



**H O L L E R I C H**  
T O W N P L A N N I N G

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# **TOWN PLANNING REPORT**

**Planning Scheme Amendment C114 to the Hobsons Bay  
Planning Scheme**

**Planning Permit Application PA1943532**

**Planning Permit Application PA1943533**

**Precinct 16 West: 5-7, 9 and 9A Sutton Street and 41-59  
Stephenson Street, South Kingsville**

**Prepared on Behalf of Alceon Group No.67 Pty Ltd**

**May 2021**

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# AMENDMENT C114 TO THE HOBSONS BAY PLANNING SCHEME & PLANNING PERMIT APPLICATIONS PA1943532 and PA1943533

Precinct 16 West

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# AMENDMENT C114 TO THE HOBSONS BAY PLANNING SCHEME & PLANNING PERMIT APPLICATIONS PA1943532 and PA1943533

Precinct 16 West

## 1 Introduction

### 1.1 Overview

This planning report has been prepared on behalf of Alceon Group No.67 Pty Ltd in relation to a request under Section 96A of the *Planning and Environment Act 1987* (the Act) for a joint Planning Scheme Amendment C114 (Amendment C114) to the Hobsons Bay Planning Scheme (the Scheme) and Planning Permit Applications PA1943532 and PA1943533, both for two lot subdivisions.

Amendment C114 relates to land at 5-7, 9 and 9A Sutton Street and 41-59 Stephenson Street, South Kingsville (otherwise known as Precinct 16 West) and proposes the following amendments to the Scheme.

- Rezone Precinct 16 West from part Industrial 3 Zone (IN3Z) and part General Residential Zone (GRZ) to Residential Growth Zone (RGZ).
- Introduce Schedule 4 to the General Residential Zone (GRZ4) and apply it to the majority of Precinct 16 West, apart from an area in the north east corner of the precinct adjacent to Sutton Street.
- Introduce Schedule 2 to the RGZ (RGZ2) into the Scheme and apply it to the north east corner of Precinct 16 West.
- Remove Heritage Overlay 274 (HO274) from part of 41-59 Stephenson Street.
- Introduce Schedule 2 to the Development Plan Overlay (DPO2) into the Scheme and apply it to Precinct 16 West.
- Expand the Environmental Audit Overlay (EAO) to apply to all of Precinct 16 West.

Separate Development Plans that relate to 9 and 9A Sutton Street, and 41-59 Stephenson Street are to be considered concurrently to Amendment C114 for approval under the proposed DPO2.

This report provides an assessment of the Amendment C114 against *Ministerial Direction No. 11 Strategic Assessment of Amendments* and more specifically a response to *Planning Practice Note 46: Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments* (PPN46).

### 1.2 Background

Over a period extending beyond 3 years, numerous meetings and discussions have been held between the Hobsons Bay City Council and landowners within Precinct 16 West to discuss the future development of Precinct 16 West and the structure of Amendment C114. It is noted that these discussions have culminated in the preparation of an Outline Development Plan (ODP) for the precinct. The ODP has been included in the draft DPO2 but renamed as 'Framework Plan' for the purposes of Amendment C114. A copy of the Framework Plan is included at **Appendix A** to this report.

The Framework Plan was prepared to provide a commonly accepted approach to development across all three land holdings that make up Precinct 16 West and to ensure the future development within Precinct 16 West is appropriately integrated between each of these land holdings and also with the existing and future development of nearby properties.



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Amendment C114 has been guided by the Framework Plan, with the Framework Plan proposed to form part of the DPO2 as outlined in further detail below.

Advice from the Department of Environment, Land, Water and Planning (DELWP) has driven the proposed application of the GRZ4 and RGZ2 to parts of the subject site in order to appropriately manage future building heights as outlined by the Framework Plan.

DELWP have also advised that the subject site is to be subdivided to align with the two proposed zones and ensure that no single lot is located in different zones. The planning permit applications therefore propose two lot subdivisions of 41-59 Stephenson Street and 9A Sutton Street to align the lot boundaries with the zone boundaries proposed by Amendment C114.

### **1.3 Specialist Reports**

The following reports prepared by specialist consultants have assisted in the preparation of this report.

- Infrastructure and Developer Contributions Report prepared by O'Neill Group.
- Stormwater Drainage Strategy prepared by O'Neill Group.
- Traffic Impact Assessment prepared by GTA Consultants Pty Ltd.
- Preliminary Environmental Assessment prepared by Environmental Assessment Services Pty Ltd.
- Noise and Vibration Impact Assessment prepared by SLR Consulting Australia Pty Ltd.
- Social Impact Assessment prepared by Public Place Melbourne Pty Ltd.



## **2 Urban Context Review**

### **2.1 Precinct 16 West**

Precinct 16 West is located at 41-59 Stephenson Street and 5, 9 and 9A Sutton Street, South Kingsville. It is formally described below.

- Cluster Plan 163945 – 41-59 Stephenson Street.
- Lot 1 on Plan of Subdivision 336144 – 9A Sutton Street.
- Lot 2 on Plan of Subdivision 336144 – 9 Sutton Street.
- Lot 10 Block C on Plan of Subdivision 001015 – 9 Sutton Street.
- Lot 1 on Title Plan 513994 – 5-7 Sutton Street.

Precinct 16 West is irregular in shape and is made up of four separate land parcels with a total area of 5.2 hectares. It has a frontage to Sutton Street of approximately 234 metres and a frontage to Stephenson Street of approximately 373 metres.

The northernmost parcel forming the Precinct (41-59 Stephenson Street) is vacant with the former industrial buildings having been previously demolished. It is noted that a planning permit was issued to demolish some of these buildings given the Heritage Overlay that affects parts of the property. This parcel has two crossovers to Stephenson Street.

The central parcel (9 and 9A Sutton Street) is occupied by four separate warehouse buildings, each with sawtooth roofs and constructed of corrugated iron. These buildings are still in use for warehouse purposes and are generally surrounded by areas of hardstand. The buildings appear to generally be in poor condition. The property has two crossovers to Stephenson Street and three crossovers to Sutton Street.

The southernmost parcel (5 Sutton Street) is occupied by a large warehouse building with a height of approximately 15 metres that is in use for manufacturing purposes by Able Industries Engineering. The building is setback from all site boundaries and surrounded by areas of hardstand. This property has two crossovers to Sutton Street.

### **2.2 Site Interfaces**

The Precinct 16 West site interfaces are described below.

- **North**

Immediately to the north of the Precinct is a freight railway line owned and operated by Pacific National. This line runs from north west to south east, creating an angled north boundary to the Precinct. A landscape buffer is located between the north boundary of the Precinct and the railway line that includes a series of trees of varying condition and maturity. There is also a footpath along the western end of this interface providing pedestrian access from the northern end of Stephenson Street to a pedestrian overpass providing access over the railway lines to the residential neighbourhood further north.

The residential neighbourhood to the north of the rail line is conventional in appearance, consisting of development predominantly from the post-war period. There are a range of single dwelling and dual



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occupancy developments at either one or two storeys height. St Margaret Mary's Catholic Primary School is located in this neighbourhood.

Beyond the railway line to the north and northeast is the Spotswood Maintenance Centre (SMC), which provides locomotive maintenance services. The main part of the SMC is located to the northeast of the Precinct and consists of a series of buildings and rail lines that are surrounded by a landscape buffer. The SMC is an identified noise source in the local area, which will require management as part of any future development of the Precinct. Land to the north east of the SMC (immediately adjacent to the servicing buildings) is zoned Mixed Use Zone for future commercial and residential development.

#### **East**

Sutton Street abuts the eastern boundary of the Precinct. Further east of Sutton Street is Precinct 16 East, which is a large, vacant parcel of land that was rezoned to General Residential Zone as part of Amendment C82 to the Scheme in 2013. A planning permit has been issued for the development of this land with a range of townhouse and apartment style dwellings, with building height expected to be higher where close to the railway line.

Sutton Street is a largely unsealed road that is expected to change substantially as the residential development occurs along both sides of the street within both Precinct 16 East and West. Sutton Street is approximately 20 metres in width and runs from Blackshaws Road in the south, terminating at the railway line in the north. There is no formal street tree planting adjacent to the Precinct, while powerlines are located on the western side of the street adjacent to the Precinct.

#### **South**

Immediately to the south of the Precinct are a series of properties that front Blackshaws Road. These properties are predominantly used for residential purposes, with 86 to 92 Blackshaws Road occupied by single dwellings and 94-96 and 98 Blackshaws Road developed with multiple dwellings. These residential properties generally have areas of secluded private open space (SPOS) located adjacent to the common boundary, with a mix of low to mid-level canopy vegetation also evident close to the boundary.

The Bright Steps Educational Child Care centre is located at 82-82 Blackshaws Road, which is at the north east corner of Sutton Street and Blackshaws Road.

#### **West**

Stephenson Street predominantly forms the western boundary of the Precinct.

Stephenson Street is a sealed road with a reservation width of approximately 15.5 metres. It is provided with footpaths to both sides of the street and grassed road reservations. Consistent street tree planting exists on the western side of the street. There is a mix of street tree planting on the east side of the street adjacent to Precinct 16 West, with a single, large tree adjacent to 9 Sutton Street and a series of other trees adjacent to 41-59 Stephenson Street. Overhead powerlines are located on the western side of the street and not adjacent to the subject site.

The Precinct also abuts the rear boundaries of a series of residential properties at 83-95 Stephenson Street. These properties are occupied by one and two storey dwellings, some of which are large single dwellings on an allotment, some of which have been developed with multiple dwellings. There are generally areas of SPOS located adjacent to the boundary.

The Precinct also abuts the side boundary of 83 Stephenson Street, which is occupied by three dwellings, all of which are two storeys and all of which have areas of SPOS adjacent to the common boundary.





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West of Stephenson Street is a residential neighbourhood based around a grid pattern street layout. The neighbourhood is developed with a range of dwelling types at either conventional or medium densities and to heights of no more than two storeys. Dwellings have consistent front setbacks to Stephenson Street in the order of 6 to 8 metres. Dwellings are typically single storey with pitched roofs however, properties are being developed with unit developments that are usually two storeys in height.

### **2.3 Site Location and Services**

Precinct 16 West is located within the suburb of South Kingsville in the local government area of Hobsons Bay City Council. It is located approximately 9 kilometres to the southwest of Melbourne's central business district.

The Precinct is proximate to a number of employment opportunities, transport facilities, open space amenities, education facilities and retail centres.

