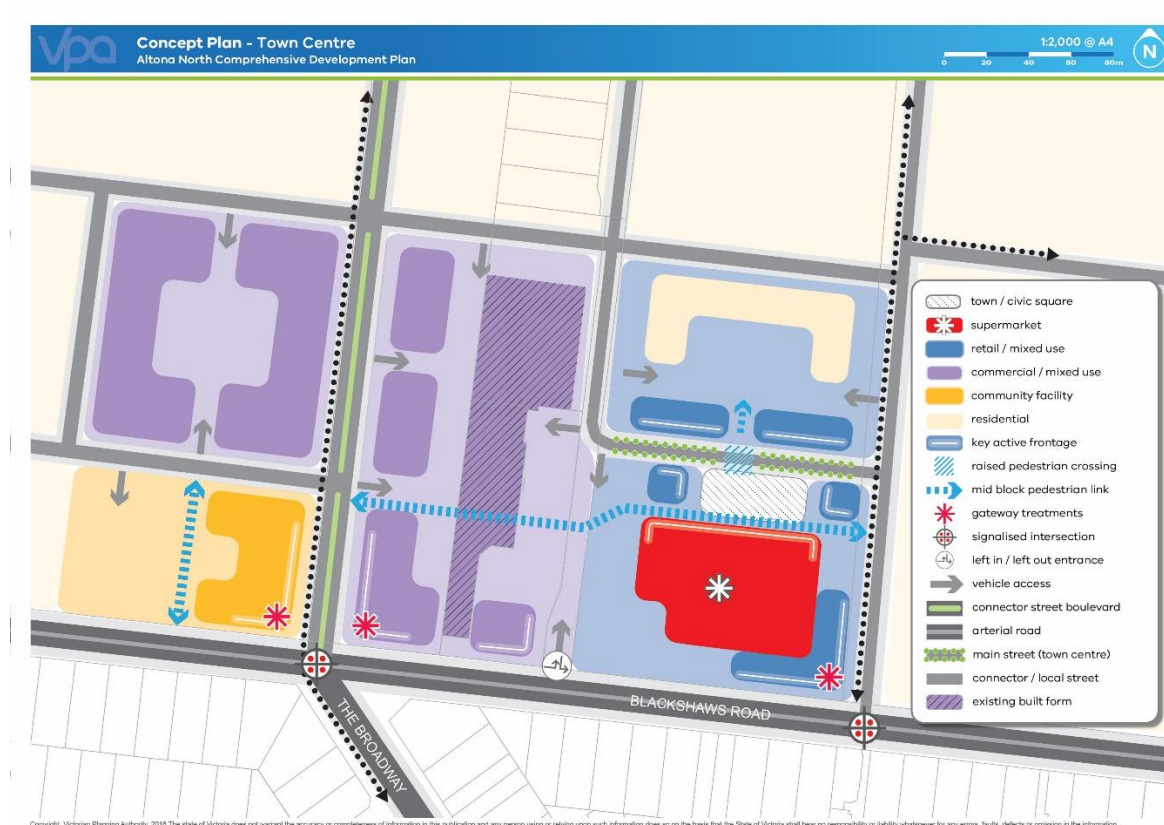
REQUIREMENTS	
R6	The following areas are regarded as suitable locations for apartment developments: at least 60m away from interfaces with Kyle Road and New Street road reserve; or along the connector roads; or in areas within or abutting the town centre and commercial / mixed use area; or adjacent to the south, east or west of open spaces; or in locations which provide a visual or noise attenuation function.
GUIDELINES	
G16	Specialised housing forms such as lifestyle communities, retirement living or aged care facilities, and opportunities for affordable housing should be located in close proximity to town centres, community hubs, open space and locations easily accessible by public transport.

3.3 Employment and Local Centres

REQUIREMENTS	
R7	New development must provide connection points into the existing commercial / mixed use precinct at 216-230 Blackshaws Road to encourage integration with the proposed town centre and commercial / mixed use area.
R8	Buildings within the town centre must provide: Primary access to tenancies from the main street; Active and articulated frontages; Sensitive design of loading requirements that does not impact the surrounding residential area; or detract from the design of the centre.
R9	Consideration must be given to pedestrian access to the site, including opportunities for pedestrian crossings and cycling paths in proximity to bus stop locations.
GUIDELINES	
G17	Pedestrian activities including outdoor dining is encouraged within the town centre along the main street and within the town square.
G18	Subdivision, land and development in the town centre should be development in accordance with the town centre guidelines in this document. The town centre concept plan (Plan 3) depicts an indicative response to the town centre design guidelines; it does not describe the only possible layout of the centre. Alternative layouts responding to the town centre guidelines can also be acceptable.
G19	Residential dwellings located above shops and offices are encouraged within the Town Centre and Commercial / Mixed Use Area.

1. TOWN CENTRE DESIGN GUIDELINES	
DG1	Provide a town square to act as a focal point for surrounding retail and commercial uses and to provide public space for community activities.
DG3	Where practical the local town centre should be surrounded by a pattern of smaller scale individual tenancies that sleeve a central supermarket.
DG5	All buildings should have their main pedestrian entrance onto the street frontage.
DG6	Development blocks should be based on a flexible layout to enable a variety of land uses and allow viable short-term development, as well as efficient long-term evolution and adaption.
DG7	Main streets should be designed to include canopy trees, outdoor dining, pedestrian activity and on-street parking.
DG8	Development should be designed to avoid shadows on the town square between 10.00am and 3.00pm on 22 September.
DG10	The Town Centre should integrate with the existing mixed use area at Blackshaws Road and allow for connections into the development.
DG11	At least 80 per cent of each building façade at ground level in the town centre precinct should be maintained as an entry or window with clear glazing.
DG12	The town square should be designed in such a way to enable a variety of community activities to be held within it including consideration of appropriate paving, utility services, lighting, landscaping, street furniture and weather protection including awnings.

Plan 3 - Altona North Local Town Centre Concept Plan



Note: This is a concept of the town centre only and is only intended to illustrate a preferred outcome. Variations to this design can occur provided it is generally in accordance with the rest of the CDP and town centre design guidelines.

3.4 Community Facilities

REQUIREMENTS	
R10	The community facility must be designed to: <ul style="list-style-type: none"> – locate entries to be visible from a public street; – locate communal outdoor areas and child care / kindergarten facility entries away from main roads; – locate the majority of car parking away from the main entry; and – respond appropriately to Design for Access and Mobility Standards (AS 1428).
R11	The community facility must be sited and designed to be a landmark building that terminates the view line along The Broadway and frames the entry to the precinct.
R12	Land vested in Council for open space and the community facility must be remediated and accompanied by statements of audit before the transfer of land.

GUIDELINES	
G20	The community facility should be planned and designed to have the flexibility and capacity to meet the changing needs of the community and provide for a range of uses. Consideration should be given to shared spaces which can be used by agreement with the Council by other community service providers and not-for-profit organisations.
G21	The location of key entries to the community facility should allow for safe and convenient pedestrian and cyclist access for all ages and abilities.
G22	Apply universal design and access principles to buildings and facilities.

3.5 Open Space

REQUIREMENTS	
R13	All parks must comply with the land areas in Table 2 and locations in Plan 4 (Community facility and open space) and be designed and developed to enable practical maintenance.
R14	Parks and open spaces must contain extensive planting of large-canopy trees that are suitable to the urban environment, local climate and soil conditions.
R15	Buildings adjacent to open spaces must be located and designed to front the open space. Development must be oriented towards open spaces, easements and other public realm to maximise the activation and passive surveillance of these areas.
R16	The central open space must have a road boundary on all sides, while the small reserves must have a road on a minimum of two sides, and preferably three sides. Where housing directly abuts open space a paper road must be provided.
R17	Local parks must act as a focal point for the neighbourhood and each must demonstrate its distinct function and character.

GUIDELINES	
G23	Local parks should be designed to cater for a broad range of users by providing a mix of spaces and planting to support both structured and unstructured recreational activities and play opportunities for all ages and abilities.
G24	Design of the drainage easement should maximise the amenity value of that open space and provide for flexible recreational opportunities.
G25	The Brooklyn Terminal Station easement (owned by Ausnet Services) should be gifted to Hobsons Bay City Council as a linear open space (uncredited) subsequent to the easement's drainage function being replaced by the installation of any undergrounding of existing new underground drainage infrastructure.
G26	Development should be designed to avoid casting unreasonable shadows on the Public Open Space areas between 11:00am and 2:00pm on 22 September.

Table 3 - Local Parks

Residential Local Open Space (expressed as % of NDA)	Hectares	% of NDA
LP-01	0.30	0.6%
LP-02	0.40	0.8%
LP-03	3.15	6.1%
LP-04	0.40	0.8%
LP-05	0.40	0.8%
UP-01	0.10	0.2%
Sub-total Credited Open Space	4.75	9.2%
LP-06	1.11	2.2%
LP-07	3.00	5.8%
Sub-total Uncredited Open Space	4.11	8.0%
Total All Open Space	8.86	17.2%

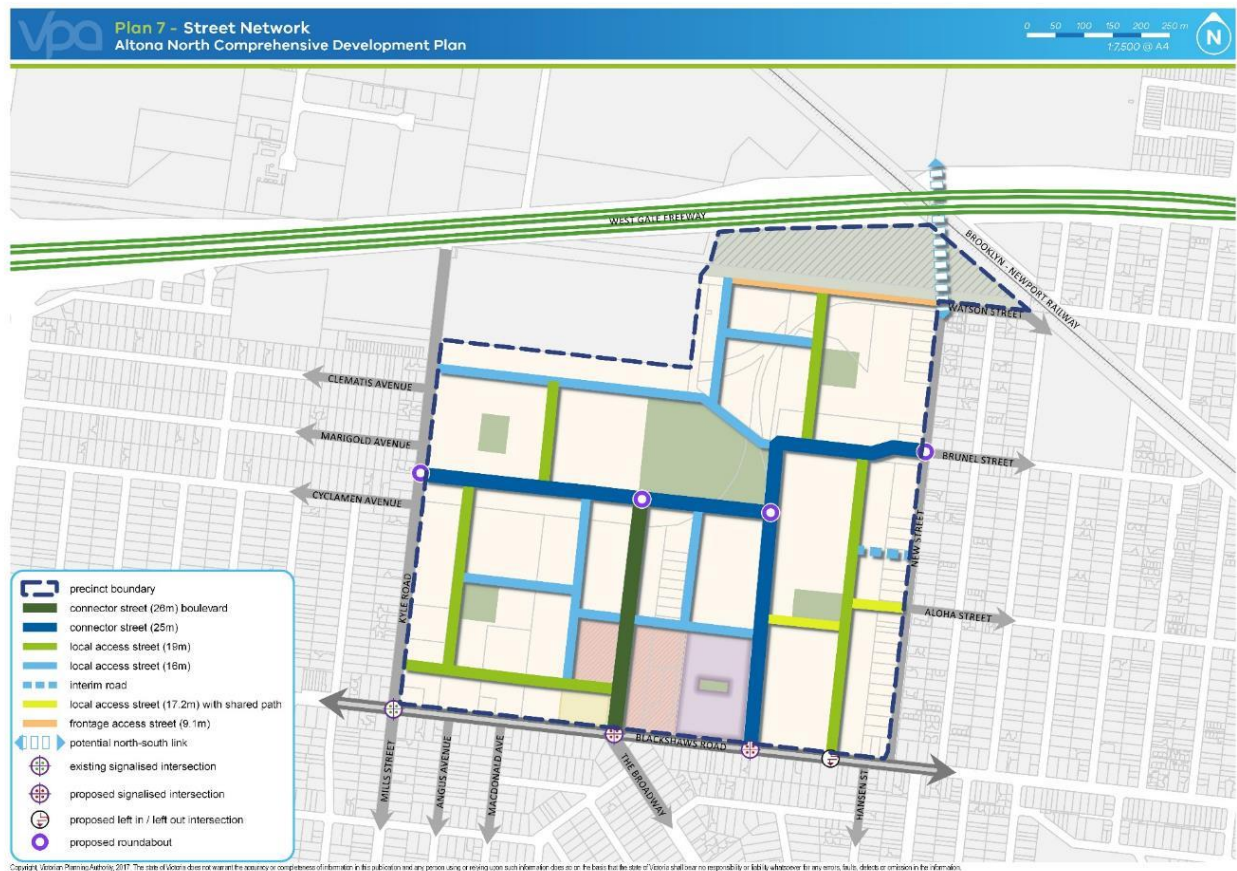


3.6 Integrated Transport

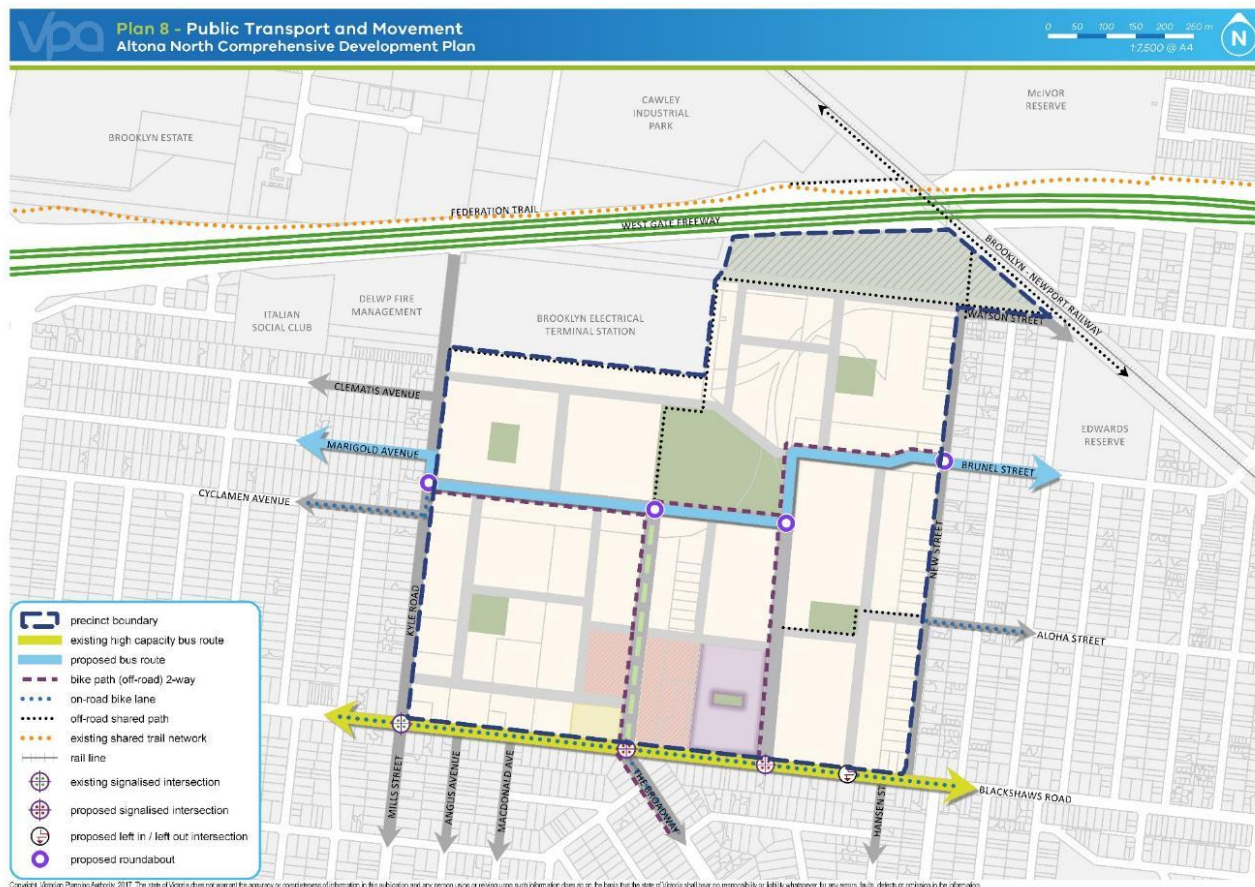
3.6.1 Transport

REQUIREMENTS	
R18	The street network must be designed so that there are no additional vehicular connections directly onto Blackshaws Road other than what is shown in the Altona North Comprehensive Development Plan.
R19	There should be no intersecting roads or vehicle crossovers within 80m of a signalised intersection.
R20	Bus stop facilities must be designed to integrate with and support access to high visitation land uses.