There are numerous neighbourhood activity centres within 1 to 4 kilometres that provide local retail and services needs to the neighbourhood. The most significant and easily accessible of these local centres is at Newport (approximately 1.4 kilometres to the south east), which is a strip retail shopping area surrounding the train station of the same name. The closest large retail areas (Altona Gate, Woolworths Altona North and Aldi Altona North) are located approximately 3 kilometres west.

A new neighbourhood activity centre including two supermarkets, a medical centre, shops and 240 dwellings (ranging in height from 3 to 6 storeys) was recently approved by Council on the corner of McLister Street and Melbourne Road.

In addition, a planning scheme amendment was recently approved for the development of Precinct 15 (approximately 800 metres to the west of the subject) with up to 3,000 dwellings and a new town centre.

There are several primary and secondary education facilities in close proximity to Precinct 16 West. The closest primary schools are St Margaret Mary's (to the north) and Newport Lakes (to the south west), both located within 1 kilometre of the Precinct. The closest secondary school is Bayside P-12 College Paisley Campus, approximately 2.5 kilometres south. Additionally, the tertiary education facility of the Victorian Institute for Culinary Arts & Technology is just east of the railway line adjacent to Spotswood Station, approximately 1.2 kilometres east.

There are a number of community facilities and organisations within 1 to 4 kilometres of the Precinct providing a diversity of spaces and services. Some noteworthy facilities are the events space of The Substation, the Melbourne Academy of Performing Arts (MAPA) and the Newport Community Education Centre to the southeast and, the Spotswood Community House and South Kingsville Community Centre to the north.

The area is well served by larger public open space facilities (approximately 1 hectare or more in size) both for passive and active uses. Of particular note is the very large Newport Lakes Reserve approximately 250 metres south, and the cluster of sporting facilities centred on the Altona Lakes Public Golf Course, further to the south west. There are also a number of smaller public open space reserves, the closest of which is Ducrow Reserve approximately 200 metres south, and the future public open space in Precinct 16 East.

The area is relatively well serviced by a range of public transport options. The closest public transport service is the 432 Bus Route, which runs along Stephenson Street and Blackshaws Road, providing services from Newport to Yarraville via Altona Gate Shopping Centre. Bus Route 472 (Williamstown to Moonee Ponds via Footscray) runs



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along Melbourne Road 550 metres to the east, while Newport and Spotswood Train Stations, both approximately 1.5 kilometres away to the south east and north east respectively.

### 2.4 Pipelines

A series of major pipelines are located immediately adjacent to Precinct 16 West, as summarised below.

- A SP AusNet Gas Pipeline runs along Moresby Street, Stephenson Street and then along Blackshaws Road to Johnston Street.
- An Exxon Mobil gas pipeline runs in the railway reservation adjacent to the north boundary of Precinct 16 West.
- An APA gas pipeline runs along High Street / Birmingham Street before crossing the railway reservation adjacent to the pedestrian overpass and then running north west along the railway reservation, including adjacent to the north west corner of Precinct 16 West.
- A BP gas pipeline runs along Blackshaws Road.

A map indicating the location of these pipelines is included at **Appendix B** to this report.

### 2.5 Existing Zones and Overlays

The existing zones and overlays in the local area are provided by the maps on the following pages of this report and are described below.

#### 2.5.1 Precinct 16 West

The majority of Precinct 16 West is located in the IN3Z apart from a small parcel of land fronting Stephenson Street immediately to the north of 83 Stephenson Street. This piece of land is similar in size and shape to a conventional residential lot in the local area and is located in the General Residential Zone – Schedule 1 (GRZ1).

HO274 affects parts of 41-59 Stephenson Street and is identified to relate to '*Part of McKenzie & Holland Complex (former)*'. It is noted however, that the land is now vacant, with the former buildings removed following the issue of a planning permit by Council.

The EAO affects a strip of land adjacent to Stephenson Street on both 41-59 Stephenson Street and 9 Sutton Street.

The Special Building Overlay (SBO) affects a very small part of 41-59 Stephenson Street, encroaching into the northern boundary of this property.

#### 2.5.2 The Surrounding Area

Residential neighbourhoods to the north of the railway line and immediately adjacent to Precinct 16 West to the east, south and west are located in the General Residential Zone, Schedule 1 (GRZ1).

The railway line to the north of Precinct 16 West is located in the Public Use Zone, Schedule 4 (PUZ4). Parts of the railway line immediately adjacent to the northern boundary of the Precinct, where close to Stephenson Street, are located within a SBO.



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The SMC is located in the IN1Z, while land to the north east of the SMC is located in a Mixed Use Zone (MUZ) and is affected by a Design and Development Overlay, Schedule 2 (DDO2), EAO and in part a Heritage Overlay (HO200).

Precinct 16 East is located in the GRZ1 and is also affected by Schedule 10 to the Design and Development Overlay (DDO10) and the EAO.

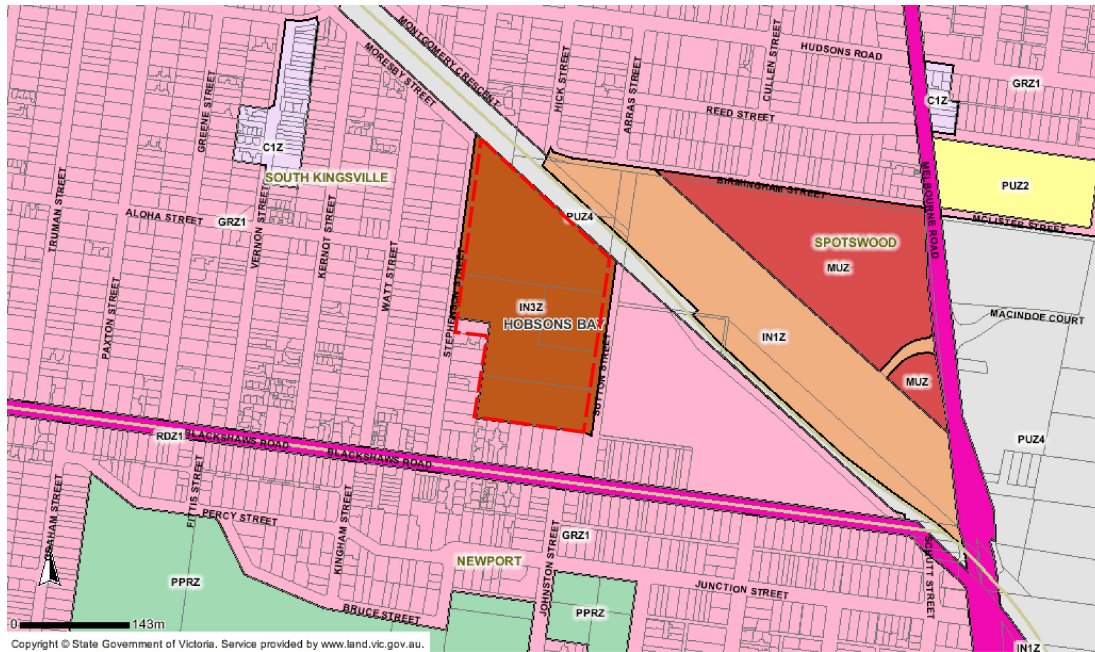


Figure 1: Existing Zoning Map (source: Planning Maps Online)



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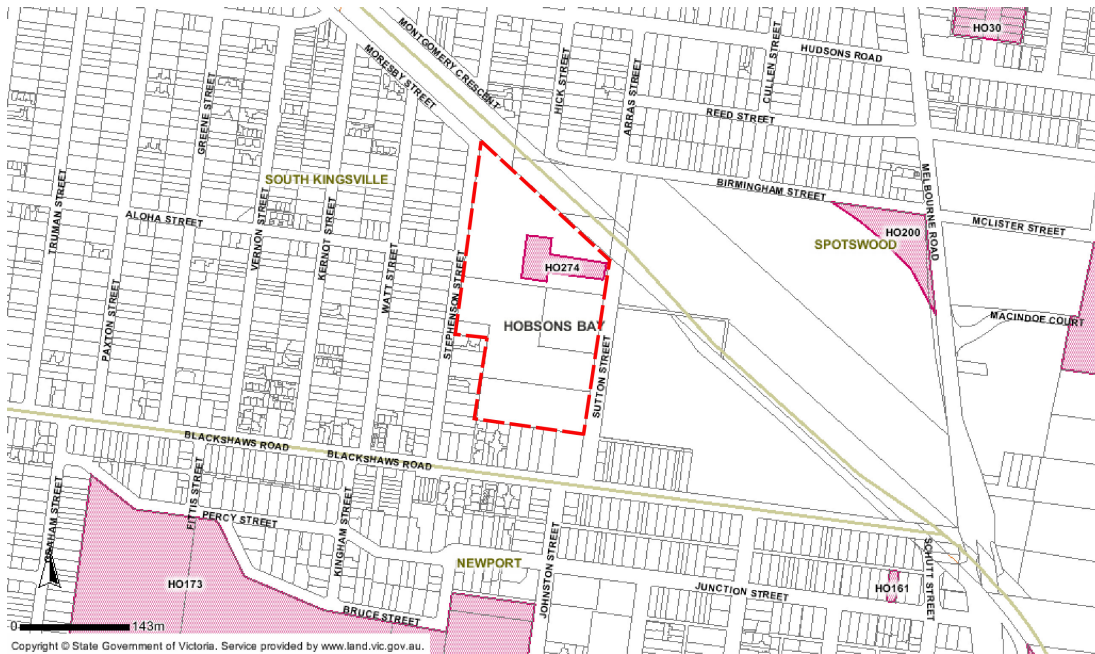


Figure 2: Existing Heritage Overlays (source: Planning Maps Online)