GUIDELINES	
G27	<p>Local streets should be generally consistent with Plan 5 (Street network) and the relevant cross-section demonstrated in Appendix A.</p> <p>Alternative cross sections may be considered and approved by the responsible authority however an alternative should ensure that:</p> <ul style="list-style-type: none"> • Minimum required carriageway dimensions are maintained to ensure safe and efficient operation of emergency vehicles on all streets as well as buses on Connector Streets (as shown in Plan 5 Street network); • The performance characteristics of standard cross sections as they relate to pedestrian and cycle uses are maintained, and • Relevant minimum road reserve widths for the type of street (illustrated in Appendix A) are maintained unless otherwise approved by the responsible authority.
G28	<p>Street layouts and subdivision patterns should be aligned to provide high quality connections and views to key destination points such as:</p> <p>The central park;</p> <p>Local open spaces;</p> <p>The commercial / mixed use area; and</p> <p>The local town centre.</p>
G29	<p>The frequency of vehicular crossovers should be minimised through the use of a combination of:</p> <p>Rear loaded lots with laneway access;</p> <p>Vehicular access from the side of the lot; or</p> <p>Combined or group crossovers.</p>
G30	Laneways should be discouraged from accessing directly onto arterial roads.



Note: Cross sections for each type of street can be found in Appendix B of this document



3.7.1 Walking and Cycling

REQUIREMENTS	
R21	<p>The design of all streets and arterial roads must give priority to the requirements of pedestrians and cyclists by providing:</p> <ul style="list-style-type: none"> • Footpaths of at least 1.8 metres in width on both sides of all streets and roads unless otherwise specified by this Plan; • Shared paths or bicycle paths of 3.0 metres in width; • Safe and convenient crossing points of connector and local streets at all intersections and at key desire lines and locations of high amenity; • Pedestrian and cyclist priority crossings on all slip lanes; • Consistent line/lane marking, visual clues and signage identifying cycle priority routes; and • Safe and convenient transition between on-and off-road bicycle networks.
R22	<p>Walking and cycling path networks must provide permeability and link to key destinations within the precinct.</p>

GUIDELINES	
G31	<p>Pedestrian priority should be provided across all side roads along main streets and all car park entrances.</p>
G32	<p>Pedestrian movements should be prioritised by providing clear links between key destinations within the precinct.</p>

3.7 Integrated Water Management, Sustainability & Utilities Servicing

3.7.2 Integrated Water Management and Sustainability

REQUIREMENTS	
R23	Stormwater runoff from new development must meet or exceed the performance objectives of the CSIRO <i>Best Practice Environmental Management Guidelines for Urban Stormwater</i> (1999), prior to discharge to receiving waterways, unless otherwise agreed to the satisfaction of the responsible authority and Melbourne Water.
R24	Quantity of stormwater runoff from development must not exceed the runoff generated from the pre-developed site, unless otherwise agreed to the satisfaction of the responsible authority and Melbourne Water.
R25	Design of stormwater drainage retarding and quality treatment infrastructure must be to the satisfaction of the responsible authority and Melbourne Water.
R26	Development applications must demonstrate how: <ul style="list-style-type: none"> • Overland flow paths and piping within road or other reserves will be connected and integrated across property/parcel boundaries; • Melbourne Water and the Responsible Authority freeboard requirements for overland flow paths will be adequately contained within road or other reserves; • The development will deliver Integrated Water Management requirements of any approved Integrated Water Management Plan or Strategy; and • Development will prevent litter from entering the downstream drainage system through the use of litter traps, as required by the drainage authorities.
R27	A permit must ensure that the ultimate stormwater management assets and associated land are provided by the developer prior to the issue of a Statement of Compliance.
R28	In the event that Melbourne Water and the responsible authority agree to an interim storm water management solution, the developer must: <ul style="list-style-type: none"> • Provide the land required for the ultimate drainage solution prior to the issue of a Statement of Compliance; and • Demonstrate that the interim solution will not result in an increase in the cost of achieving the ultimate solution.

GUIDELINES	
G33	To the extent practical, development should have regard to relevant policies and strategies being implemented by the responsible authority, Melbourne Water and water retail authority, including any approved Integrated Water Management Plan.
G34	The design and layout of roads, road reserves, and public open space should optimise water use efficiency and long-term viability of vegetation and public uses through the use of overland flow paths, Water Sensitive Urban Design initiatives such as rain gardens and/or locally treated storm water for irrigation, where practical.
G35	Developments should include Integrated Water Management systems to diversify water supply, reduce reliance on potable water and increase the utilisation of stormwater that contributes to a sustainable and green urban environment (such as stormwater harvesting, aquifer storage and recharge, grey water recycling etc).
G36	Development should reduce reliance on potable water by increasing the utilisation of fit-for-purpose alternative water sources such as storm water, rain water and recycled water. This may involve entering into partnership projects with the water authorities.
G37	Ecological Sustainable Development principles should be explored and encouraged in all development, such as the inclusion of: <ul style="list-style-type: none"> • Material re-use and recycling; • Use of materials with reduced embodied energy; • Electrical self-generation, car charge schemes, smart grids and battery storage; • Use of Built Environment Sustainability Scorecard (BESS); • Measures that reduce the urban heat island effect; and • Waste management initiatives.

3.7.3 Utilities Servicing

REQUIREMENTS	
R29	All existing above-ground electricity cables on the land or on the same side of the land in an abutting road reserve less than 66kV voltage must be placed underground as part of the upgrade of existing roads.
R30	All new electricity supply infrastructure (excluding sub-stations and cables with voltage greater than 66kV) must be provided underground.
R31	Above-ground utilities must be identified at the subdivision design stage to ensure effective integration with the surrounding neighbourhood and to minimise amenity impacts while also designed to the satisfaction of the relevant authority.

GUIDELINES	
G38	Above-ground utilities should be located outside of key view lines and screened with vegetation, as appropriate. Sub-stations located within open space must be appropriately screened.

3.8 Infrastructure Delivery & Development Staging

3.8.1 Infrastructure Delivery

REQUIREMENTS	
R32	Convenient and direct access to the road network must be provided through neighbouring properties where a property does not have access to the local or connector network, or signalised access to the arterial road network.
R33	Where a street has already been constructed or approved for construction to a property boundary, subsequent development must connect with that street to adopt a consistent cross-section until a suitable transition can be made.
R34	Any land transferred to the responsible authority must be accompanied by a Statement of Environmental Audit in accordance with Part IXD of the <i>Environment Protection Act 1970</i>

3.8.2 Development Staging

REQUIREMENTS	
R35	Development staging must provide for the timely provision and delivery of: Connector streets; Street links between properties, constructed to the property boundary; Public land areas, including open space reserves; and Connection of the on- and off-road pedestrian and bicycle network.
R36	Staging will be determined largely by the development proposals on land within the precinct and the availability of infrastructure services. Development applications must demonstrate how the development will: Integrate with adjoining developments, including the timely provision of road and walking/cycling path connections, to a practical extent; How local open space will be provided in the early stages of development; Provide sealed road access to each new allotment and constructed to a residential standard; and Deliver any necessary trunk services extensions, including confirmation of the agreed approach and timing by the relevant service provider.

3.8.3 Precinct Infrastructure Plans

The Precinct Infrastructure Plan (Table 4) sets out the infrastructure and services required to meet the needs of proposed development within the precinct. The infrastructure items and services are to be provided through a number of mechanisms including:

- Subdivision construction works by developers
- Agreement under section 173 of the Planning and Environment Act 1987
- Utility service provider requirements
- The Development Contributions Plan, including separate charge areas for the provision of residential and non-residential items (see Development Contributions Plan for details)
- Relevant development contributions from adjoining areas
- Capital works projects by Council, State Government agencies and non-government organisations
- Works-in-kind projects undertaken by developers on behalf of Council or State Government agencies.

Table 4 - Precinct Infrastructure Plan

PROJECT CATEGORY	DCP PROJECT	PROJECT DESCRIPTION	LEAD AGENCY	INDICATIVE TIMING	INCLUDED IN DCP?
ROAD AND SHARED PATH PROJECTS					
Blackshaws Road: Cycle Lane markings	-	Line marking for on-road cycle lanes	VicRoads	M	No
North-South Boulevard Connector Road 1	RD-01	Land and full construction of carriageway and road reserve	HBCC	S	Yes
North-South Connector Road 2	RD-02	Land and full construction of carriageway and road reserve	HBCC	S	Yes
East-West Bus Capable Connector Road	RD-03	Land and full construction of carriageway and road reserve	HBCC	M	Yes
INTERSECTION PROJECTS					
Intersection: Blackshaws Road & North-South Boulevard Connector Road 1	IN-01	Land and construction of two-lane arterial to two-lane connector signalised intersection (four-way intersection)	HBCC / VicRoads	S	Yes
Intersection: Blackshaws Road & North-South Connector Road 2	IN-02	Land and full construction of two-lane arterial to two-lane connector signalised intersection (three-way intersection)	HBCC / VicRoads	S	Yes
Intersection: Kyle Road & East-West Connector Road	IN-03	Land and construction of two-lane connector to two-lane existing local street for a roundabout (three-way intersection)	HBCC	S	Yes
Intersection: Boulevard Connector and East-West Connector Road	IN-04	Land and full construction of two-lane bus capable connector to two-lane boulevard connector (three-way intersection)	HBCC / VicRoads	S	Yes
Intersection: Town Centre Main Connector Street and East-West Connector Road	IN-05	Land and full construction of two-lane bus capable connector to two-lane connector (three-way intersection)	HBCC / VicRoads	M	Yes

PROJECT CATEGORY	DCP PROJECT	PROJECT DESCRIPTION	LEAD AGENCY	INDICATIVE TIMING	INCLUDED IN DCP?
Intersection: New Street & Brunel Street	IN-06	Land and construction of a two-lane connector to two lane existing local road roundabout (four-way intersection)	HBCC / VicRoads	M	Yes
Intersection: Millers Road & Blackshaws Road	IN-07	Construction of works to existing signalised intersection (four-way intersection)	VicRoads	M	Construction only
Intersection: Blackshaws & New Street	-	Construction of works to existing signalised intersection (four-way intersection)	HBCC/ VicRoads	M	No
Intersection: Blackshaws & Hansen Street	-	Construction of works to existing intersection (four-way intersection)	HBCC/ VicRoads	M	No
PUBLIC TRANSPORT PROJECTS					
Marigold Avenue: Bus Stop Improvements	-	Construction of in-lane bus stops	PTV	M	No
Brunel Street: Bus Stop Improvements	-	Construction of in-lane bus stops	PTV	M	No
SHARED PATH AND AMENITY PROJECTS					
Federation Trail link shared path	-	Construction of shared user path and basic landscaping works	WDA	S	No
Linear Reserve Shared path and landscaping	SP-01	Construction of shared user path and basic landscaping works	HBCC	S	Yes
Cyclamen Avenue bike path	-	Installation of bicycle lanterns	HBCC	M	No
Cyclamen Avenue bike path	-	Speed reduction measures	HBCC	M	No
Cyclamen Avenue bike path	-	Construction of pram ramp	HBCC	M	No
Aloha Street bike path	-	Speed reduction measures	HBCC	M	No
Aloha Street bike path	-	Pram ramps on Stephenson Street	HBCC	M	No
The Broadway bike path	-	Line marking for bike lanes	HBCC	M	No
COMMUNITY BUILDING PROJECT					
Community Centre	CB-01	Land and construction of a new community centre	HBCC	M	Yes
SPORTING RESERVE PROJECTS					
Sporting Reserve	SR-01	Construction or cash in lieu contribution equivalent to active sports facility	HBCC	M	Construction only
Pavilion for Sporting Reserve	SR-02	Construction or cash in lieu contribution equivalent to develop a sporting Pavilion associated with SR-01	HBCC	M	Construction only

HBCC = Hobsons Bay City Council; PTV = Public Transport Victoria; WDA = Western Distributor Authority