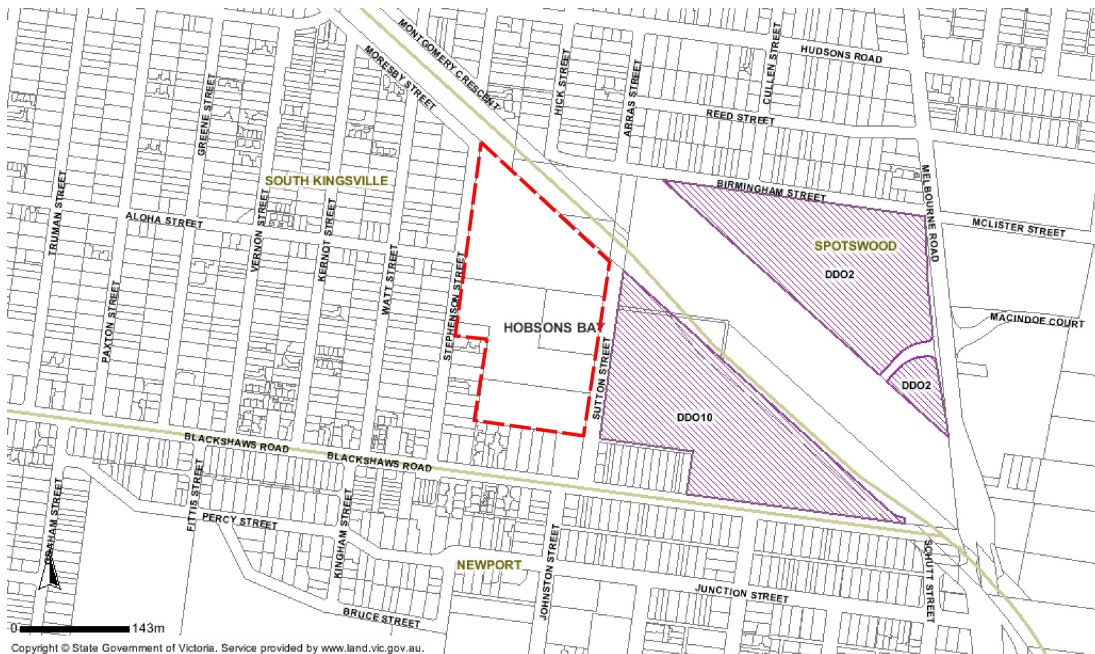


Figure 3: Design and Development Overlay (source: Planning Maps Online)





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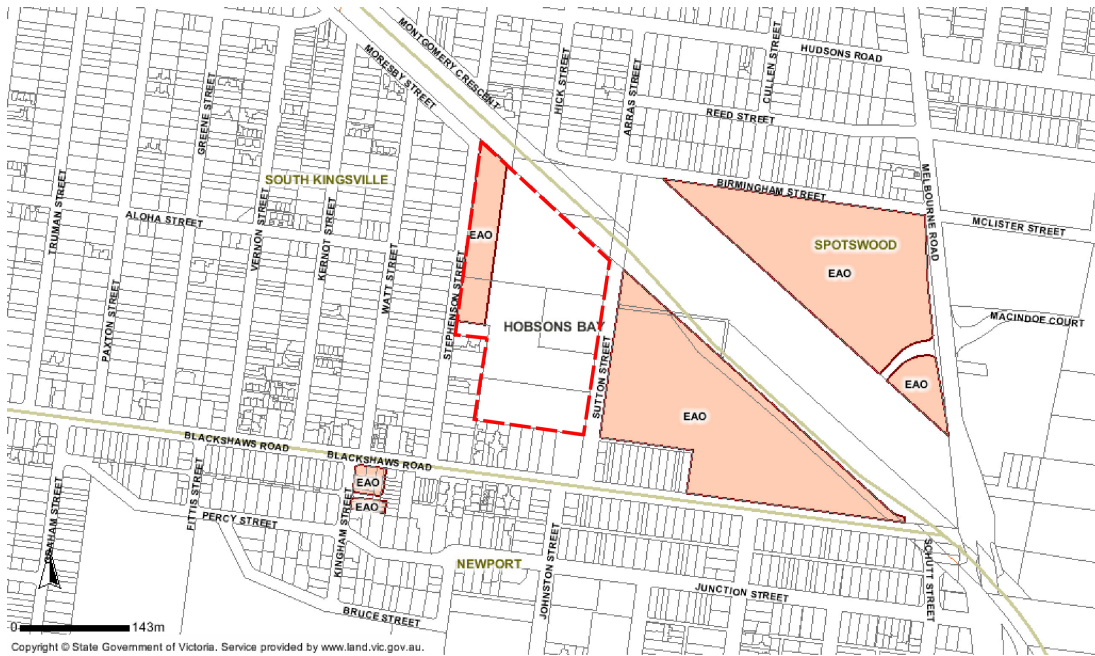


Figure 4: Existing Environmental Audit Overlay (source: Planning Maps Online)

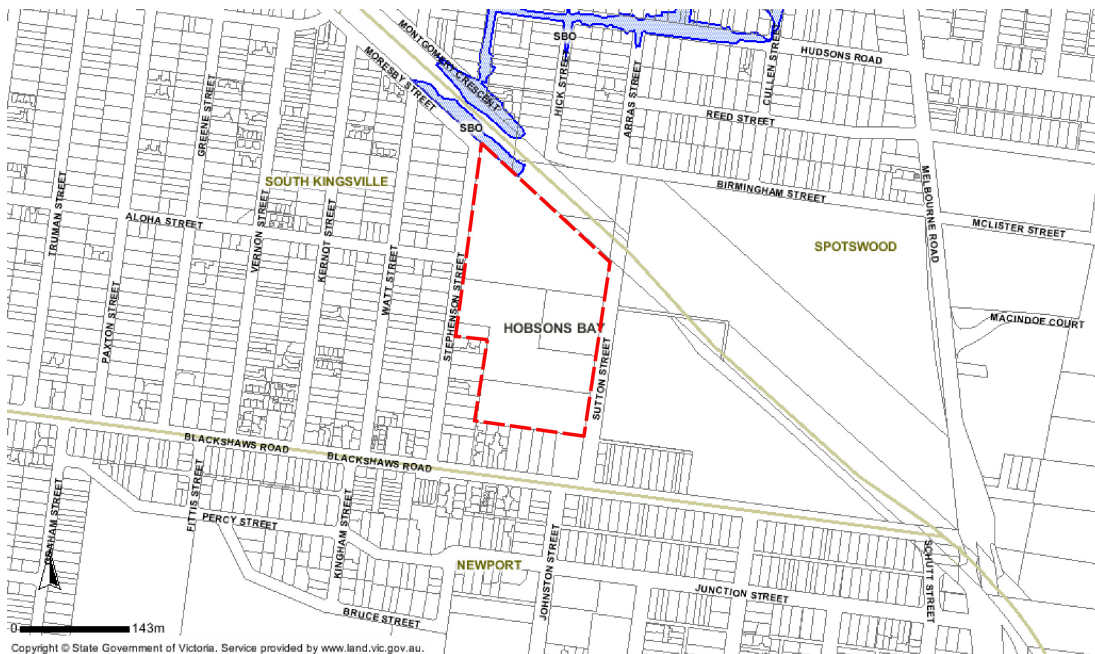


Figure 5: Special Building Overlay (source: Planning Maps Online)



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### 3 Amendment C114

As outlined above, Amendment C114 seeks to make the following changes to the Scheme as it relates to Precinct 16 West.

- Rezone Precinct 16 West from the IN3Z and GRZ to the GRZ4 and RGZ2.
- Introduce Schedule 4 to the GRZ (GRZ2) into the Scheme and apply it to the majority of Precinct 16 West.
- Introduce Schedule 2 to the RGZ (RGZ2) into the Scheme and apply it to that part of Precinct 16 West identified by the Framework Plan to have a maximum height of 6 storeys (the north eastern corner).
- Remove HO274 from 41-59 Stephenson Street.
- Introduce Schedule 2 to the Development Plan Overlay (DPO2) into the Scheme and apply it to Precinct 16 West.
- Expand the Environmental Audit Overlay (EAO) to apply to all of Precinct 16 West.

Amendment C114 is driven by the identification of the Precinct as a 'Strategic Redevelopment Area' in the *Hobsons Bay Industrial Land Management Strategy – June 2008* and in the Local Planning Policy Framework, as outlined in further detail below. Rezoning of the Precinct to allow for residential development is therefore consistent with adopted Council policy and the existing planning policy framework both at the State and local level.

The amendment is discussed in more detail below.

#### 3.1 Zone Changes

It is proposed to rezone Precinct 16 West from part IN3Z and part GRZ1 to part GRZ4 and part RGZ2 to facilitate the future residential development of the land in accordance with the Framework Plan.

The GRZ and RGZ were introduced into the Victorian Planning Provisions (VPPs) on 1 July 2014 as part of the former State Government's residential zones reforms, with both the GRZ and RGZ updated to its current form and introduced into the VPPs by Amendment VC148 on 31 July 2018.

##### 3.1.1 GRZ4

The purpose of the GRZ is outlined below.

- *"To implement the Municipal Planning Strategy and the Planning Policy Framework".*
- *"To encourage development that respects the neighbourhood character of the area".*
- *"To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport".*
- *"To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations".*

The GRZ allows a range of uses (including 'dwelling') as of right or with a planning permit.

A planning permit is required in the GRZ to subdivide land, with Clause 56 (Residential Subdivision) being relevant to the assessment of various types of subdivision.



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A planning permit is required to construct or extend one dwelling on a lot less than 300 square metres in area. Any such application must meet the requirements of Clause 54 (One Dwelling on a Lot).

A planning permit is required to construct two or more dwellings on a lot, the construction or extension of two or more dwellings on a lot, dwellings on common property and residential buildings. Any such application must meet the requirements of Clause 55 (Two or More Dwellings on a Lot and Residential Buildings) unless the building is five or more storeys in height, in which case the proposal must meet the requirements of Clause 58 (Apartment Developments).

It is also proposed to introduce Schedule 4 to the GRZ (GRZ4), which will be specific to Precinct 16 West.

The GRZ4 includes a series of neighbourhood character objectives, as outlined below.

- *To ensure development on the site is sympathetic to existing interfaces with established residential areas.*
- *To ensure new development provides visual interest, articulation and positive address to public open space.*
- *To encourage a high quality streetscape with tree-lined streets and landscaped front gardens accommodating canopy trees.*
- *To ensure development responds to existing industrial areas by incorporating amenity protection measures that display a high level of architectural resolution, even if temporary in nature.*

The GRZ4 seeks the following variations to Clause 54 and 55.

- Landscaping / Standard B13:  
*New development should provide at least one canopy tree in the front setback of each lot.*
- Private open space / Standard A17:  
*A dwelling should have an area of secluded private open space at the side or rear of the dwelling or residential building with convenient access from a living room consisting of:*
  - *An area of 12 square metres with a minimum dimension of 2.4 metres, or*
  - *A balcony of 8 square metres with a minimum width of 1.6 metres, or*
  - *A roof-top area of 10 square metres with a minimum width of 2 metres.*
- Private open space / Standard B28:  
*A dwelling or residential building should have an area of secluded private open space at the side or rear of the dwelling or residential building with convenient access from a living room consisting of:*
  - *An area of 12 square metres with a minimum dimension of 2.4 metres, or*
  - *A balcony of 8 square metres with a minimum width of 1.6 metres, or*
  - *A roof-top area of 10 square metres with a minimum width of 2 metres.**The balcony requirements in Clause 55.05-4 do not apply to an apartment development*
- Front fence height / Standards A20 and B32:  
*A front fence within 3 metres of a street should not exceed 1.2 metres.*



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The GRZ4 does not propose to specify any maximum building height and therefore the default maximum building height in the GRZ of 11 metres will apply unless one of the applicable exemptions as outlined by the GRZ, is met.

The GRZ4 outlines a series of application requirements, including a Town Planning Report, Landscape Plan, Transport Impact Assessment Report, Sustainability Management Plan, Acoustic and Vibration Impact Report, Waste Management Plan and a report that outlines how the pipelines adjacent to the northern sub-precinct are responded to, including a Pipeline Risk Assessment.

Following advice from DELWP and Council, the GRZ4 has been chosen for those parts of Precinct 16 West identified by the Framework Plan for future development at 2-3 storeys.

Residential development of the land is envisioned for the Precinct, with potential for only small-scale commercial uses (if any) based on the needs for local residents. The GRZ4 is seen as the most appropriate zone to encourage a diversity of housing types in the Precinct where a 2-3 storey height is identified by the Framework Plan, while minimising the extent of non-residential uses.

It is noted that the schedule to the GRZ4 has been specifically written to acknowledge the nature of future development for Precinct 16 West, where it is anticipated by the Framework Plan that a range of housing types will be provided (apartments and townhouses), including efficient dwellings with a small footprint and high site coverage. The schedule specifically acknowledges that Precinct 16 West will be developed at higher intensities than adjacent, established neighbourhoods, with the variations to Clause 54 and 55 facilitating this higher intensity development. The variations are considered necessary to acknowledge the character and intensity of future development in the Precinct.

Furthermore, the garden area requirements of the GRZ will not be applicable to Precinct 16 West following approval of a Development Plan as required under the DPO2.

### **3.1.2 RGZ2**

The purpose of the RGZ is outlined below.

- *"To implement the Municipal Planning Strategy and the Planning Policy Framework".*
- *"To provide housing at increased densities in buildings up to and including four storey buildings".*
- *"To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres".*
- *"To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas".*
- *"To ensure residential development achieves design objectives specified in a schedule to this zone".*
- *"To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations".*

The RGZ allows a range of uses (including 'dwelling') as of right or with a planning permit.

A planning permit is required in the RGZ to subdivide land, with Clause 56 (Residential Subdivision) being relevant to the assessment of various types of subdivision.





## **AMENDMENT C114 TO THE HOBSONS BAY PLANNING SCHEME & PLANNING PERMIT APPLICATIONS PA1943532 and PA1943533**

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A planning permit is required to construct two or more dwellings on a lot, the construction or extension of two or more dwellings on a lot, dwellings on common property and residential buildings. Any such application must meet the requirements of Clause 55 (Two or More Dwellings on a Lot and Residential Buildings) unless the building is five or more storeys in height, in which case the proposal must meet the requirements of Clause 58 (Apartment Developments).

It is also proposed to introduce Schedule 2 to the RGZ (RGZ2), which will be specific to that part of Precinct 16 West identified by the Framework Plan to have a maximum building height up to 6 storeys and 22 metres.

The RGZ2 includes a series of design objectives, as outlined below.

- *To ensure development achieves site responsive architectural and urban design outcomes that provides a positive contribution to the character and amenity of the surrounding area.*
- *To ensure acoustic attenuation measures are incorporated into the building design to protect the amenity of residents from potential noise and vibration impacts.*
- *To ensure development incorporates residential amenity protection measures that display a high level of architectural resolution even if temporary in nature.*
- *To ensure that building heights provide appropriate interface transitions.*
- *To ensure that building heights consider and respond to the overshadowing effects in the site.*

The RGZ2 seeks to vary the minimum street setback provision (Standards A3 and B6) of Clause 54 and 55, as outlined below.

*Walls of buildings should be set back from a front street at least 3 metres. Side street setbacks as specified in the table to Standards A3 and B6 continue to apply.*

The RGZ2 specifies a maximum building height for a building used as a dwelling or a residential building of 22 metres and 6 storeys.

Consistent with the GRZ4, the RGZ2 outlines a series of application requirements, including a Town Planning Report, Landscape Plan, Transport Impact Assessment Report, Sustainability Management Plan, Acoustic and Vibration Impact Report, Waste Management Plan and a report that outlines how the pipelines adjacent to the northern sub-precinct are responded to, including a Pipeline Risk Assessment.

The RGZ is seen as the most appropriate zone for that part of Precinct 16 West identified by the Framework Plan to have a building height up to 6 storeys so as to facilitate the intended future residential use and built form.

Residential development of the land is envisioned for that Precinct to be affected by the RGZ, with potential for only small-scale commercial uses (if any) based on the needs for local residents. The RGZ is therefore seen as the most appropriate zone to encourage a diversity of housing types in this part of the Precinct, while minimising the extent of non-residential uses.



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### 3.2 Overlay Changes

#### 3.2.1 Remove the HO274

It is proposed to remove the HO274 from 41-59 Stephenson Street.

The HO274 relates to the former McKenzie & Holland Complex and affects parts of 41-59 Stephenson Street. It is noted that a planning permit was previously issued by Council for the demolition of the buildings that formerly occupied this part of the Precinct. As these buildings no longer exist, the HO274 should be removed from the land.

#### 3.2.2 Extend the EAO

As outlined above, the EAO affects parts of the Precinct adjacent to Stephenson Street. As an Environmental Audit has yet to be issued for all of the Precinct and given the historic and continued industrial use of Precinct 16 West, it is proposed to extend the EAO to affect all of the Precinct.

The purpose of the EAO is outlined below.

- *"To implement the State Planning Policy Framework and Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies."*
- *"To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination".*

Clause 45.03-1 of the EAO outlines the following requirement.

- *"Before a sensitive use (residential use, childcare centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:*
  - *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
  - *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use."*

#### 3.2.3 Apply the DPO2

It is proposed to apply a DPO to Precinct 16 West to guide the form and nature of future development of the Precinct.

The purpose of the DPO is outlined below.

- *"To implement the State Planning Policy Framework and Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies".*
- *"To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land".*
- *"To exempt an application from notice and review if it is generally in accordance with a development plan".*



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Under Clause 43.04-2 of the DPO, a planning permit must not be granted to use, subdivide or develop land until a development plan has been prepared to the satisfaction of the responsible authority unless otherwise stated in the relevant schedule. Any planning permit granted in the DPO must be generally in accordance with the approved development plan and must include any conditions or requirements specified in the relevant schedule.

Furthermore, Clause 43.04-3 of the DPO states that an application under any provision of the Scheme is exempt from notice and review requirements if a development plan has been approved and the proposal is generally consistent with the development plan.

A development plan:

- may consist of plans or other documents and may be prepared and implemented in stages;
- must meet the requirements of Clause 56;
- may be amended to the satisfaction of the responsible authority.

It is proposed that the DPO2 be introduced into the Scheme to relate to Precinct 16 West.

As future development in Precinct 16 West is to be guided by the Precinct 16 West Framework Plan, it is proposed to include the Framework Plan in the DPO2. It is considered that the best way to implement the Framework Plan with limited ambiguity is to include it as part of the DPO2.

The DPO2 includes a series of objectives to reflect the intended character of the future development, along with protection of off-site amenity, as well as protection of on-site amenity from noise, odour, dust and vibration, including specifically the Spotswood Locomotive Maintenance Centre.

The DPO2 allows for a planning permit to be granted before the approval of a Development Plan for limited types of applications (including subdivision so as to allow for the joint planning permit application for subdivision), subject to the responsible authority being satisfied that any planning permit granted with not prejudice the future use and development as anticipated by the DPO2.

Part 3.0 of the DPO2 includes a detailed list of planning permit conditions that must be placed on any planning permit, unless otherwise agreed in writing with the responsible authority. These conditions are focussed on managing potential noise and vibration impacts on future residents.

Part 4.0 of the DPO2 outlines a detailed list of requirements for any development plan submitted for approval under the DPO2, including a requirement for any development to provide the following key items.

- A vision for the development plan area.
- Site analysis and urban context information.
- Concept plans to indicate a range of specific features including, but are not limited to:
  - heights;
  - street layout;
  - maximum average site coverage of 85%;
  - minimum street setbacks (including a 4 metres setback from Sutton Street and 3 metres from internal roads); and



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- detailed design guidelines that must be consistent with the vision for the DPO2 and a list of objectives within the DPO2.
- A traffic management report and car parking plan.
- Details demonstrating how the transition from industrial to residential use will be appropriately managed.
- A landscape plan.
- A site remediation strategy.
- Measures to ensure an affordable housing contribution.
- An ecologically sustainable development strategy.
- A stormwater management strategy.
- A report outlining the potential impact of development on the nearby pipeline infrastructure during and after construction.
- Indicative staging for development.
- A Section 173 Agreement regarding the provision of various infrastructure items across the precinct.



## **4 Planning Permit Applications PA1943532 and PA1943533**

In association with advice regarding the proposed application of two separate zones to Precinct 16 West, DELWP has also advised that planning permit applications for subdivision will need to be considered concurrently with Amendment C114 so that no lot is located in two different zones.

As a result, two separate planning permit applications for two lot subdivisions are proposed to ensure that future lot boundaries align with the proposed boundary between the GRZ4 and the RGZ2.

Planning Permit Application PA1943532 subdivides 9A Sutton Street into two lots.

Planning Permit Application PA1943533 subdivides 41-59 Stephenson Street into two lots.



## **5 Development Plans**

We understand that Council is to request that a joint Advisory Committee and Planning Panel be appointed to consider Amendment C114, the Central Sub-precinct Development Plan (relating to 9 and 9A Sutton Street) and the North Sub-precinct Development Plan (relating to 41-59 Stephenson Street). This will include concurrent public exhibition of the two development plans along with Amendment C114 and the two planning permit applications.

Incorporating consideration of the development plans as part of this process will assist in providing greater certainty for the responsible authority and local residents as to the future development of at least part of Precinct 16 West. Concurrent consideration of the development plans will assist in placing less of a demand on the resources and administration costs of Hobsons Bay City Council.

A summary of these two development plans is provided below.

It is noted that a development plan for the South Sub-precinct will be prepared at a later date.