4 APPENDIX A - ROAD CROSS SECTIONS

Figure 10 - Blackshaws Road Interface

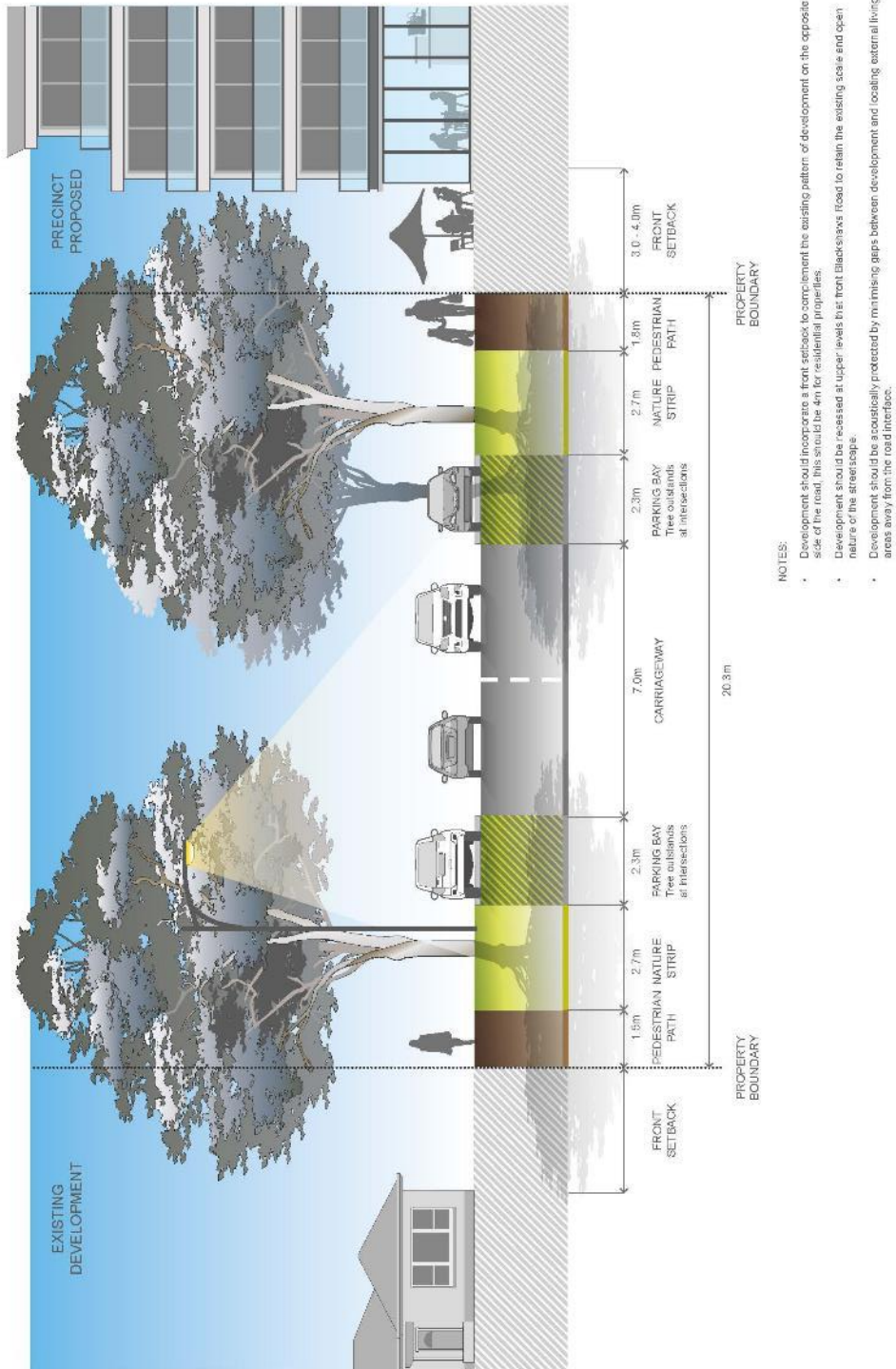
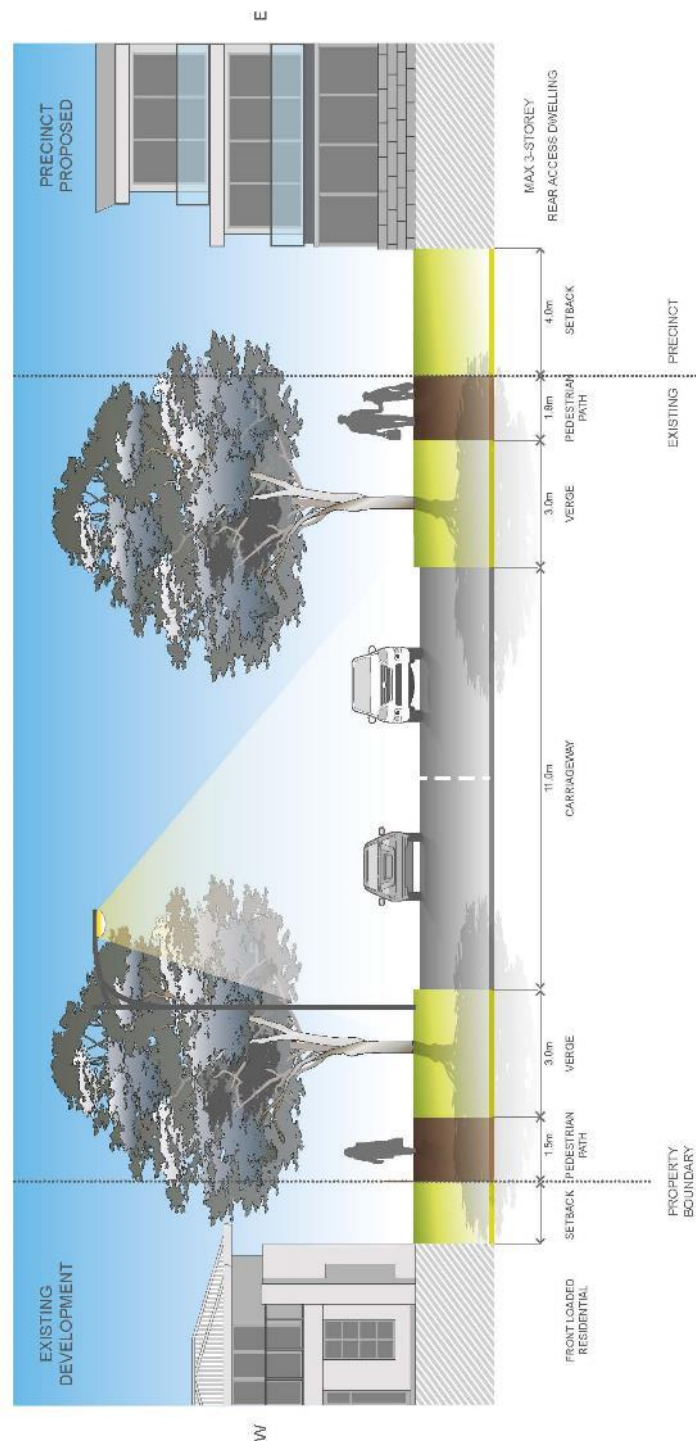


Figure 1: Blackshaws Road Interface (20.3m)

Figure 11 - Kyle Road Interface

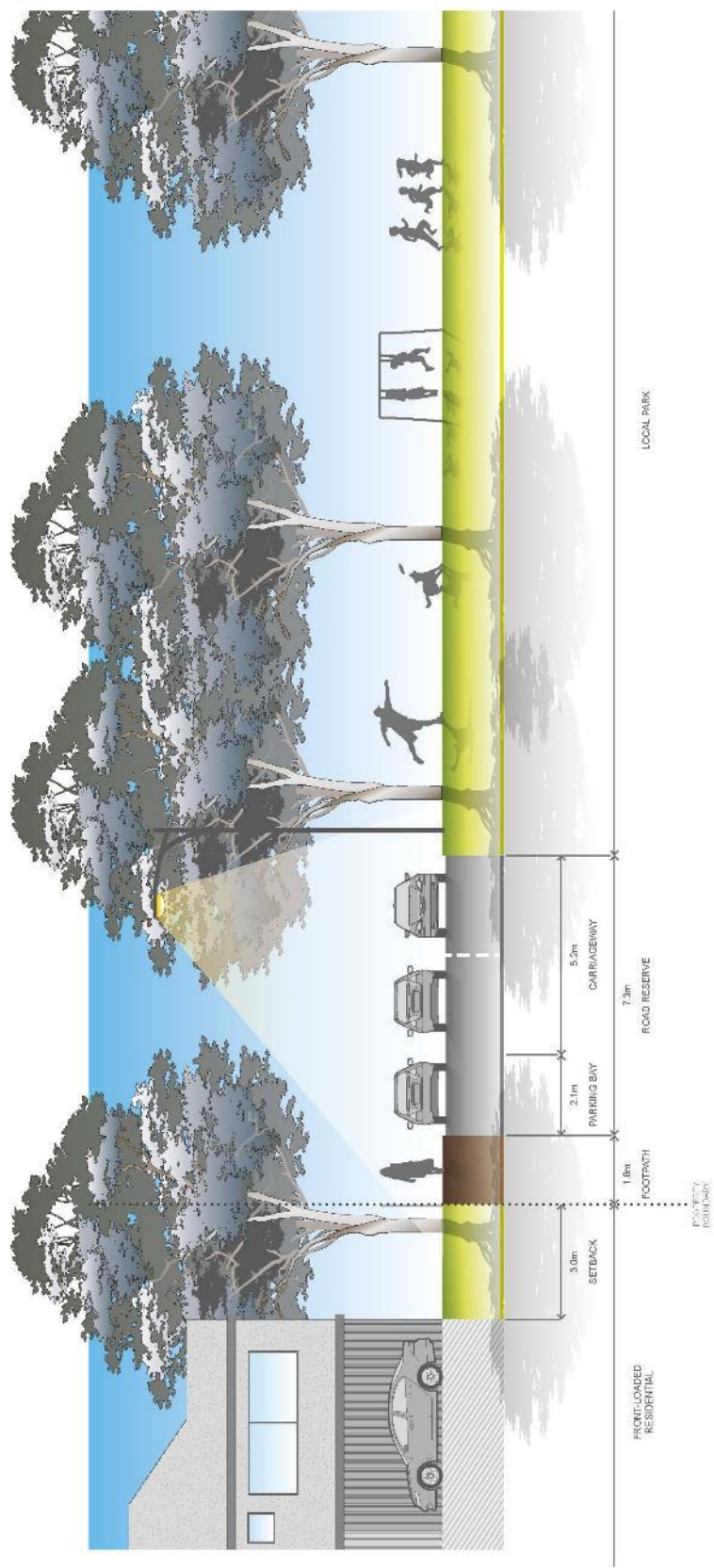


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Figure 12 - New Street Interface



Figure 13 - Local Park Interface (Road)



NOTE
 • Development should positively address local parks

Figure 4: Local Park Interface (Road)

Figure 14 - Local Park Interface (Direct Abuttal)

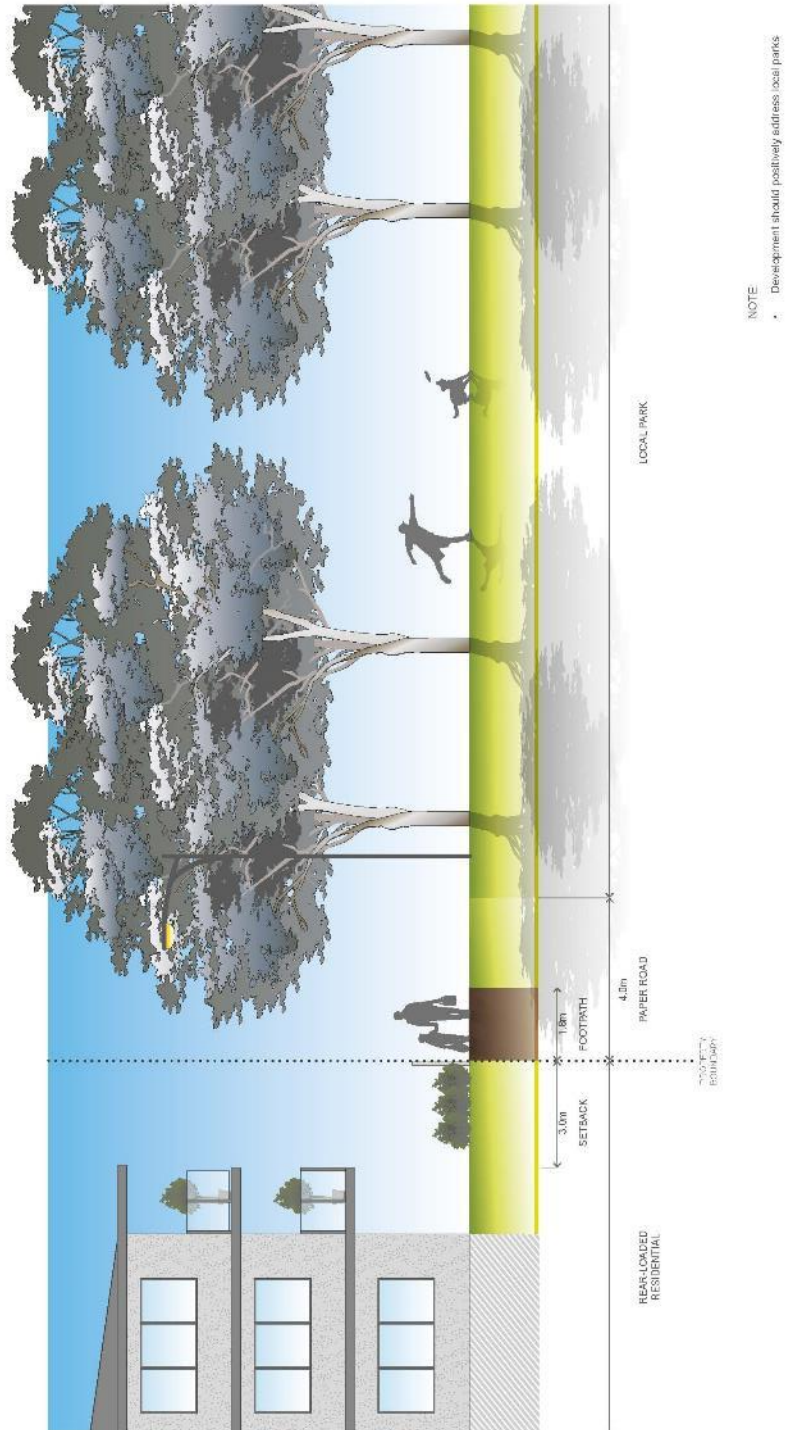


Figure 5: Local Park Interface (Direct Abuttal)

Figure 15- Commercial interface

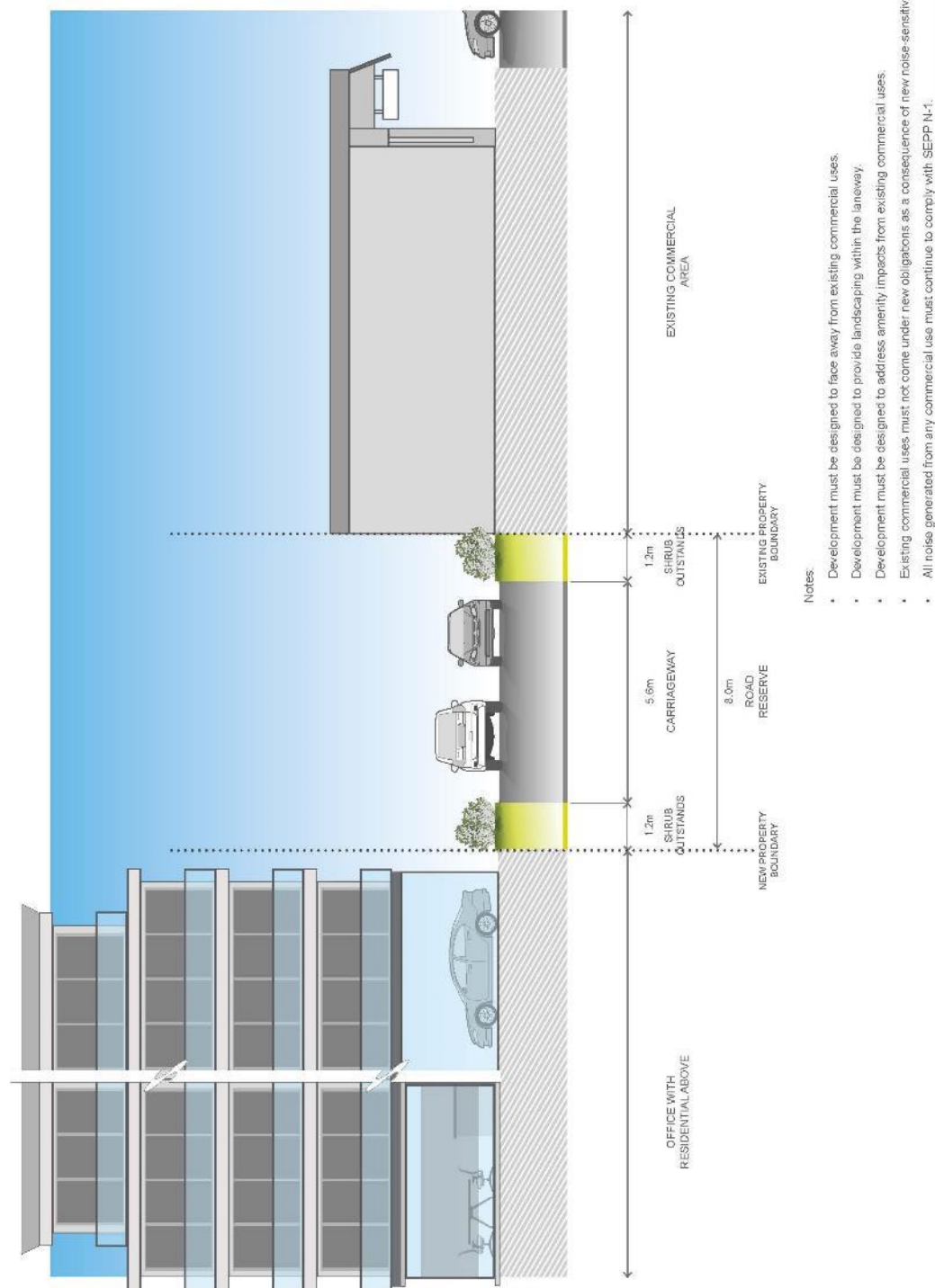


Figure 6: Transitional Commercial Interface

Figure 16- Drainage and West Gate Freeway Interface

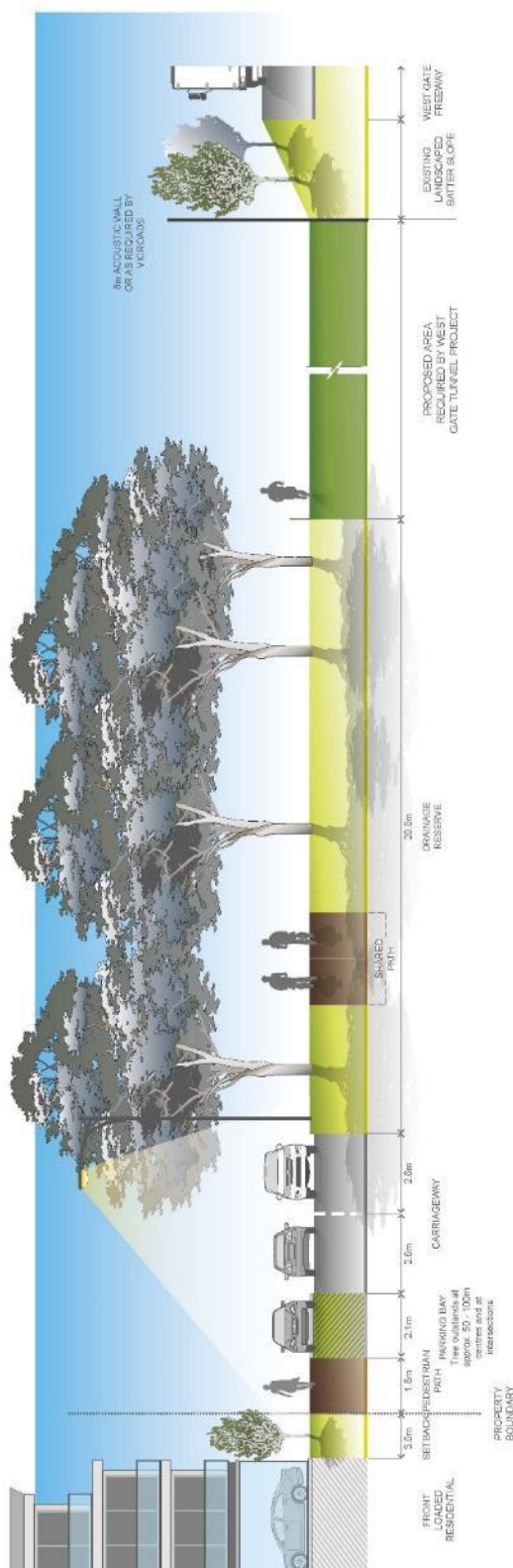


Figure 7: Drainage & West Gate Freeway Interface

Figure 17 - Terminal Station interface

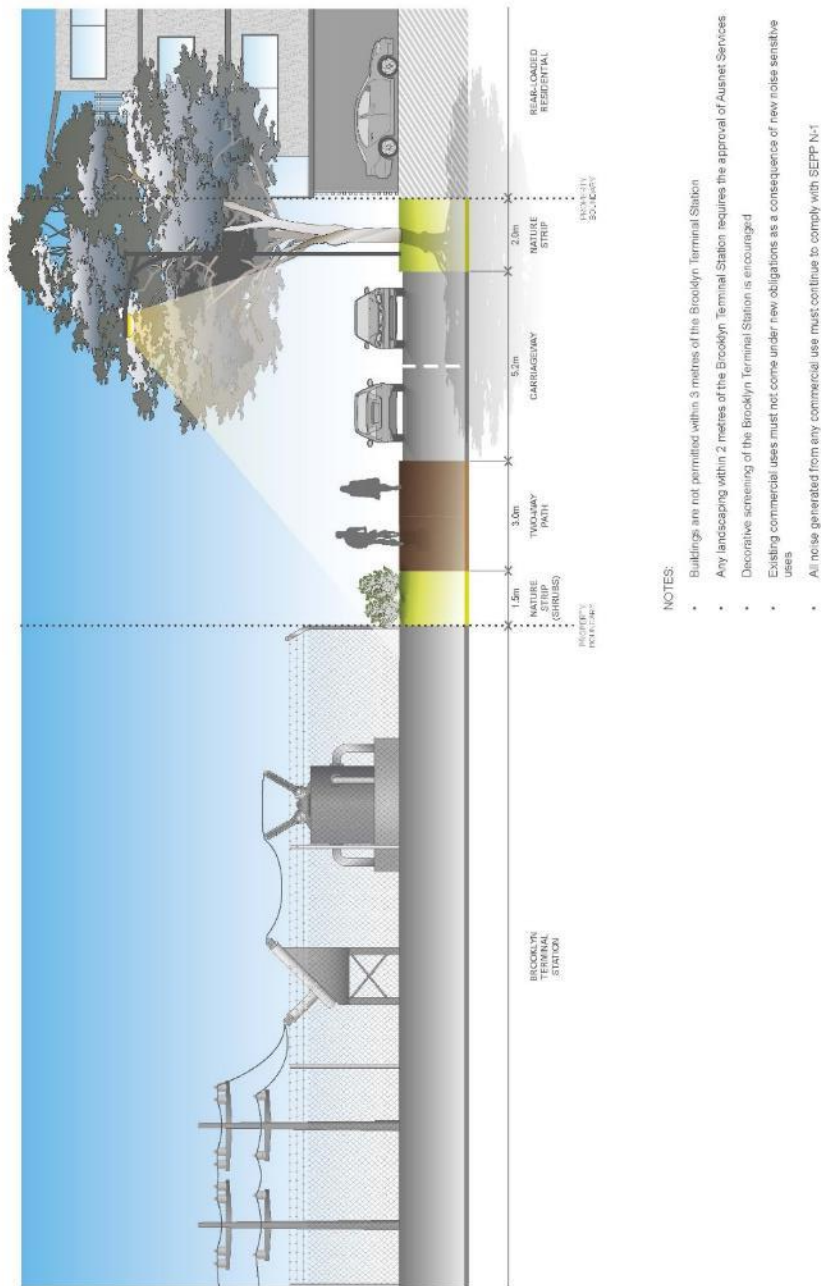


Figure 18 - Transitional Industrial Interface

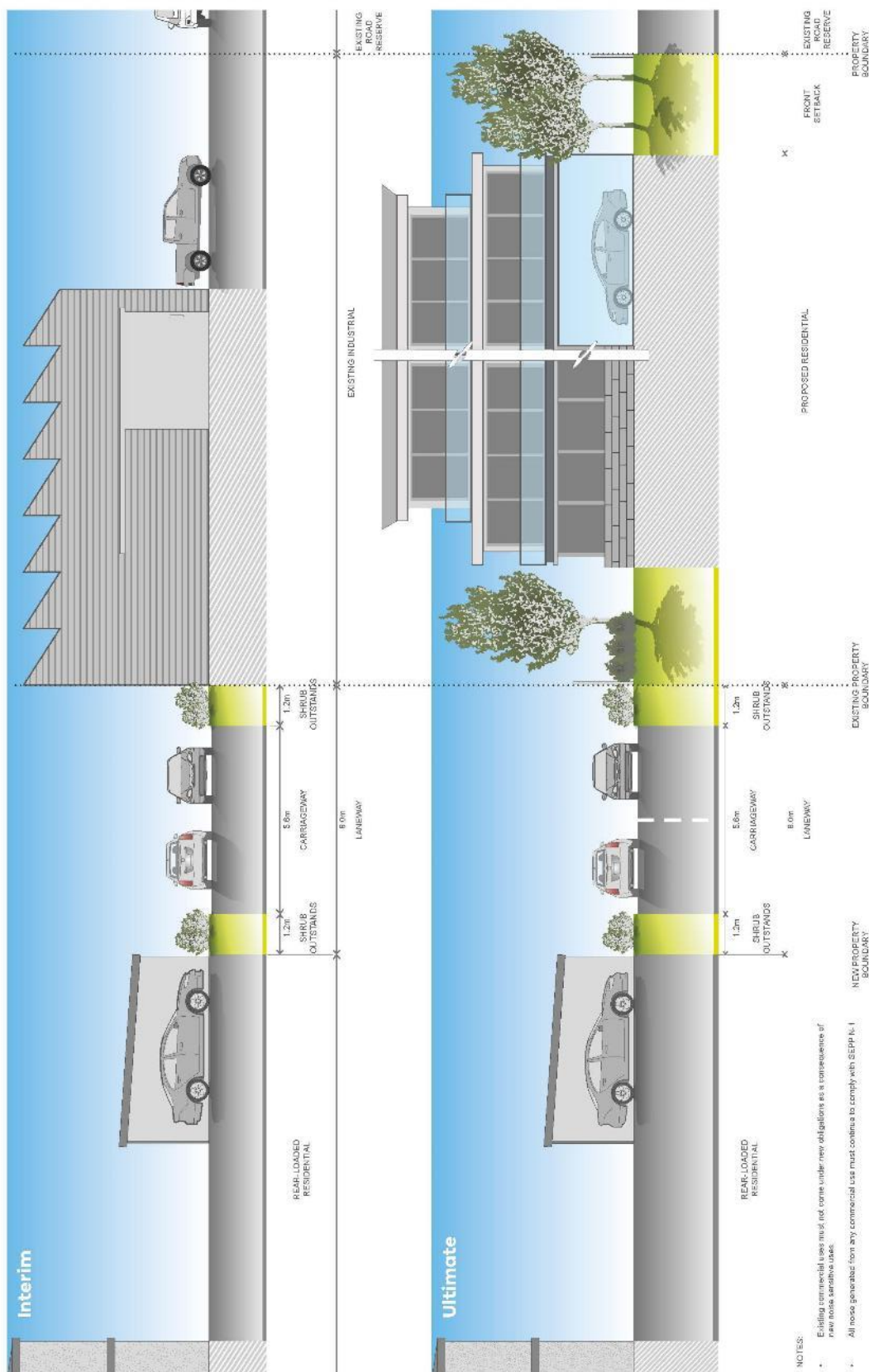


Figure 9: Transitional Industrial Interface

Figure 19 - 26m Connector Street

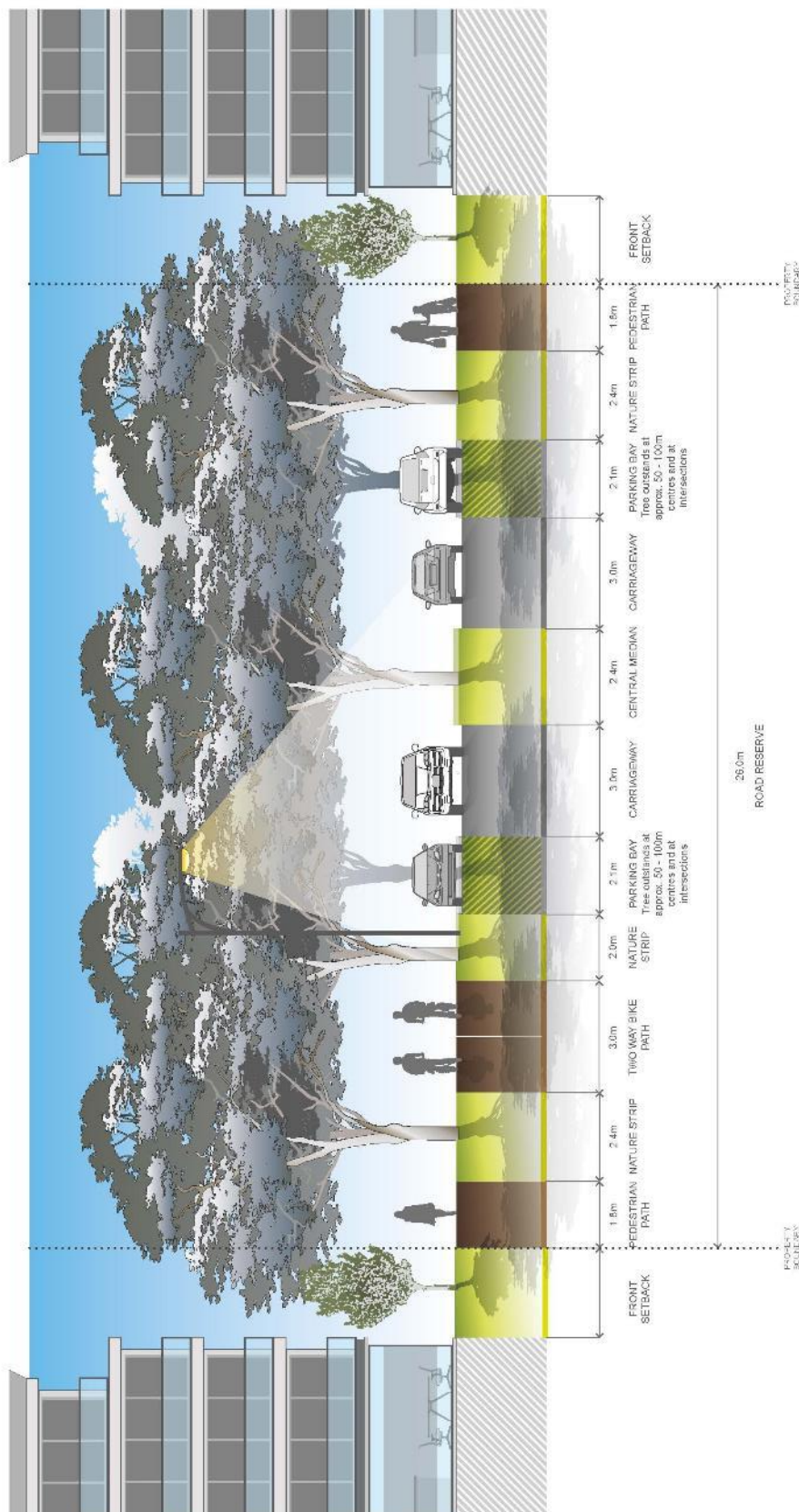