### **5.1 Central Sub-Precinct Development Plan**

The Central Sub-precinct Development Plan sets out a master plan for the future development of 9 and 9A Sutton Street, including:

- a detailed analysis of the subject site, including identification of key opportunities and constraints faced by future development;
- a list of key objectives;
- preferred land use;
- a detailed list of built form design guidelines;
- a traffic management plan;
- a landscape concept plan;
- road cross sections;
- guidelines for environmentally sustainable development;
- a summary of existing and proposed infrastructure;
- details of site remediation;
- a summary of how potential noise and vibration issues are to be addressed as part of future development;
- details of likely development staging.

### **5.2 North Sub-precinct Development Plan**

The North Sub-precinct Development Plan sets out a master plan for the future development of 41-59 Stephenson Street, including:

- a detailed site and urban context analysis;
- a summary of the planning policy framework applying to the site;



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- a vision statement for the future development;
- a set of key objectives to inform the redevelopment of the site;
- a land use summary, including indicative dwelling yield;
- a detailed set of built form design guidelines that provide guidance on the siting and built form requirements of the various housing types;
- details of the indicative staging of development;
- a landscape design approach, including typical road cross sections;
- a traffic management plan;
- a noise and vibration assessment and details of how these matters may be addressed by the future development;
- details of future pipeline safety management.



## **6 Planning Framework**

Various Ministerial Directions and parts of the Scheme are relevant to Amendment C114 and Development Plan, the most relevant of which are summarised below.

### **6.1 Ministerial Directions**

#### **6.1.1 Ministerial Direction No.1 – Potentially Contaminated Land**

Ministerial Direction No.1 is relevant to this process given the existing EAO that applies to parts of Precinct 16 West, the industrial past and present uses in the Precinct and the proposed sensitive (residential) uses that will be facilitated by Amendment C114, the Development Plan and the Planning Permit Application.

The purpose of Ministerial Direction No.1 is outlined below.

- *“The purpose of this Direction is to ensure that potentially contaminated land is suitable for a use which is proposed to be allowed under an amendment to a planning scheme and which could be significantly adversely affected by any contamination”.*

Ministerial Direction No.1 outlines the following requirement, which must be met in preparing an amendment.

- *“In preparing an amendment which would have the effect of allowing (whether or not subject to the grant of a permit) potentially contaminated land to be used for a sensitive use, agriculture or public open space, a planning authority must satisfy itself that the environmental conditions of that land are or will be suitable for that use”.*

#### **6.1.2 Ministerial Direction No.9 – Metropolitan Planning Strategy**

Ministerial Direction No.9 is relevant to this process. The purpose of Ministerial Direction No.9 is outlined below.

- *“The purpose of this Direction is to ensure that planning scheme amendments have regard to the Metropolitan Planning Strategy”.*

Ministerial Direction No.9 outlines the following requirements, which must be met in preparing an amendment.

- *“In preparing a planning scheme amendment a planning authority must:*
  - *Have regard to the Metropolitan Planning Strategy.*
  - *Include in the explanatory report discussion of how the amendment addresses the following matters:*
    - *What aspects, if any, of the Metropolitan Planning Strategy are relevant?*
    - *How does the Metropolitan Planning Strategy affect the amendment?*
    - *Is the amendment consistent with the directions and policies in the Metropolitan Planning Strategy?*
    - *Does the amendment support, give effect to or assist the implementation of the Metropolitan Planning Strategy or can it be reasonably modified to do so?*
    - *Will the amendment compromise the implementation of the Metropolitan Planning Strategy?”*





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### **6.1.3 Ministerial Direction No.11 – Strategic Assessment of Amendments**

Ministerial Direction No.11 is relevant to this process. The purpose of Ministerial Direction No.9 is outlined below.

- *“The purpose of this Direction is to ensure a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces”.*

Ministerial Direction No.11 outlines the following requirements, which must be met in preparing an amendment.

- *“Evaluate and include in the explanatory report a discussion about how the amendment addresses the following strategic considerations:*
  - *Why is an amendment required?*
  - *How does the amendment implement the objectives of planning in Victoria?*
  - *How does the amendment address any environmental, social and economic effects?*
  - *How does the amendment address any relevant bushfire risk?*
  - *Does the amendment comply with the requirements of any other Minister’s Direction applicable to the amendment?*
  - *How does the amendment support or implement the State Planning Policy Framework, and specifically the Municipal Strategic Statement?*
  - *Does the amendment make proper use of the Victoria Planning Provisions?*
  - *How does the amendment address the views of any relevant agency?*
  - *Does the amendment address the requirements of the Transport Integration Act 2010?”*
- *“Assess the impact of the new planning provision on the resource and administration costs of the responsible authority”.*

### **6.1.4 Ministerial Direction No.15 – The Planning Scheme Amendment Process**

Ministerial Direction No.15 is relevant to this process. The purpose of Ministerial Direction No.15 is outlined below.

- *“The purpose of this Direction is to set times for completing steps in the planning scheme amendment process”.*

### **6.1.5 Ministerial Direction No.19 – The Preparation and Content of Amendments That May Significantly Impact the Environment, Amenity and Human Health**

Ministerial Direction No.19 is relevant to this process. The purpose of Ministerial Direction No.19 is outlined below.

- *“The purpose of this Direction is to require planning authorities to seek the views of the Environment Protection Authority (EPA) in the preparation of planning scheme reviews and amendments that could result in use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste”.*



## 6.2 Planning Policy Framework

### 6.2.1 Clause 11 - Settlement

Clause 11 states that “*planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure*”.

#### **CLAUSE 11.02 -1S – SUPPLY OF URBAN LAND**

The objective of Clause 11.02-1S is “*to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses*”.

Strategies outlined by Clause 11.02-1S and that are relevant to this process are outlined below.

- Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.
- Ensure that sufficient land is available to meet forecast demand.
- Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.
- Planning for urban growth should consider:
  - Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
  - Neighbourhood character and landscape considerations.
  - The limits to land capability and natural hazards and environmental quality.
  - Service limitations and the costs of providing infrastructure.

#### **CLAUSE 11.02-2S – STRUCTURE PLANNING**

The objective of Clause 11.02-2S is “*to facilitate the orderly development of urban areas*”.

Strategies outlined by Clause 11.02-2S and that are relevant to this process outlined below.

- Ensure effective planning and management of the land use and development of an area through the preparation of relevant plans.
- Undertake comprehensive planning for new areas as sustainable communities that offer high-quality, frequent and safe local and regional public transport and a range of local activities for living, working and recreation.

### 6.2.2 Clause 13 – Environmental Risks and Amenity

Clause 13 states the following.

- Planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.



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- Planning should aim to avoid or minimise natural and human-scale environmental hazards, environmental degradation and amenity conflicts.
- Planning should prepare for and respond to the impacts of climate change.

### CLAUSE 13.05-1S – NOISE ABATEMENT

The objective of Clause 13.05-1S is *“to assist the control of noise effects on sensitive land use”*.

Strategies outlined by Clause 11.02-1S and that are relevant to this process are outlined below.

- Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

### 6.2.3 Clause 15 – Built Environment and Heritage

Clause 15 is of particular relevance to this process. Clause 15 states the following.

- Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.
- Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.
- Planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.
- Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.
- Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.
- Planning should promote excellence in the built environment and create places that:
  - are enjoyable, engaging and comfortable to be in;
  - accommodate people of all abilities, ages and cultures;
  - contribute positively to local character and sense of place;
  - reflect the particular characteristics and cultural identity of the community;
  - enhance the function, amenity and safety of the public realm.

### CLAUSE 15.01-2S - BUILDING DESIGN

The objective of Clause 15.01-2S is *“to achieve building design outcomes that contribute positively to the local context and enhance the public realm”*.

Strategies outlined by Clause 15.01-2S and that are relevant to this process are outlined below.

- Require a comprehensive site analysis as the starting point of the design process.



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- Ensure the site analysis provides the basis for consideration of height, scale and massing of new development.
- Ensure development responds and contributes to the strategic and cultural context of its location.
- Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
- Ensure the form, scale and appearance of development enhances the function and amenity of the public realm.
- Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.
- Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.
- Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.

### CLAUSE 15.01-3S - SUBDIVISION DESIGN

The objective of Clause 15.01-3S is “*to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods*”.

The Strategy outlined by Clause 15.01-3S states that redevelopment of existing areas should be designed to create liveable and sustainable communities by achieving the following.

- Creating compact neighbourhoods that have walkable distances between activities.
- Creating urban places with a strong sense of place that are functional, safe and attractive.
- Provide a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.
- Creating landscaped streets and a network of open spaces to meet a variety of needs.
- Reduce car dependency by allowing for:
  - convenient and safe public transport;
  - safe and attractive spaces and networks for walking and cycling;
  - subdivision layouts that allow easy movement within and between neighbourhoods;
  - a convenient and safe road network.
- Being accessible to people with disabilities.
- Creating an urban structure and providing utilities and services that enable energy efficiency, resource conservation, integrated water management and minimisation of waste and air pollution.

### CLAUSE 15.01-4S - HEALTHY NEIGHBOURHOODS

The objective of Clause 15.01-4S is “*to achieve neighbourhoods that foster health and active living and community wellbeing*”.



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The Strategy outlined by Clause 15.01-4S states that neighbourhoods should be designed to foster community interaction and make it easy for people of all ages and abilities to live health lifestyles and engage in regular physical activity through providing the following.

- Connected, safe, pleasant and attractive walking and cycling networks that enable and promote walking and cycling as part of daily life.
- Streets with direct, safe and convenient access to destinations.
- Conveniently located public spaces for active recreation and leisure.
- Accessibly located public transport stops.
- Amenities and protection to support physical activity in all weather conditions.

### **CLAUSE 15.01-1S – URBAN DESIGN**

The objective of Clause 15.01-1S is “*to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity*”.

Strategies outlined by Clause 15.01-1S and that are relevant to this process are outlined below.

- Requirement development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.
- Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.
- Ensure the interface between the private and public realm protects and enhances personal safety.
- Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.
- Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.
- Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.

Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.

### **CLAUSE 15.01-4R – HEALTHY NEIGHBOURHOODS – METROPOLITAN MELBOURNE**

The strategy outlined by Clause 15.01-4R is outlined below.

- Create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.

### **CLAUSE 15.01-5S – NEIGHBOURHOOD CHARACTER**

The objective of Clause 15.01-5S is “*to recognise, support and protect neighbourhood character, cultural identity, and sense of place*”.



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Strategies outlined by Clause 15.01-5S and that are relevant to this process are outlined below.

- Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.
- Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:
  - pattern of local urban structure and subdivision;
  - heritage values and built form that reflect community identity.

### CLAUSE 15.01-1R - URBAN DESIGN - METROPOLITAN MELBOURNE

The objective of Clause 15.01-1R is “*to create a distinctive and liveable city with quality design and amenity*”.