Figure 11: Connector Street (26.0m) Boulevard

Figure 20 - 25m Connector Street



Figure 21 - 19m Local Access Road

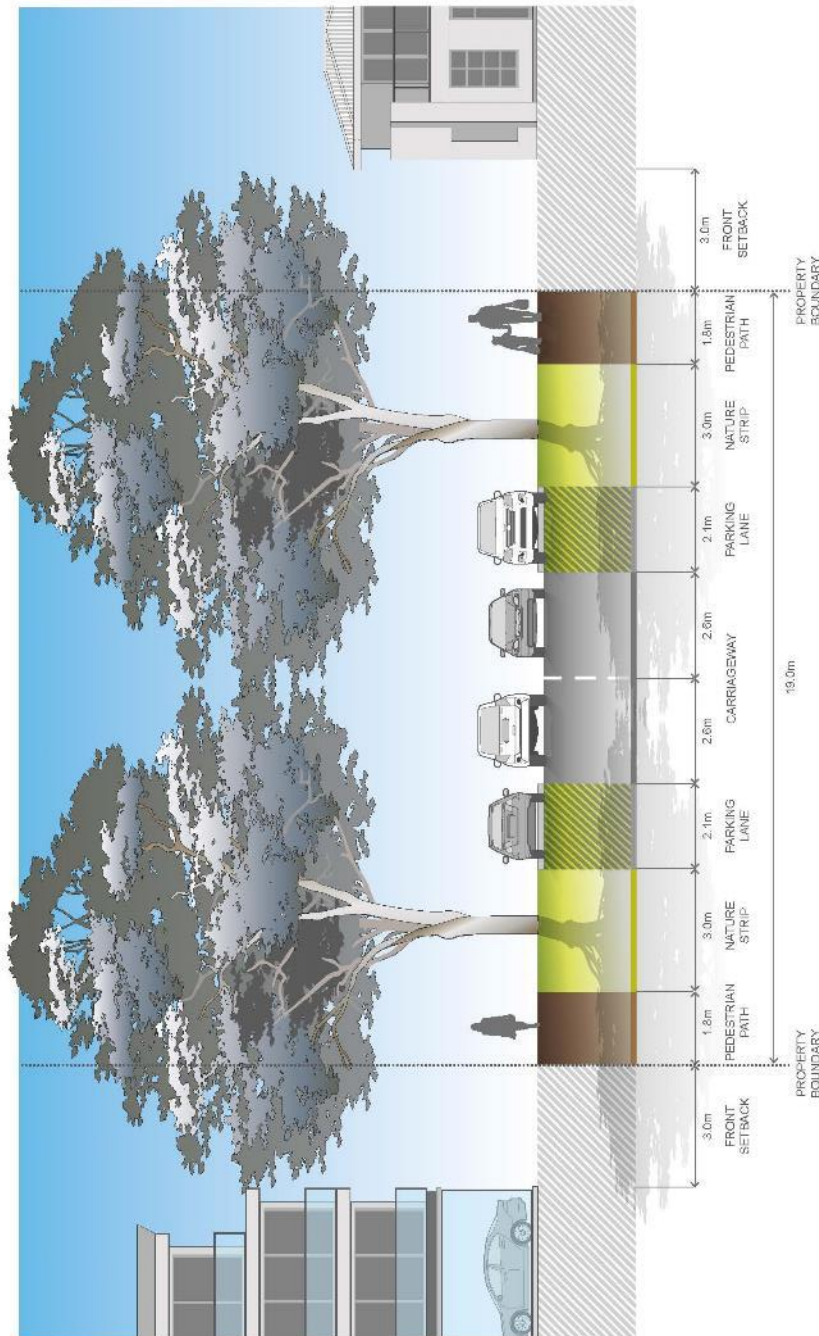


Figure 22 - 16m Local Access Road

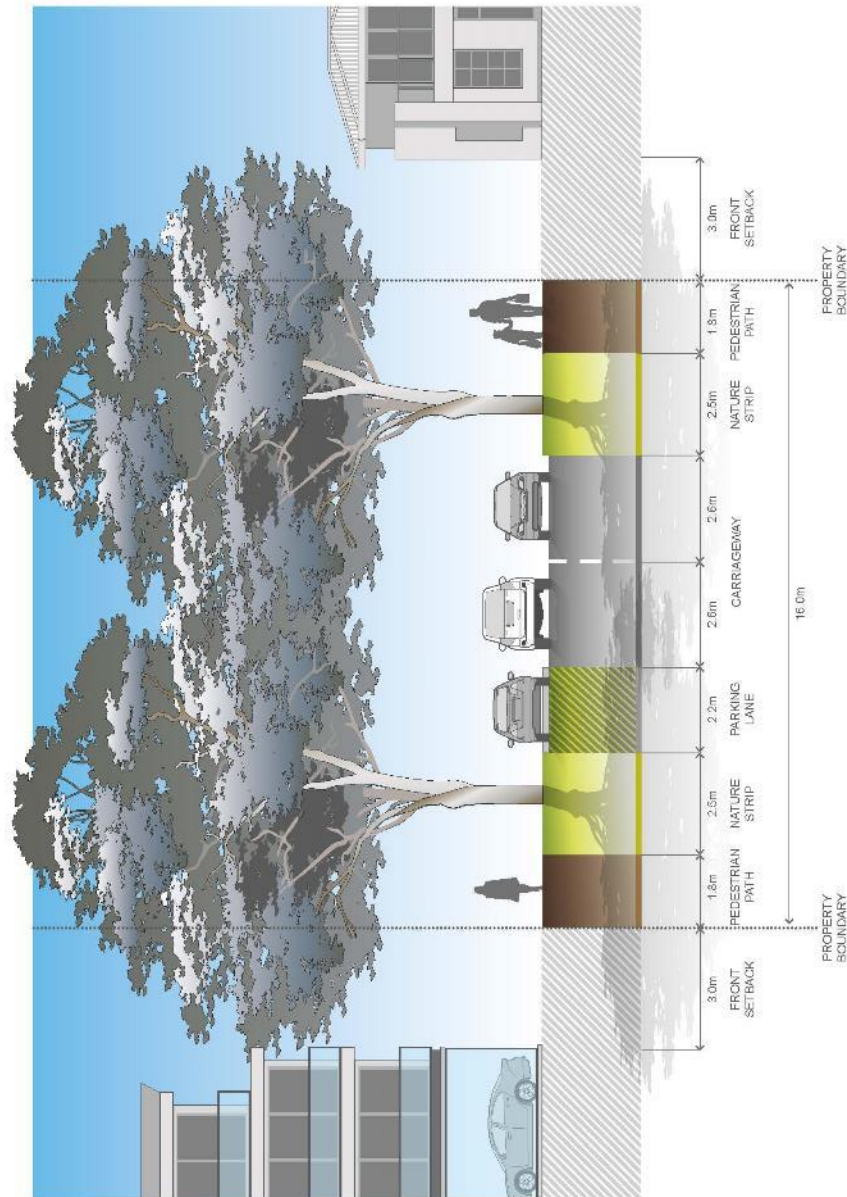


Figure 23 - 17.2m Local Access Road (with off-road shared path)

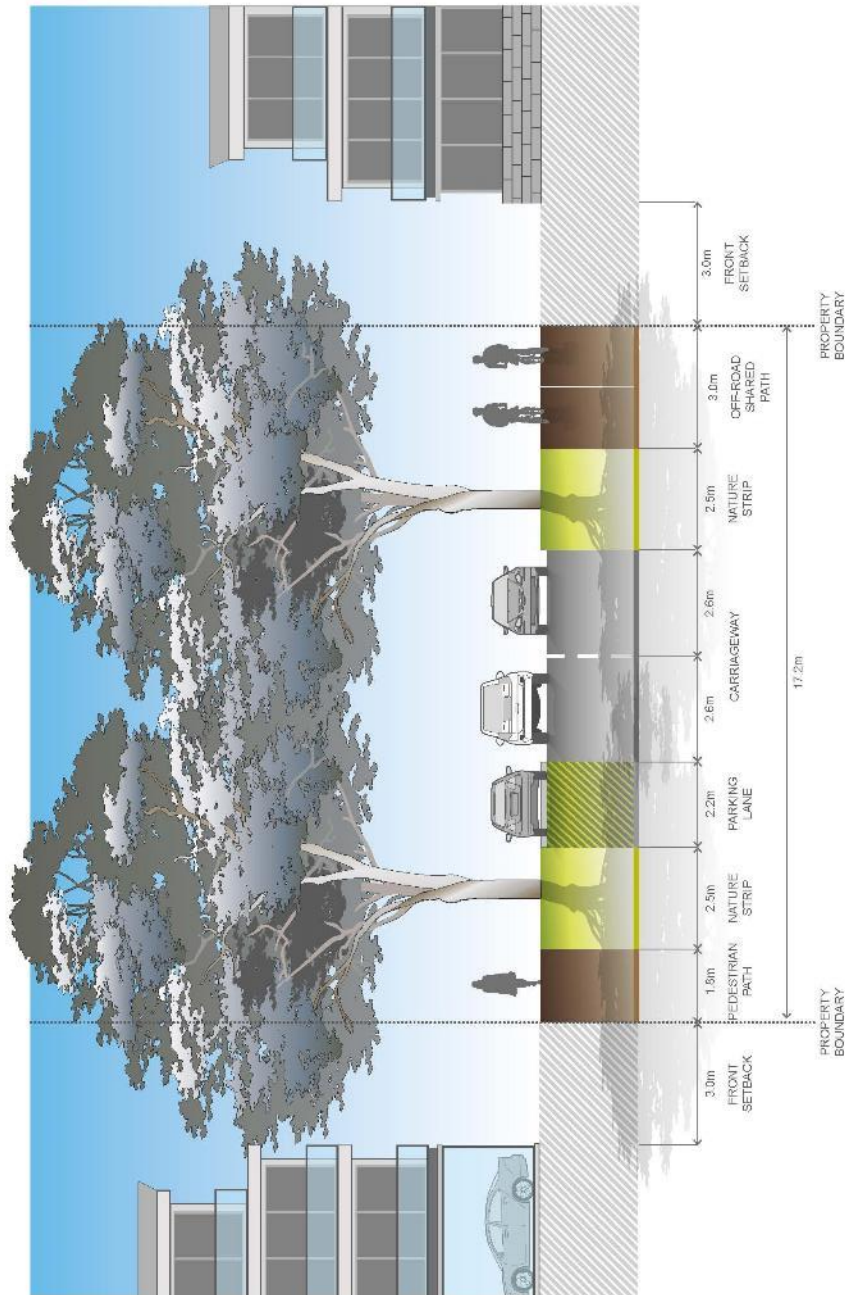


Figure 15: Access Street (17.2m) Off-Road Shared Path

Figure 24 - 8m Accessway (no standing)

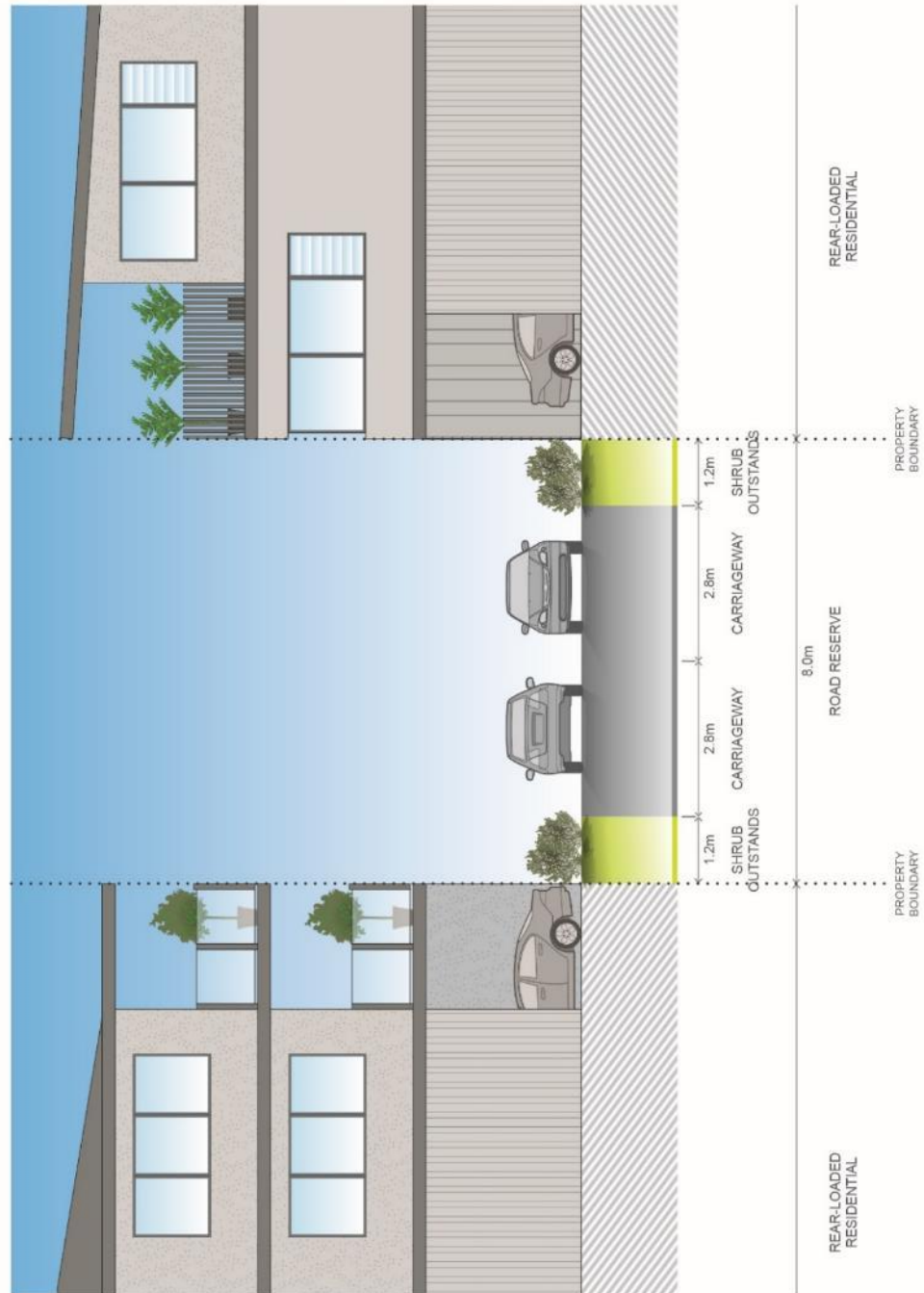


Figure 25 - 8m Accessway (parking sections)

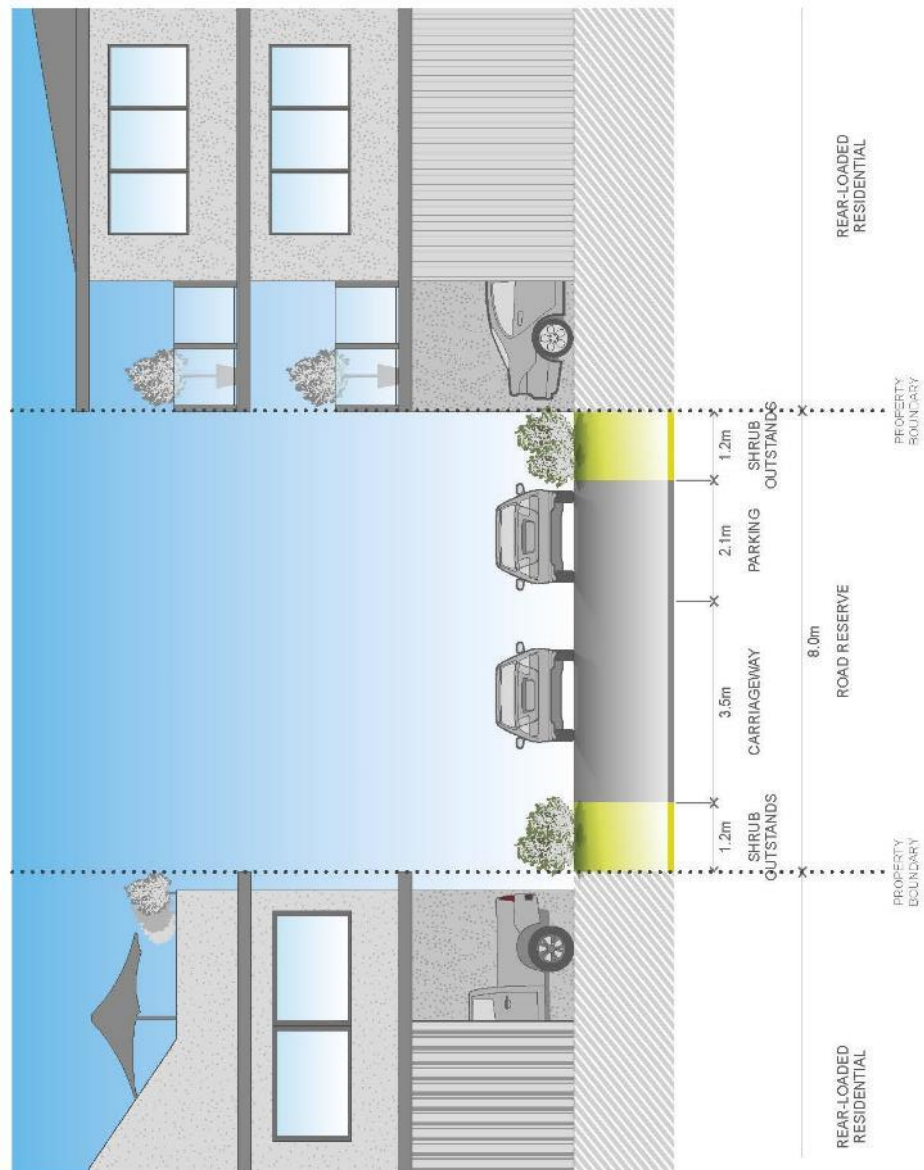
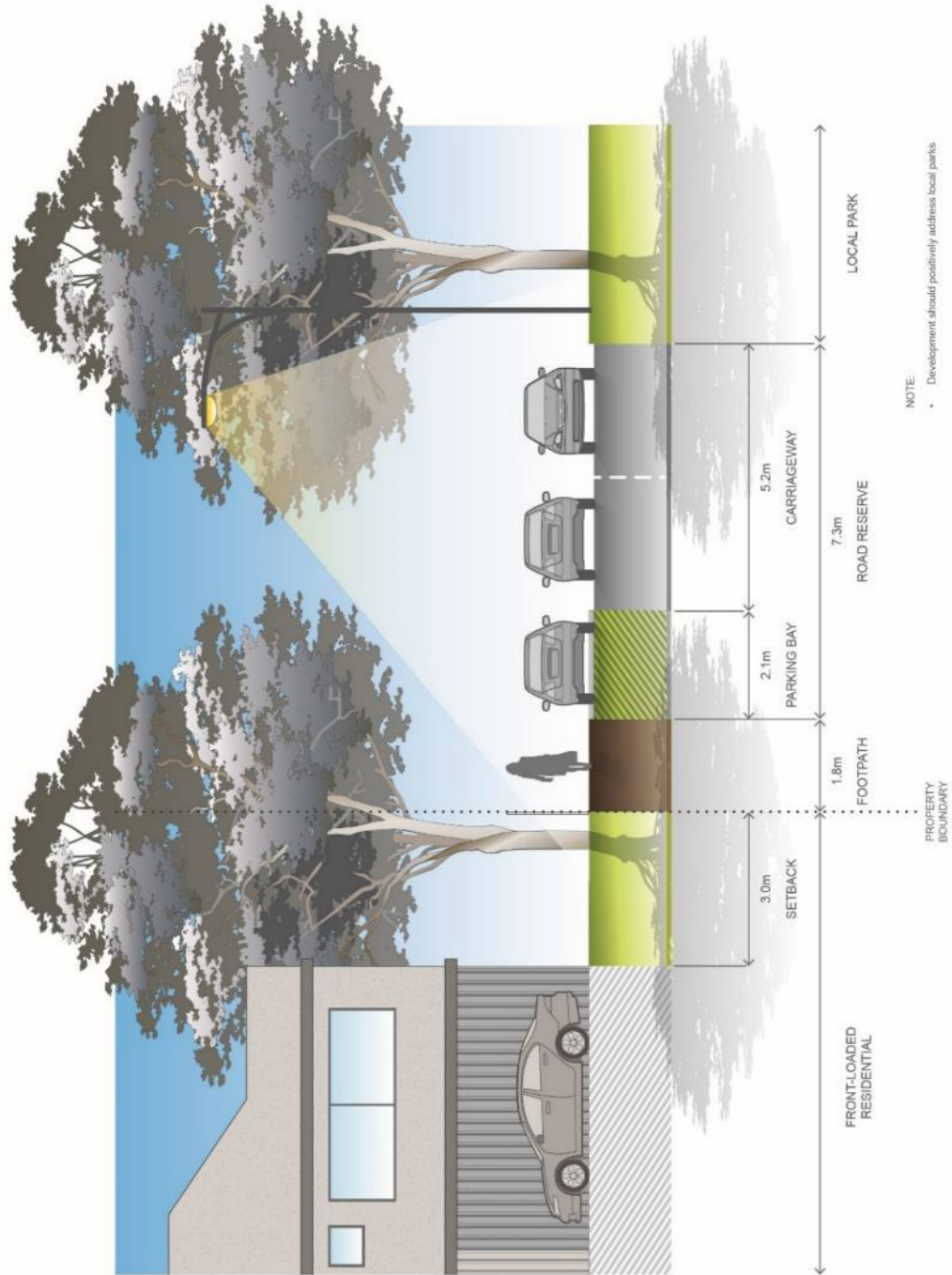
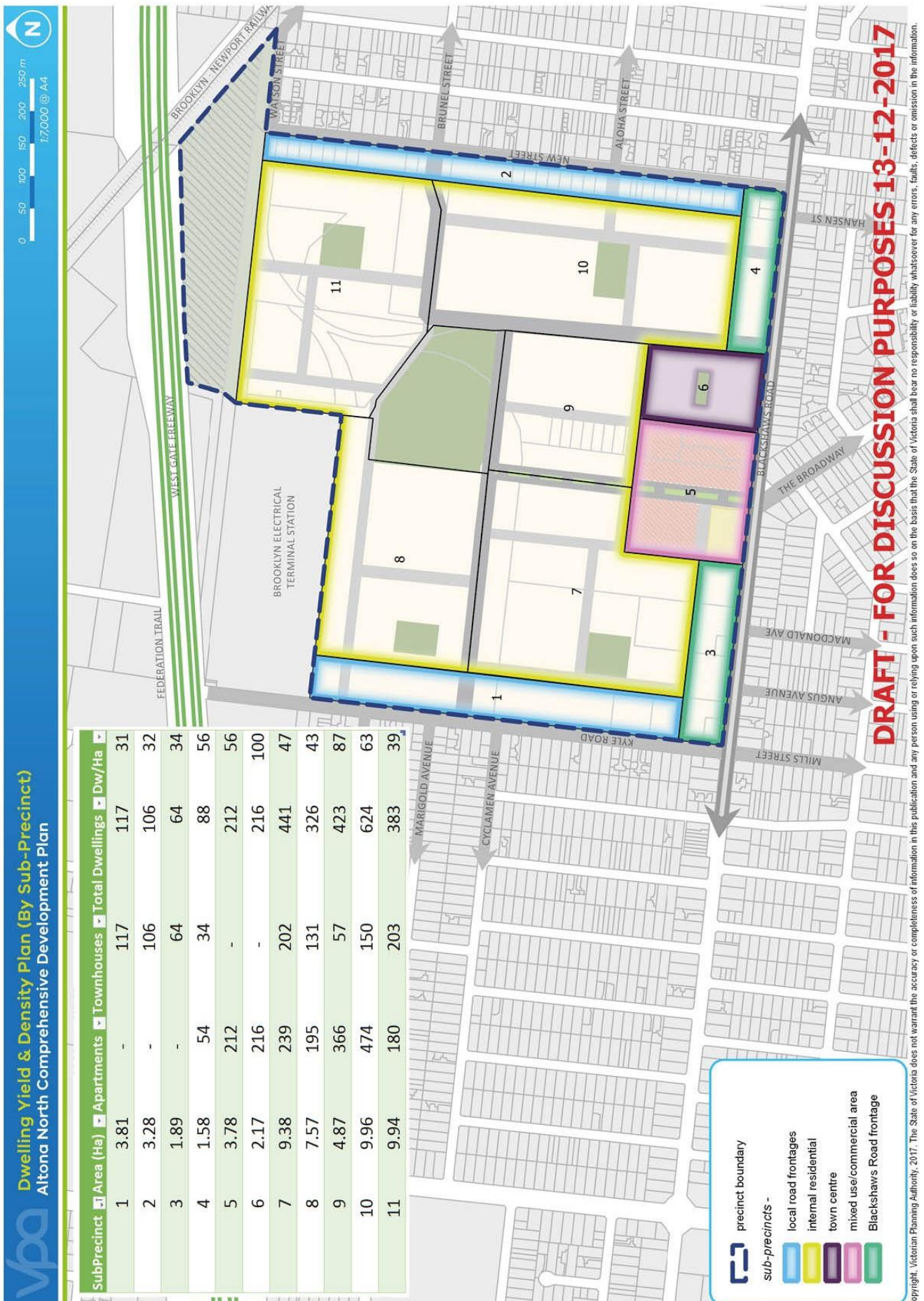


Figure 17: Accessway — Parking Sections (8.0m)

Figure 26 - 9.1m Frontage Access Road



5 APPENDIX B – DWELLING DENSITY AND DWELLING YIELD PLAN



6 GLOSSARY

Arterial Road

A higher order road providing for moderate to high volumes at relatively high speeds typically used for inter-suburban journeys and linking to freeways and identified under the Road Management Act 2004. All declared arterials are managed by the State Government.

Co-Location

Adjoining land uses to enable complementary programs, activities and services and shared use of resources and facilities. For example, the co-location of schools and active open space.

Community Infrastructure

Infrastructure provided by government or non-government organisations for accommodating a range of community support services, programs and activities. This includes facilities for education and learning (e.g. government and non-government schools, universities, adult learning centres); early years (e.g. preschool, maternal and child health, childcare); health and community services (eg. hospitals, aged care, doctors, dentists, family and youth services, specialist health services); community (e.g. civic centres, libraries, neighbourhood houses); arts and culture (e.g. galleries, museums, performance space); sport, recreation and leisure (e.g. swimming pools); justice (e.g. law courts); voluntary and faith (e.g. places of worship) and emergency services (e.g. police, fire and ambulance stations).

Connector Street

A lower order street providing for low to moderate volumes and moderate speeds, linking local streets to the arterial network managed by the relevant local council.

Development Contributions Plan

Document that sets out the contributions expected from each individual landowner to fund infrastructure and services. Refer to Part 3B of the Planning and Environment Act 1987.

Freeway

A high speed and high volume road with the highest level of access control and typically used for longer distance journeys across the Victorian area and country Victoria. All freeways are managed by VicRoads.

High Density Housing / Apartments

Housing with an average density of around 200 dwellings per net developable hectare.

Housing Density (Net)

The number of houses divided by net developable area

Linear Open Space Network

Corridors of open space, mainly along waterways that link together, forming a network.

Local Parks (Credited Open Space)

Open space that is set aside for parks, gardens, linear corridors, conservation bushlands, nature reserves, public squares and community gardens that are made available for passive recreation, play and unstructured physical activity including walking, cycling, hiking, revitalisation, contemplation and enjoying nature.

Lot

A part (consisting of one or more pieces) of any land (except a road, a reserve, or common property) shown on a plan, which can be disposed of separately and includes a unit or accessory unit on a registered plan of strata subdivision and a lot or accessory lot on a registered cluster plan.