Strategies outlined by Clause 15.01-1R and that are relevant to this process are outlined below.

- Support the creation of well-designed places that are memorable, distinctive and liveable.
- Integrate place making practices into road space management.

### CLAUSE 15.02-1S – ENERGY AND RESOURCE EFFICIENCY

The objective of Clause 15.02-1S is “*to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions*”.

Strategies outlined by Clause 15.02-1S and that are relevant to this process are outlined below.

- Improve the energy, water and waste performance of buildings and subdivisions through environmentally sustainable development.
- Promote consolidation of urban development and integration of land use and transport.
- Improve efficiency in energy use through greater use of renewable energy technologies and other energy efficiency upgrades.
- Support low energy forms of transport such as walking and cycling.
- Reduce the urban heat island effect by greening urban areas, buildings, transport corridors and open spaces with vegetation.
- Encourage retention of existing vegetation and planting of new vegetation as part of development and subdivision proposals.

## 6.2.4 Clause 16 – Housing

Clause 16 is of particular relevance to this process. Clause 16 states the following.

- Planning should provide for housing diversity and ensure the efficient provision of supporting infrastructure.
- Planning should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.
- Planning for housing should include the provision of land for affordable housing.



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### CLAUSE 16.01-4S – HOUSING AFFORDABILITY

The objective of Clause 16.01-4S is “*to deliver more affordable housing closer to jobs, transport and services*”.

Strategies outlined by Clause 16.01-4S and that are relevant to this process are outlined below.

- Improve housing affordability by:
  - ensuring land supply continues to be sufficient to meet demand;
  - increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities;
  - promoting good housing and urban design to minimise negative environmental impacts and keep costs down for residents and the wider community;
  - encouraging a significant proportion of new development to be affordable for households on very low to moderate incomes.
- Increase the supply of well-located affordable housing by facilitating a mix of private, affordable and social housing in suburbs, activity centres and urban renewal precincts.

### CLAUSE 16.01-3S – HOUSING DIVERSITY

The objective of Clause 16.01-3S is “*to provide a range of housing types to meet diverse needs*”.

Strategies outlined by Clause 16.01-4S and that are relevant to this process are outlined below.

- Ensure housing stock matches changing demand by widening housing choice.
- Facilitate diverse housing that offers choice and meets the changing household needs through:
  - a mix of housing types;
  - adaptable internal dwelling design;
  - universal design.
- Encourage the development of well-designed medium-density housing that:
  - respects the neighbourhood character;
  - improves housing choice;
  - makes better use of existing infrastructure;
  - improves energy efficiency of housing.
- Support opportunities for a range of income groups to choose housing in well-served locations.

### CLAUSE 16.01-3R - HOUSING DIVERSITY – METROPOLITAN MELBOURNE

The objective of Clause 16.01-3R is to “*create mixed-use neighbourhoods at varying densities that offer more choice in housing*”.



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### CLAUSE 16.01-1R – INTEGRATED HOUSING – METROPOLITAN MELBOURNE

The strategies outlined by Clause 16.01-1R are outlined below.

- Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.
- Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.

### CLAUSE 16.01-2S – LOCATION OF RESIDENTIAL DEVELOPMENT

The objective of Clause 16.01-2S is “*to locate new housing in designated locations that offer good access to jobs, services and transport.*”.

Strategies outlined by Clause 16.01-2S and that are relevant to this process are outlined below.

- Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.
- Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
- Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.
- Facilitate residential development that is cost effective in infrastructure provision and use, energy efficient, water efficient and encourages public transport use.
- Identify opportunities for increased residential densities to help consolidate urban areas.

### CLAUSE 16.01-1S – INTEGRATED DEVELOPMENT

The objective of Clause 16.01-1S is “*to promote a housing market that meets community needs.*”.

Strategies outlined by Clause 16.01-1S and that are relevant to this process are outlined below.

- Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.
- Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.
- Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.

## 6.2.5 Clause 18 – Transport

Clause 18 is of relevance to this process and states the following.

- Planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe.





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### CLAUSE 18.01-1S – LAND USE AND TRANSPORT PLANNING

The objective of Clause 18.01-1S is “to create a safe and sustainable transport system by integrating land use and transport”.

Strategies outlined by Clause 18.01-1S and that are relevant to this process are outlined below.

- Development integrated and accessible transport networks to connect people to jobs and services and goods to market.
- Plan urban development to be more accessible by:
  - ensuring equitable access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas;
  - coordinating improvements to public transport, walking and cycling networks with the ongoing development and redevelopment of urban areas.
- Integrate public transport services and infrastructure into new development.

### CLAUSE 18.02-4S – CAR PARKING

The objective of Clause 18.02-4S is “to ensure an adequate supply of car parking that is appropriately designed and located”.

Strategies outlined by Clause 18.02-4S and that are relevant to this process are outlined below.

- Allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking.
- Design and locate local car parking to:
  - protect the role and function of nearby roads;
  - enable easy and efficient use;
  - achieve a high standard of urban design and protect the amenity of the locality, including the amenity of pedestrians and other road uses;
  - create a safe environment, particularly at night;
  - facilitate the use of public transports.
- Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.

### CLAUSE 18.02-1R – SUSTAINABLE PERSONAL TRANSPORT – METROPOLITAN MELBOURNE

The strategies outlined by Clause 18.02-1R are outlined below.

- Improve local travel options for walking and cycling to support 20 minute neighbourhoods.



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- Development local cycling networks and new cycling facilities that support the development of 20-minute neighbourhoods and that link to complement the metropolitan-wide network of bicycle routes – the Principal Bicycle Network.

### 6.2.6 Clause 19 – Infrastructure

Clause 19 is of relevance to this process and states the following.

- Planning should ensure that the growth and redevelopment of settlements is planned in a manner that allows for the logical and efficient provision and maintenance of infrastructure.

#### CLAUSE 19.03-2S – INFRASTRUCTURE DESIGN AND PROVISION

The objective of Clause 19.03-2S is “*to provide timely, efficient and cost-effective development infrastructure that meets the needs of the community*”.

The strategy outlined by Clause 19.03-2S and that is relevant to this process is outlined below.

- Provide an integrated approach to the planning and engineering design of new subdivision and development.

#### CLAUSE 19.03-3S – WATER SUPPLY, SEWERAGE AND DRAINAGE

The objective of Clause 19.03-3S is “*to plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet state and community needs and protect the environment.*”.

The strategies outlined by Clause 19.03-3S and that are relevant to this process are outlined below.

- Provide for sewerage at the time of subdivision, or ensure lots created by the subdivision are capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.
- Plan urban stormwater drainage systems to include measures to reduce peak flows and assist screening, filtering and treatment of stormwater to enhance flood protection and minimise impacts on water quality in receiving waters.
- Encourage the reuse of wastewater including urban run-off and treated sewerage effluent.
- Minimise the potential impacts of water, sewerage and drainage assets on the environment.

#### CLAUSE 19.03-4S – STORMWATER

The objective of Clause 19.03-4S is “*to reduce the impact of stormwater on bays, water bodies and catchments*”.

The strategies outlined by Clause 19.03-4S and that are relevant to this process are outlined below.

- Manage stormwater quality through a mix of on-site measures and developer contributions.
- Mitigate stormwater pollution from construction sites.
- Incorporate water-sensitive urban design techniques into developments to:
  - protect and enhance natural water systems;
  - integrate stormwater treatment into the landscape;



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- protect quality of water;
- reduce run-off and peak flows;
- minimise drainage and infrastructure costs.

### **CLAUSE 19.03-5R– TELECOMMUNICATIONS – METROPOLITAN MELBOURNE**

Clause 19.03-5R outlines the following relevant strategy.

- Support the provision of high-quality telecommunications infrastructure in Melbourne's employment, urban renewal and growth areas through early planning for fibre-ready facilities and wireless infrastructure.

## **6.3 Local Planning Policy Framework**

### **6.3.1 Municipal Strategic Statement (MSS)**

Various parts of the MSS have relevance to Amendment C114 and Development Plan.

Clause 21.02 (Hobsons Bay Key Issues and Strategic Vision) outlines that Hobsons Bay is home to a diverse and vibrant community that also has significant economic assets. The key influences outlined by Clause 21.02-2 include the need to accommodate residential growth for future generations by facilitating urban consolidation.

Of key importance is that Precinct 16 West is identified to form part of a Strategic Redevelopment Area, where urban consolidation is encouraged.

Clause 21.02-3 outlines a series of key issues for Strategic Redevelopment Areas, including the following that are relevant to the Precinct.

- Protecting the quality and character of existing suburbs from pressure associated with urban consolidation.
- Pressure to rezone and develop Strategic Redevelopment Areas prior to completion of a necessary planning framework.
- Defining a new neighbourhood character for the Strategic Redevelopment Areas which balances character and costs associated with remediation of former industrial sites.
- Accommodation urban growth largely in Strategic Redevelopment Areas to facilitate urban consolidation.
- Encouraging environmentally sustainable development.

Clause 21.03 (Settlement), and in particular Clause 21.03-2 (Strategic Redevelopment Areas) is relevant to this process.

Objective 1 at Clause 21.03-02 is outlined below.

- To successfully manage the transition and strategic redevelopment of redundant industrial areas identified as Strategic Redevelopment Areas through the development of Outline Development Plans (i.e. a master plan) or other appropriate planning control to achieve net community benefit.

The following strategies are outlined by Clause 21.03-2 and are of specific relevance to the subject site.



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- Manage change in Strategic Redevelopment Areas carefully; protect the existing and ongoing viable use of existing industries; retain employment generating uses where possible; and subject to appropriate justification, introduce new land uses.
- Require the following matters be addressed, as appropriate, in consideration of applications for change in Strategic Redevelopment Areas:
  - the extent of contamination;
  - range of future uses;
  - all infrastructure requirements including community facilities and open space;
  - potential off site impacts, and measures to manage them;
  - traffic management plans which address connectivity within and between sites;
  - staging of development;
  - mechanisms/proposals to protect ongoing viable industries from encroaching sensitive uses such as buffer distances and acoustic measures to attenuate noise levels within the new development;
  - future character of the area and potential impact on neighbouring residential character;
  - measures to protect ongoing viable industry;
  - Social Impact Assessment;
  - incorporation of Environmentally Sustainable Design principles;
  - diversity in housing choice including affordable housing;
  - appropriate zoning and planning controls to guide future development and manage the potential impact of interface issues on adjoining land uses.
- Require the preparation of an Outline Development Plan (i.e. a master plan), for Strategic Redevelopment Areas that are no longer suitable for traditional industrial uses and are in multiple ownership in consultation with land owners, adjoining land owners, key government stakeholders and the Council to ensure that the Strategic Redevelopment Area as a whole can integrate with its surrounds and address significant interface issues.
- Support applications for site specific rezoning only if the applicant can demonstrate that the proposal will not prejudice the future development of the remainder of the precinct and that it is consistent with an Outline Development Plan or Master Plan that has been prepared to manage overall change in the precinct.
- Ensure that there is an appropriate interface between conflicting land uses when planning for the redevelopment of redundant industrial sites identified as Strategic Redevelopment Areas.
- Require residential and other new sensitive land uses to include appropriate measures to protect residential amenity including noise attenuation within new buildings and appropriate design and siting of private open space to protect occupants' amenity.
- Ensure that there is an appropriate interface between existing and future land uses within redundant industrial areas identified as Strategic Redevelopment Areas when planning for redevelopment of the precinct.
- Where appropriate, consider the potential for new character in future residential areas of the Strategic Redevelopment Areas.



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- Ensure the provision of appropriate community infrastructure or an adequate contribution to support new communities.
- Ensure that the existing road layout and subdivision pattern that defines and characterises the broader neighbourhood is considered and respected by new development.

Clause 21.06 (Built Environment and Heritage) is of relevance to this process. Outlined below are the relevant objectives and strategies outline at Clause 21.06-1 (Built Environment).

### **Objective 1**

- To ensure that new development respects and enhances the preferred neighbourhood character of the existing residential areas of Hobsons Bay.

### **Strategies**

- Work with development proponents to achieve outcomes that enhance the preferred neighbourhood character.
- Encourage high quality contemporary and innovative architectural responses and avoid period reproduction styles, especially in Heritage Overlay areas.
- Discourage use of basement garages where they lead to the loss of effective landscaping or has the effect of increasing the height of buildings, particularly in coastal areas.
- Encourage energy efficient design of new dwelling construction.
- Promote innovative designs, which promote the concepts of environmentally sustainable development through energy efficient design.
- Promote innovative designs which are functional, aesthetically pleasing and pleasant to live in.

### **Objective 2**

- To protect and enhance the amenity of residential areas.

### **Strategies**

- Encourage applicants to exceed minimum compliance with the requirements of Clause 54 and Clause 55 in the preparation of applications, to ensure the protection and enhancement of the amenity of residential areas.
- Encourage a high standard of site analysis and design response to facilitate innovation and creativity in design and planning for medium density housing and residential areas.
- Encourage the establishment of a landscape and streetscape urban setting for new development which reflects the local and wider landscape character.
- Minimise the dominance of car parking structures by setting such structures behind the main building line of the dwelling.
- Protect and improve streetscapes by minimising the effects of development on street trees and nature strips, requiring the reinstatement of footpaths, kerbs and channels with appropriate materials and through the use of underground power and telecommunication lines.
- Protect and improve streetscapes by minimising high solid front fences.



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### **Objective 3**

- To protect the amenity of residential areas adjacent to land uses with off-site amenity impacts and protect industry and sensitive open space from constraints and adverse impacts caused by the encroachment of residential development.

### **Strategies**

- Ensure that future residential development which has an interface with an existing industry implements appropriate mitigation measures to protect the amenity of future residents and the continued operation of the existing industry.
- Facilitate appropriate forms of residential development at the interface between residential and other land uses. For example:
  - residential areas adjacent to industrial land use;
  - residential areas adjacent to parks and open space reserves;
  - other urban/non-urban interface areas.
- Ensure that development adjacent to open space and along watercourses addresses, but does not dominate, the waterway or open space.

### **Objective 4**

- To provide landscaping that enhances open space areas and surrounding amenity.

### **Strategies**

- Encourage and undertake landscaping that:
  - emphasises areas of high visibility such as gateways, major boulevards and creeks;
  - uses indigenous vegetation in natural areas and introduces a wider range of species, particularly trees in the developed areas of the municipality;
  - integrates all existing planting in public areas;
  - takes into account the traffic calming effects of street tree planting.
- Give careful consideration to the landscaping of sites as a condition of the approval of applications for all types of land uses and development.
- Reflect streetscape character through fencing, planting style and pavement types.
- Consider views worthy of protection or screening in the design of landscaping.
- Consider adjacent land uses and buildings to ascertain how these should influence landscape design.
- Encourage private landscaping that enhances the streetscapes of the municipality and complements the landscaping of public areas.
- Encourage landscaping that provides shade but does not damage buildings and pavements and is designed to take into account public safety.

Clause 21.07 (Housing) is of relevance to this process. The objective of Clause 21.07 is outlined below.

- To encourage and facilitate the provision of a range of dwelling types to suit the varying needs of the community in a high quality living environment.



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Relevant strategies as outlined by Clause 21.07 are listed below.

- Provide a mix of housing types that better reflects the cross section of household sizes and the provision of housing for people with particular needs.
- Encourage subdivision that provides a range of lot sizes to cater for a diversity of housing stock and a better matching of house size and type with varying community needs.
- Support medium density residential development where it can be accommodated within the capacity of existing infrastructure.
- Support medium density residential development where the character and amenity of the neighbourhood is not prejudiced.
- Support higher density residential development in appropriate locations where there is access to safe, efficient and reliable public transport.
- Provide housing to meet the needs of current and future residents within their local areas by encouraging the incorporation of universal design principles.

Clause 21.09 (Transport and Mobility) is of relevance to this process. Outlined below are the relevant objectives and strategies of Clause 21.09.

### **Objective 1**

- To provide access to, through and within the municipality by all modes of transport, including walking, cycling, public transport and private and commercial vehicles.

### **Strategies**

- Ensure that the cost of new road and transport infrastructure required to serve specific development is met by the developer.
- Ensure that developers provide a continuous network of bicycle paths and pedestrian facilities in new residential subdivisions that contributes to community health and well being by encouraging walking and cycling.
- Ensure bicycle paths and pedestrian facilities interconnect with the existing transport network and form a safe, efficient and convenient network that promotes walkability.

### **Objective 2**

- To protect residential and other sensitive land uses from the adverse effects of vehicular traffic.

### **Strategies**

- Ensure that the impact of traffic on the safety of other road users and pedestrians generated by new land uses and development is minimised.
- Discourage industrial land uses and developments that are dependent upon heavy transport or high volumes of vehicle trips in locations that require trucks to use roads through predominantly residential areas.
- Conduct traffic management studies of the surrounding areas to avoid transferring traffic problems.
- Ensure that new land uses and developments provide adequate car parking and loading bay facilities that are safe, convenient and visually attractive.



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To provide access to, through and within the municipality by all modes of transport, including walking, cycling, public transport and private and commercial vehicles

Relevant strategies as outlined by Clause 21.09 are listed below.

- Provide a mix of housing types that better reflects the cross section of household sizes and the provision of housing for people with particular needs.
- Encourage subdivision that provides a range of lot sizes to cater for a diversity of housing stock and a better matching of house size and type with varying community needs.
- Support medium density residential development where it can be accommodated within the capacity of existing infrastructure.

### 6.3.2 Local Planning Policies

The only Local Planning Policy relevant to this process is the Environmentally Sustainable Development Policy at Clause 22.13 of the Scheme, which applies to all development requiring a planning permit.

Clause 22.13-2 outlines a series of objectives and notes that *“the overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation”*.

Clause 22.13-4 sets out application requirements, variously requiring a Sustainable Design Assessment or Sustainable Management Plan depending on the scale and nature of development proposed. In relation to the proposed development, it is noted that a Sustainability Management Plan (SMP) and Green Travel Plan (GTP) are required in relation to the development of 10 or more dwellings.

## 6.4 Existing Zones

As outlined in Section 2.4 of this report, Precinct 16 West is largely located in the IN3Z, apart from a small section of land in the south west corner of 9 and 9A Sutton Street that is located in the GRZ1.

The purpose of the IN3Z is outlined below.

- *“To implement the Municipal Planning Strategy and the Planning Policy Framework”.*
- *“To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict”.*
- *“To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community”.*
- *“To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations”.*
- *“To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses”.*

Under the IN3Z, a range of uses are permissible but use as accommodation is prohibited.

The purpose of the GRZ is outlined below.

- *“To implement the Municipal Planning Strategy and the Planning Policy Framework”.*





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- *"To encourage development that respects the neighbourhood character of the area".*
- *"To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport".*
- *"To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations".*

### 6.5 Existing Overlays

As outlined in Section 2.4 of this report, Precinct 16 West is partially affected by HO274 and the EAO. The purpose and intent of the EAO is outlined in Section 3.2 of this report. The HO274 is no longer considered relevant as the buildings on that part of the Precinct have been demolished in accordance with a previously issued planning permit.

A very small portion of the precinct, adjacent to the northern boundary, is affected by the SBO, with matters relevant to stormwater management addressed through the DPO2 requirement to provide a stormwater management strategy.

### 6.6 Particular Provisions

#### 6.6.1 Clause 52.02 – Easements, Restrictions and Reserves

As Precinct 16 West is affected by a series of easements, Clause 52.02 is relevant.

The purpose of Clause 52.02 is *"to enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered"*.

Under Clause 52.02 a planning permit is required to remove any easements.

#### 6.6.2 Clause 52.06 – Car Parking

The purpose of Clause 52.06 is outlined below.

- To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Table 1 at Clause 52.06-5 outlines car parking rates for various uses. A planning permit is required under Clause 52.06-3 should the car parking rates outlined at Table 1 not be provided as part of a new or expanded development.



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In relation to this matter it is noted that the following car parking rates are outlined by Table 1 for dwellings.

- 1 car space to each one and two bedroom dwelling.
- 2 car spaces to each three or more bedroom dwelling.
- One visitor car space to every 5 dwellings for developments of 5 dwellings or more.

Clause 52.06 also outlines a detailed set of requirements for the design and layout of car parking areas.

### **6.6.3 Clause 52.34 – Bicycle Facilities**

The purpose of Clause 52.34 is outlined below.

- To encourage cycling as a mode of transport.
- To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

Table 1 at Clause 52.34-5 outlines bicycle parking rates for various uses. A planning permit is required under Clause 52.34-2 should bicycle parking not be provided in accordance with Table 1 as part of a new or expanded development.

In relation to this Development Plan it is noted that the following bicycle parking rates are outlined by Table 1 for dwellings.

- In developments of 4 or more storeys, 1 resident bicycle space to every 5 dwellings.
- In developments of 4 or more storeys, 1 visitor bicycle space to every 10 dwellings.
- One visitor car space to every 5 dwellings for developments of 5 dwellings or more.