Medium Density Housing

Housing with an average density of around 50 dwellings per net developable hectare.

Native Vegetation

Plants that are indigenous to Victoria, including trees, shrubs, herbs, and grasses.

Net Developable Area

Total amount of land within the Precinct that is made available for development of housing and employment buildings, including lots and local streets. Total Precinct area minus community facilities, schools and educational facilities and open space, arterial roads and encumbered land. Small local parks defined at subdivision stage are included in net developable area.

Paper Road

Paper roads are narrow road reservations generally located between public open space and residential dwellings. Paper roads are created on the Plan of Subdivision and are nominally 4.0 metres in width. Paper roads must be illuminated and landscaped to ensure an attractive park interface. Additionally, paper roads must be designed to prohibit unauthorised vehicular access.

Principal Public Transport Network

A high-quality public transport network that connects Principal and Major Centres, and comprises the existing radial fixed-rail network, extensions to this radial network and new cross-town bus routes.

Public Open Space

Land that is set aside in the Precinct structure plan for public recreation or public resort, or as parklands, or for similar purposes. Incorporates active and passive open space.

Sporting Reserves

Land set aside for the specific purpose of formal/organised club based sports.

Town Centre

Provide the focus for business, services, commercial and retail based employment and social interaction. They are where people shop, work, meet, relax and live. They are well-served by public transport, they range in size and intensity of use.

Uncredited Open Space

Land that is constrained for development purposes. Includes easements for power/transmission lines, sewers, gas, waterways, drainage, retarding basins/wetlands, landfill, conservation and heritage areas. This land may be used for a range of activities (e.g. walking paths, sports fields).

Appendix D1 Assessment of changes to the Schedule 2 to the Comprehensive Development Zone

The Panel recommends the following changes that have been incorporated in the revised Schedule 2 to the Comprehensive Development Zone as provided in Appendix D2:

Table 6 Proposed CDZ2 changes

CDZ2 item	VPA document (Document 78)	base	Council (Document 43 Attachment 2)	Landowners (Document 72)	Panel recommendation
Land	Refer to Document 78		Map 1 changed to reflect larger open space areas	Map 1 is to be changed to reflect a reduced mixed use/commercial area	Not supported. Refer to Chapters 6 and 8
Purpose	Refer to Document 78		No changes	No changes	Noted
Table of uses	Refer to Document 78		Support Council version 4 December 2017	Indoor recreational facility – delete first condition	Unsure why the use should be restricted to an existing building, and at what time does 'existing' operate from? Amend condition that requires the use to be located in the town centre or commercial / mixed use area
				Place of worship – delete first condition	Unsure why the use should be restricted to an existing building, and at what time does 'existing' operate from? Amend condition that requires the use to be located in the town centre or commercial / mixed use area
				Service industry – insert "the gross floor area of all buildings must not exceed 500 sqm"	Not supported - this is already a condition on Document 78

CDZ2 item	VPA document (Document 78)	base	Council (Document 43 Attachment 2)	Landowners (Document 72)	Panel recommendation
				Gambling premises – delete	Not supported – this use has a condition that it must be in the town centre or commercial / mixed use area. By deleting it the use becomes a permit required use with no condition.
				Industry – add “(other than Materials recycling and Refuse disposal)” and add these uses to Section 3	Supported – these uses will not be appropriate in the Precinct
				Retail premises – delete condition for it to be located in commercial / mixed use area	Not supported – this condition is still supported so the individual identification of the Section 2 use is appropriate
				Service station – add condition “must be located in the town centre, or the existing/future commercial area”	Supported – this use should not be located in a residential area but still refer to the commercial / mixed use area
				Cinema – delete from Section 3	Not supported – this use should be located in the town centre or commercial / mixed use area, but amend to condition to use correct text
				Exhibition centre – delete from Section 3	Not supported – this use should be located in the town centre or commercial / mixed use area
				Supermarket – amend condition to read “if the Section 1 condition is not met”	Supported
Use of land				Delete reference to “use must not be detrimental to....”	Not supported – this requirement is within the commercial zones so it is appropriate to retain it

CDZ2 item	VPA document (Document 78)	base	Council (Document 43 Attachment 2)	Landowners (Document 72)	Panel recommendation
				Delete “CDP must be complied with” and replace with “generally in accordance with...”	Not supported – refer to Chapter 10.1
				Amend preamble of use of land application requirements	Supported – this provides a clearer preamble than the exhibited version
				Delete reference to further work requirements if 3,000 dwellings exceeded	Not supported – refer to Chapter 5.5
				Delete “generally consistent with CDP” from exemption from notice and review	Not supported – this should be retained as it represents the right balance and community participation
				Amend preamble to decision guidelines, including deleting reference to 3,000+ dwellings application requirements	Supported – this provides a clearly preamble than the exhibited version
Subdivision				Amend preamble of subdivision requirements	Supported – this provides a clearly preamble than the exhibited version
				Relocate reference to pipelines in requirements to application requirements	Supported – a construction management plan is an application requirement
				Insert requirement that the construction management must be to the satisfaction of the Responsible Authority and that it can be amended from time to time	Supported
				Replace “must” with “should” in application requirements	Not supported – but add to end of preamble “as appropriate”
				Amend acoustic assessment requirement	Supported – this makes it more explicit to noise generated from the railway line

CDZ2 item	VPA document (Document 78)	base	Council (Document 43 Attachment 2)	Landowners (Document 72)	Panel recommendation
				Delete reference to WGTP in application requirements	Not supported – this is also an application requirement for “buildings and works” and the WGTP has been approved
				Minor changes to exemption from notice and review	Supported
				Amend preamble to decision guidelines	Supported
Buildings and works			Insert requirement for small lot housing code		Not supported – a lot under 300 sqm could be used for a dwelling without a permit, which should be the subject of Clause 54 provisions. The likelihood of this occurring is small
				Amend to reflect when a permit is not required and add statement that requires a permit if the discretionary/preferred building heights are exceeded	Not supported
				Delete references to Clause 45 and 55 as these are part of the planning scheme (duplication)	Supported
				Amend preamble to application requirements and other minor changes	Supported
				Relocate reference to CMP for protection of infrastructure to application requirements	Supported
				Amend preamble of decision guidelines	Supported
				Delete town centre decision guideline	Not supported – these are relevant decision guidelines
				Delete reference to Clause 54 and 55	Supported

CDZ2 item	VPA document (Document 78)	base	Council (Document 43 Attachment 2)	Landowners (Document 72)	Panel recommendation
Advertising signs				Amend and tabulate requirements	Supported

Appendix D2 Schedule 2 to the Comprehensive Development Zone supported the Panel

SCHEDULE 2 TO THE COMPREHENSIVE DEVELOPMENT ZONE

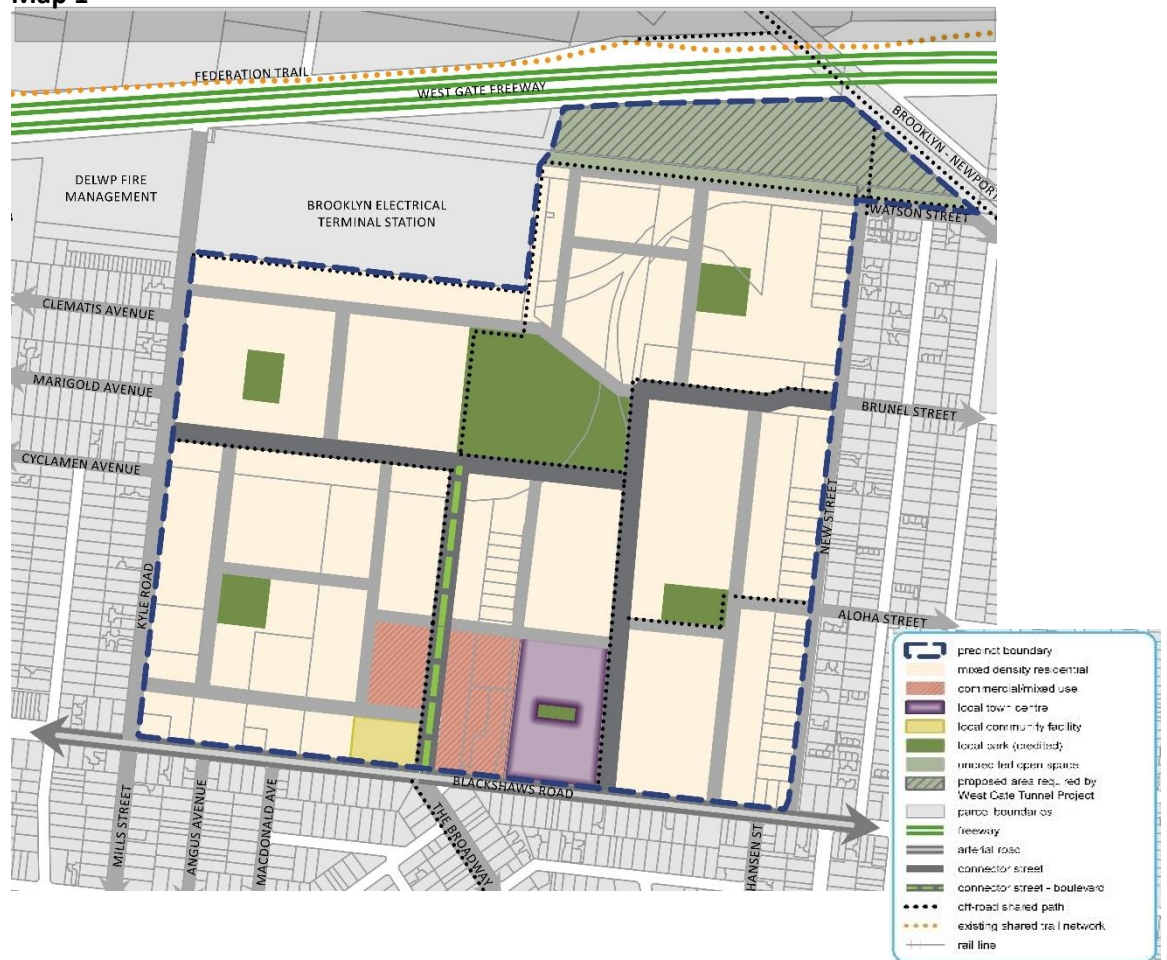
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Shown on the planning scheme map as CDZ2.

ALTONA NORTH COMPREHENSIVE DEVELOPMENT PLAN**Land**

The land is bordered by Kyle Road, Blackshaws Road, New Street, the West Gate Freeway and the Brooklyn Terminal Sub-station in Altona North and South Kingsville.

Map 1

Panel Note: the map to be included in the Schedule to the Comprehensive Development Zone must have a legend that can be clearly read.

Purpose

To facilitate transition from an industrial precinct to a mixed use precinct.

To facilitate the orderly development and integration of residential, commercial, retail and a mix of other uses.

To ensure that new sensitive uses do not unreasonably impact on the ongoing operations of industrial uses.

1.0 Table of uses

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Section 1 - Permit not required

Use	Condition
Accommodation (other than Corrective institution, Camping and caravan park and Residential aged care facility)	Must be located in the residential area; or Must be at least 7.2 metres (two storeys) above natural ground level at the primary street frontage excepting building entries in the town centre or commercial mixed use area. Must be no more than 3,000 dwellings in the CDP area.
Animal keeping (other than Animal boarding)	Must be no more than five animals.
Child care centre Cinema Education centre Exhibition centre	Must be located in the town centre or commercial/mixed use area.
Home occupation	
Indoor recreation facility	Must be located in the town centre or commercial/mixed use area. The gross floor area of all buildings must not exceed 500 square metres.
Informal outdoor recreation Minor utility installation	
Office	Must be located in the town centre or commercial/mixed use area.
Place of worship	Must be located in the town centre or commercial/mixed use area. The gross floor area of all buildings must not exceed 250 square metres.
Residential aged care facility	Must be located more than 450 metres from the South Melbourne to Brooklyn (PL108) gas transmission pipeline or the Altona to Somerton (PL118) fuel pipeline.
Restricted recreation facility	Must be located in an existing building in the town centre or commercial/mixed use area. The gross floor area of all buildings must not exceed 500 square metres.

Use	Condition
Retail premises (other than Adult sex bookshop, Department store, Gambling premises and Supermarket)	Must be located in the town centre.
Service industry	Must be located in an existing building in the town centre or commercial/mixed use area. The gross floor area of all buildings must not exceed 500 square metres.
Supermarket	Must be located in the town centre
Tramway	
Veterinary centre	Must be located in an existing building in the town centre or commercial/mixed use area. The gross floor area of all buildings must not exceed 250 square metres.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Emergency services facility	Must be located in the town centre or commercial / mixed use area. The site must either adjoin, or have access to, a road in a Road Zone.
Gambling premises (other than Gaming premises) Hospital Hotel	Must be located in the town centre or commercial / mixed use area.
Industry (other than Materials recycling and Refuse disposal)	Must be located in the town centre or commercial / mixed use area. Must not be a purpose listed in the table to Clause 52.10.
Research centre	Must be located in the town centre or commercial / mixed use area.
Retail premises (other than Adult sex bookshop, Convenience Shop, Department store Gaming premises, Supermarket and Take away food and drink premises) — where the section 1 condition is not met	Must be located in the commercial / mixed use area.

Use	Condition
Service station	Must be located in town centre or commercial / mixed use area. The site must either adjoin, or have access to, a road in a Road Zone. The site must not exceed 3000 square metres.
Tavern	Must be located in the town centre or commercial / mixed use area.
Warehouse	Must be located in the town centre or commercial / mixed use area. Must not be a purpose listed in the table to Clause 52.10.
Any other use not in section 1 or 3	

Section 3 - Prohibited

Use
Adult sex bookshop
Brothel
Camping and caravan park
Cemetery
Cinema – if the section 1 condition is not met
Corrective institution
Crematorium
Department store
Exhibition centre - if the section 1 condition is not met
Freeway service centre
Gaming premises
Helicopter landing site
Major sport and recreation facility
Materials recycling
Motor racing track
Nightclub
Pleasure boat facility
Refuse disposal
Saleyard
Supermarket- if the section 1 condition is not met
Transport terminal
Winery

2.0 Use of land

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Requirements

The use of land must be generally in accordance with the Altona North Comprehensive Development Plan, noting that all requirements must be met.

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.

Application requirements

An application to use land must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of activities which will be carried out.
- The likely effects of the use, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access and glare.
- If an industry or warehouse:
 - The type and quantity of goods to be stored, processed or produced.
 - Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
 - Whether a notification under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2000 is exceeded.
- If a dwelling:
 - The likely effects of the dwellings on the local and regional traffic network;
 - The works, services or facilities required to cater for those effects so that the efficiency and safety of the traffic network is maintained;
 - The proposed method of funding the required works, services or facilities;
 - The availability and capacity of the power, drainage, sewer, water and digital networks;
 - Any necessary upgrades to those networks;
- The proposed method of funding the upgrade works.
- A Social Impact Assessment prepared in accordance with *Preparing Social Impact Assessments: Applicant Guidelines* as adopted by Hobsons Bay City Council.

Exemption from notice and review

An application for the use of land 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 if it is generally consistent with the Altona North Comprehensive Development Plan.

Decision guidelines

Before deciding on an application to use land, in addition to any other relevant decision guidelines, the responsible authority must consider, as appropriate:

- The Altona North Comprehensive Development Plan.
- The effect that existing lawful uses may have on the proposed use.
- If an industry or warehouse, the effect that the use may have on the amenity of the area and the means of addressing any unreasonable impacts.
- For an application to use land for a dwelling the responsible authority must consider the capacity of the local and regional traffic networks, local utilities and community facilities to support the proposed number of dwellings.

3.0

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Subdivision

Requirements

An application for subdivision must be generally in accordance with the Altona North Comprehensive Development Plan.

Prior to the issue of a Statement of Compliance for any subdivision of land, the owner of the land must enter into an agreement with the Hobsons Bay City Council (Council) under section 173 of the Planning and Environment Act 1987, which must provide for the following:

Provision for affordable housing

The land owner must make a contribution towards affordable housing (**Affordable Housing Contribution**) to the satisfaction of the Council.

For the purposes of the agreement “affordable housing” is to have the same meaning as any definition of that phrase contained within the Planning and Environment Act 1987, or (if no such definition exists) it means housing that is appropriate for the housing needs of very low, low and moderate income households or any other definition as agreed between the land owner and the Council.

The agreement must include terms which provide for the manner in which the Affordable Housing Contribution is to be made, including when and how the contribution is to be made.

The agreement must provide for the Affordable Housing Contribution that is to be made by the land owner to be determined as follows:

- A number of dwellings equal to 5% of the total dwellings that are constructed on the land rounded down to the nearest whole number, or any lesser number of dwellings

as agreed between the parties, must be identified as Affordable Housing Dwellings by the land owner.

- The Affordable Housing Dwellings are to be made available by the land owner for purchase by either the Council, or by a housing agency which is registered as either a housing association or housing provider under the Housing Act 1983 (**Housing Agency**).
- The price at which the Affordable Housing Dwellings are to be made available for purchase to the Council or a Housing Agency must not exceed an amount that is 25% less than the current 12-month median unit price for a two-bedroom unit in Altona North as published by the Real Estate Institute of Victoria as at the date the agreement is made (**Offer Price**).
- Alternatively, the land owner and the purchaser may agree to a purchase price that is different to the Offer Price for any or all of the Affordable Housing Dwellings.
- If any of the Affordable Housing Dwellings are not purchased by the Council or a Housing Agency then, with respect to any unpurchased Affordable Housing Dwellings, the land owner must instead make to the Council or a Registered Housing Association an Affordable Housing Payment.
- The amount of the Affordable Housing Payment must not be less than an amount equal to the number of Affordable Housing Dwellings that have not been purchased, multiplied by a figure which represents 25% of the current 12-month median unit price for a two bedroom unit in Altona North as published by the Real Estate Institute of Victoria as at the date the agreement is made.

The agreement must also provide that it is open to the parties to reach agreement as to any other, alternative method by which the land owner can make or deliver the Affordable Housing Contribution.

The agreement must also provide that where the parties have agreed on an alternative method by which the Affordable Housing Contribution may be provided, and the land owner makes a contribution that is in accordance with that agreed method, then any obligation of the land owner to make the Affordable Housing Contribution has been fully and finally discharged.

Compensation for Additional Public Open Space Land

If the land to be subdivided is required by the Altona North Precinct Comprehensive Development Plan to include an area or areas of Public Open Space that in total area exceeds the percentage specified as the open space contribution for the land in clause 52.01 (Additional Land):

- The owner must agree to transfer to the Council at no cost all of the land in the subdivision identified in the Altona North Precinct Comprehensive Development Plan as Public Open Space to the Council including the Additional Land; and
- The Council must agree to pay compensation to the landowner for the Additional Land, at a time and in a manner agreed to by the parties.

If the land to be subdivided is required by the Altona North Precinct Comprehensive Development Plan to include an area or areas of Public Open Space that is less than the percentage specified as the open space contribution for the land in clause 52.01:

- The owner must agree to transfer to the Council at no cost all of the land in the subdivision identified in the Altona North Precinct Comprehensive Development Plan as Public Open Space to the Council; and

- The owner must agree to pay an amount to the Council that reflects the difference between the amount of actual land being transferred to the Council and the percentage identified as the open space contribution for the land in clause 52.01, at a time and in a manner agreed to by the parties.

Standard of open space on transfer to municipal council

All public open space must be finished to a standard that satisfies the reasonable requirements of the responsible authority prior to the transfer of the public open space, including:

- Removal of all existing disused structures, foundations, pipelines and stockpiles;
- Clearing of rubbish, environmental weeds and rocks
- Levelled, topsoiled and grassed with warm climate grass;
- Provision of water tapping, potable, and where available recycled, water connection points;
- Sewer, gas and electricity connection points to land;
- Trees and other plantings;
- Vehicle exclusion devices (fence, bollards or other suitable methods) and maintenance access points;
- Installation of park furniture including barbeques, shelters, rubbish bins, local scale playground equipment, appropriate paving and pedestrian and cycle paths; and
- A certificate of environmental audit for the land in accordance with Part IXD of the *Environment Protection Act 1970*; or a statement of environmental audit for the land, without onerous ongoing requirements to the satisfaction of the municipal council, in accordance with Part IXD of the *Environment Protection Act 1970*.

Works to be provided in association with development

Development within the precinct must provide and meet the total cost of delivering the following infrastructure, unless provided for in an incorporated Development Contributions Plan:

- Connector streets and local streets;
- Local bus stop infrastructure where locations are agreed in writing by Public Transport Victoria;
- Landscaping, and where required by the responsible authority, fencing of abutting streets and roads;
- Intersection works and traffic management measures along arterial roads, connector streets, and local streets;
- Local shared, pedestrian and bicycle paths along local roads, connector streets, utilities easements, local streets, waterways and within local parks including bridges, intersections, and barrier crossing points;
- Bicycle parking;
- Appropriately scaled lighting along all roads, major shared and pedestrian paths, and traversing the open space network; and
- Local drainage system and water quality systems.

Application requirements

An application to subdivide land for an accommodation use, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must be accompanied by, as appropriate:

- An assessment of the dwelling density and dwelling yield of the residential development proposed in relation to the density for the sub-precinct in which the land is located, as shown on the Dwelling Density and Dwelling Yield Plan contained in the Altona North Comprehensive Development Plan. The assessment should set out how the number of dwellings proposed is contributing to the overall target of 3,000 dwellings.
- A land use budget setting out the proposed land use areas or the number of premises e.g. dwellings in the plan, including details about how the development is contributing to the overall target of 3,000 dwellings.
- A plan showing the proposed subdivision in the context of *Plan 1: Future Urban Structure* and any other relevant plan in the Altona North Comprehensive Development Plan.
- Where the land is likely to be detrimentally impacted by noise levels associated with the national freight rail line adjoining the north east corner of the precinct or an existing industrial use, an acoustic assessment prepared by a qualified acoustic engineer or other suitably skilled person to the satisfaction of the responsible authority. The acoustic assessment must:
 - Provide an assessment of noise impacts on the land taking into account the likely noise levels associated with the West Gate Freeway, the West Gate Tunnel and the national freight rail line adjoining the northeast corner of the precinct.
 - Include recommendations for noise attenuation measures designed to achieve reasonable internal bedroom noise limits.

If in the opinion of the responsible authority the requirement for an acoustic assessment is not necessary or appropriate for the proper assessment of an application, the responsible authority may waive or reduce the requirement.

- An application to subdivide land must also be accompanied by a design response that addresses the recommendations of the acoustic assessment and minimises the number of buildings requiring architectural noise attenuation treatments.
- An application for subdivision that includes provision to construct or carry out works for an acoustic wall or other acoustic structure that is not part of a building must also be accompanied by a plan, elevations and other suitable material prepared to the satisfaction of the responsible authority showing:
 - A visually engaging design avoiding the use of a sheer wall on either side of the structure.
 - Landscaping along the interface area of the structure to soften its visual impact.
- Prior to the commencement of any works related to a subdivision, including demolition, on land within 60 metres of South Melbourne to Brooklyn (PL108) gas transmission pipeline or the Altona to Somerton (PL118) fuel pipeline a construction management plan must be submitted to and approved by the responsible authority. The plan must:
 - Prohibit the use of rippers or horizontal directional drills.

- Set out measures to ensure the protection of the pipelines during construction.
- Be endorsed by the operator of the gas or fuel transmission pipeline.
- Include any other relevant matter to the satisfaction of the responsible authority.

Exemption from notice and review

An application to subdivide land 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 Planning and Environment Act 1987.

This does not apply to an application that proposes to relocate a street, public open space or trail shown on the Future Urban Structure Plan or other plan in the CDP, from one lot to another lot in different ownership.

Decision guidelines

Before deciding on an application to subdivide land, in addition to any other relevant decision guidelines, the responsible authority must consider, as appropriate:

- The Altona North Comprehensive Development Plan.
- Whether the subdivision provides for public roads and (if so) how the proposed public roads integrate with the existing and proposed surrounding road network.
- The effect of the subdivision on the redevelopment of the area in the long term.

4.0

Buildings and works

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No permit required

A permit is not required to:

- Construct or extend one dwelling on a lot that is greater than 300 square metres in area. This does not apply where the dwelling exceeds any of the discretionary building or façade heights or setbacks identified in Table 1 – Land use and built form outcomes.
- Construct or extend a front fence unless the front fence is within 3 metres of a street and associated with one dwelling on:
 - a lot of less than 300 square metres.
 - a lot more than 300 square metres in area on land described as 'local road frontages' or Blackshaws Road frontage' on *Plan 2: Sub Precincts Plan* in the Altona North Comprehensive Development Plan; and
 - the fence exceeds 1.2 metres in height.
- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.

Permit requirements

An application to construct a building or construct or carry out works must be generally in accordance with the Altona North Comprehensive Development Plan.

Application requirements

An application to construct a building or construct or carry out works, other than for accommodation, must be accompanied by the following information, as appropriate:

- An assessment of the dwelling density and dwelling yield of the residential development proposed in relation to the target density for the sub-precinct in which the land is located, as shown on the Dwelling Density and Dwelling Yield Plan contained in the Altona North Comprehensive Development Plan. The assessment should set out how the number of dwellings proposed is contributing to the overall target of 3,000 dwellings.
- A plan drawn to scale which shows:
 - The boundaries and dimensions of the site.
 - Adjoining roads.
 - The location, height and purpose of buildings and works on adjoining land.
 - Relevant ground levels.
 - The layout of existing and proposed buildings and works.
 - All driveway, car parking and loading areas.
 - Proposed landscape areas.
 - All external storage and waste treatment areas.
 - Areas not required for immediate use.
- Elevation drawings to scale showing the design, colour and materials of all buildings and works.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.

An application to construct a building or, where relevant carry out works for accommodation must be accompanied by an acoustic assessment prepared by a qualified acoustic engineer or other suitably skilled person to the satisfaction of the responsible authority. The acoustic assessment must, as appropriate:

- Provide an assessment of noise levels on the land taking into account the likely noise levels associated with the West Gate Freeway, the West Gate Tunnel Project and the national freight rail line adjoining the north-east corner of the precinct or existing industrial uses.
- Include recommendations for noise attenuation measures designed to achieve reasonable internal bedroom noise limits.

If in the opinion of the responsible authority the requirement for an acoustic assessment is not relevant to the assessment of an application, the responsible authority may waive or alter the requirement.

An application to construct, or carry out works for, an acoustic wall or other acoustic structure that is not part of a building must also be accompanied by a plan, elevations and other suitable material prepared to the satisfaction of the responsible authority showing:

- A visually engaging design avoiding the use of a sheer wall on either side of the structure.
- Landscaping along the interface area of the structure to soften its visual impact.

An application to construct a building must be accompanied by a sustainability management plan prepared by a suitably qualified professional or other suitably skilled person that demonstrates, as appropriate:

- The adoption of best practice environmental management during construction including provision for the re-use and recycling of materials and waste.
- That the building will be designed to provide an opportunity for reduced energy and resource use by occupants including:
 - Maximising access to natural ventilation of interior spaces
 - Maximising direct daylight access and views to outdoor spaces
 - Minimising hard surfaces and maximising landscaped areas in spaces outside the building
 - Passive design features to reduce heat gain in summer and maximise heat gain in winter
 - Providing for on-site energy production
 - Using an appropriate design and assessment tool for energy and resource use to the satisfaction of the responsible authority.

The height of a residential building or multi-dwelling building located within 60 metres of the South Melbourne to Brooklyn (PL108) gas transmission pipeline or the Altona to Somerton (PL118) fuel pipeline must not exceed 10.4 metres (3 storeys).

Prior to the commencement of any building or works, including demolition, on land within 60 metres of South Melbourne to Brooklyn (PL108) gas transmission pipeline or the Altona to Somerton (PL118) fuel pipeline a construction management plan must be submitted to and approved by the responsible authority. The plan must:

- Prohibit the use of rippers or horizontal directional drills.
- Set out measures to ensure the protection of the pipelines during construction.
- Be endorsed by the operator of the gas or fuel transmission pipeline.
- Include any other relevant matter to the satisfaction of the responsible authority.

A permit to construct a building or carry out works must require a construction management plan to, in addition to any other relevant matter, protect and implement the following matters as relevant:

- The disused fuel transmission pipeline under Blackshaws Road.
- The mobile telecommunications tower near the northern boundary of 278 Blackshaws Road and the southern boundary of 40-68 Kyle Road.
- The elimination, containment and management of weeds on the site.
- Protection of, and maintenance of access to, the Brooklyn Main Trunk Sewer.

Decision guidelines

Before deciding on an application to construct a building or construct or carry out works, in addition to any other relevant decision guidelines, the responsible authority must consider, as appropriate:

- The Altona North Comprehensive Development Plan.
- In town centre and commercial / mixed use areas:
 - Whether the building or works is likely to encourage pedestrian activity on adjoining streets.
 - The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
 - The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and landscaping of land adjoining a road.

5.0

Advertising signs

--/--/2017

Proposed C88

Advertising sign requirements are at Clause 52.05. Table 1 indicates which category of advertising control in Clause 52.05 applies to each area within the precinct.

Table 1 Advertising categories

Area in CDP	Category of advertising control
Town centre	1
Commercial / mixed use area	2
All other land	3