Clause 52.34-6 outlines detailed requirements for the design of bicycle spaces.

### **6.6.4 Clause 53.01 – Public Open Space Contribution and Subdivision**

This clause requires that a proponent seeking to subdivide land must make a contribution to the Council for public open space as required under Section 18 of the Subdivision Act 1988.

More specifically, Clause 53.01 requires that a person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution open space may still be required under section 18 of the *Subdivision Act 1988*.

It is noted that the Schedule to Clause 53.01 does not outline a specific public open space contribution amount in relation to the subject site.

### **6.6.5 Clause 54 – One Dwelling on a Lot**

Clause 54 applies to applications to construct or carry out works associated with one dwelling on a lot under the provisions of the Residential Growth Zone.



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The purpose of Clause 54 is as follows:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.
- To encourage residential development that provides reasonable standards of amenity for existing and new residents.
- To encourage residential development that is responsive to the site and the neighbourhood.

Clause 54 may therefore be applicable to future development in Precinct 16 West depending on the nature of future planning permit applications.

Clause 54 outlines a detailed list of objectives that must be met and standards that contain the requirements to meet the relevant objective. Standards should be met but may be varied should the responsible authority be satisfied that an alternative design solution meets the relevant objective.

### **6.6.6 Clause 55 – Two or More Dwellings on a Lot**

Clause 55 applies to applications in the RGZ for the following:

- construct a dwelling if there is at least one dwelling existing on the lot;
- construct two or more dwellings on a lot;
- extend a dwelling if there are two or more dwellings on the lot;
- construct or extend a dwelling on common property; or
- construct or extend a residential building,

The purpose of Clause 55 is as follows:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.
- To encourage residential development that provides reasonable standards of amenity for existing and new residents.
- To encourage residential development that is responsive to the site and the neighbourhood.

Clause 55 may therefore be applicable to future development in Precinct 16 West depending on the nature of future planning permit applications.

Clause 55 outlines a detailed list of objectives that must be met and standards that contain the requirements to meet the relevant objective. Standards should be met but may be varied should the responsible authority be satisfied that an alternative design solution meets the relevant objective.



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### **6.6.7 Clause 56 – Residential Subdivision**

Clause 56 applies to applications to subdivide the subject site.

The purpose of Clause 56 is as follows.

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To create liveable and sustainable neighbourhoods and urban places with character and identity.
- To achieve residential subdivision outcomes that appropriately respond to the site and its context for:
  - Metropolitan Melbourne growth areas;
  - infill sites within established residential areas;
  - regional cities and towns.
- To ensure residential subdivision design appropriately provides for:
  - policy implementation;
  - liveable and sustainable communities;
  - residential lot design;
  - urban landscape;
  - access and mobility management;
  - integrated water management;
  - site management;
  - utilities.

Clause 56 outlines a detailed list of objectives that must be met and standards that contain the requirements to meet the relevant objective. Standards should be met but may be varied should the responsible authority be satisfied that an alternative design solution meets the relevant objective.

### **6.6.8 Clause 58 – Apartment Developments**

Clause 58 applies to applications to construct or extend an apartment development, or to construct or extend a dwelling in, or forming part of an apartment development if the apartment development is five or more storeys, excluding a basement.

The purpose of Clause 58 is as follows.

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage apartment development that provides reasonable standards of amenity for existing and new residents.
- To encourage apartment development that is responsive to the site and the surrounding area.



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Clause 56 may therefore be applicable to future development in Precinct 16 West depending on the nature of future planning permit applications.

Clause 56 outlines a detailed list of objectives that must be met and standards that contain the requirements to meet the relevant objective. Standards should be met but may be varied should the responsible authority be satisfied that an alternative design solution meets the relevant objective.

### **6.7 Other Planning Considerations**

#### **6.7.1 Amendment C82**

The planning controls for the land within Precinct 16 to the east of Sutton Street, known as The Former Caltex Terminal, were introduced into the Scheme through Amendment C82 on 8 August 2013. The purpose of the amendment was to facilitate the residential redevelopment of the site.

The amendment changed the Scheme as follows:

- rezoned the Site from Industrial 3 Zone to Residential 1 Zone;
- applied the Design and Development Overlay - Schedule 10 to the Site;
- applied the Environmental Audit Overlay to the Site.

A planning permit has subsequently been issued for the development of Precinct 16 East.

#### **6.7.2 Plan Melbourne 2017-2050: Metropolitan Planning Strategy**

Plan Melbourne 2017-2050 is the Victorian Government's metropolitan planning strategy that will guide the city's growth to 2050 ('the Strategy'). The strategy is organised under nine principles which underpin a long term vision, six outcomes, 32 directions and 90 policies.

The relevant outcomes set out under this document are listed below.

- Outcome 1: Melbourne is a productive city that attracts investment and creates jobs.
- Outcome 2: Melbourne provides housing choice in location close to jobs and services.
- Outcome 3: Melbourne has an integrated transport system that connects people to jobs and services.
- Outcome 4: Melbourne is a distinctive and liveable city with quality design and amenity.
- Outcome 5: Melbourne is a city of inclusive, vibrant and healthy neighbourhoods.
- Outcome 6: Melbourne is a sustainable and resilient city.

#### **6.7.3 Hobsons Bay Industrial Land Management Strategy – June 2008**

The Hobsons Bay Industrial Land Management Strategy (ILMS) was adopted by Council in 2008 provides key strategic direction for the future use and development of industrial land.

The site forms approximately half of 'Precinct 16', which is identified as a Strategic Redevelopment Area considered suitable review for alternative land uses.



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The ILMS acknowledges that the land is no longer suitable for industrial activity given its poor access for larger transport and sensitive interfaces to the surrounding residential area. Retail or commercial uses are also not considered appropriate given its location.

The ILMS concludes that the precinct should be considered for rezoning from industrial to residential subject to a satisfactory resolution of issues such as contamination and the appropriate management of the precinct's interface with the Spotswood Maintenance Centre on the opposite side of the freight railway line. This includes both the protection of the ongoing operation of the SMC and the protection of future residents of the precinct from noise, vibration and smoke impacts from the SMC through appropriate mitigation measures.

### **6.7.4 Residential Design and Character Review**

This review was undertaken to update the 2002 Hobsons Bay Neighborhood Character Study and provide an important input into Council's application of the new residential zones.

Precinct 16 West has been identified a 'Strategic Redevelopment Area' which has been designated for residential intensification. These areas are expected to accommodate the majority of the municipality's growth in the near future.

In accordance with the Review, the Residential Growth Zone should be applied in areas where future housing growth and increased densities are considered suitable such as strategic redevelopment areas.

### **6.7.5 Hobsons Bay Housing Strategy (2019)**

The Hobsons Bay Housing Strategy: Volume 3 (2019), was preceded by the Volume 1: Background Report (2017) and Volume 2: Housing Framework Plan and Capacity Assessment (2019).

The Hobsons Bay Housing Strategy provides a policy framework for managing housing in Hobsons Bay and is needed to guide future residential development in the Municipality to ensure that the rights homes are being provided in the right places.

The Housing Strategy identified that over the next 20 years there will be demand for around 8,849 new homes, being 443 new homes per annum to 2036. This is a greater rate than the 359 new dwellings constructed per annum over the period 2011-2016. The housing capacity assessment conservatively estimates a total of 16,281 new dwelling opportunities in the municipality (around 37 years of supply), with the largest opportunities for new dwellings to be accommodated in areas with access to key activity centres (around 32%) and on Strategic Redevelopment Areas and sites (around 28%).

The Housing Framework Plan is one of the key outputs of the Strategy, showing where future housing can be located and the preferred housing types and densities. The Housing Framework Plan and Housing Strategy generally, identifies locations suitable for different rates of housing change, (substantial, natural and limited change) to direct development into areas with capacity for growth, and limit change in areas with established heritage and neighbourhood character values.

The Spotswood-South Kingsville area is expected to experience the greatest population increases within the Municipality, including through redevelopment of Precinct 16 West.

Precinct 16 West is variously designated as a Strategic Redevelopment Area and in part identified for moderate (General Residential Zone) or substantial (Residential Growth Zone) change.



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### **6.7.6 Community Greenhouse Strategy (2013-2030)**

The Hobsons Bay Community Greenhouse Strategy was developed to support the reduction of greenhouse gas emissions within the municipality.

The Strategy outlines a series of emission reduction actions that could assist in achieving its ambitious target of becoming a zero net emission community by 2030 and outlines the role of carbon offsets. Strategies to achieve these goals include reducing energy use through sustainable design for new buildings, and utilities conservation and efficiency works in existing buildings.

Detailed consideration of the strategies will guide the development of the Site.

### **6.7.7 Integrated Water Management Plan (2014-2019)**

The Hobsons Bay Integrated Water Management Activity Centre Strategy Plan is a key strategic document to guide Council's water management activities. A key strategy of the Plan is to reduce nuisance flooding by increasing stormwater harvesting activities and encouraging best practice stormwater management in new developments.

Detailed consideration of the Integrated Water Management Plan will guide the development of the Site.

## **6.8 Planning Practice Notes**

The following Planning Practice Notes (PPN) are relevant to this matter.

- 'PPN10: Writing Schedules' explains the role of schedules in planning schemes, provides guidance on how schedules should be written and provides practical examples of the use of schedules.
- 'PPN23: Applying the Incorporated Plan and Development Plan Overlays' explains the functions of the Incorporated Plan Overlay (IPO) and DPO, provides advice about when these tools should be used and provides guidance on how to use these planning tools.
- 'PPN30: Potentially Contaminated Land' provides guidance about how to identify if land is potentially contaminated, the appropriate level of assessment of contamination for a planning scheme amendment or planning permit application, appropriate conditions on planning permits, and circumstances where the EAO should be applied or removed.
- 'PPN46: Strategic Assessment Guidelines' provides guidance on *Ministerial Direction No.11 Strategic Assessment of Amendments* and what should be considered in response to this Ministerial Direction.
- 'PPN90: Planning for Housing' provides guidance about how to plan for housing growth and protect neighbourhood character to ensure a balance approach to managing residential development.
- 'PPN91: Using the Residential Zones' provides information and guidance about how to use the residential zones to implement strategic work and make use of the key features of the residential zones.
- 'PPN92: Managing Buffers for Land Use Compatibility' provides guidance on avoiding land use conflict in urban renewal areas and managing the transition of land use.



## **7 Planning Assessment**

The following section of this report has been prepared in response to the requirements of Ministerial Direction No.11 and the Strategic Assessment Guidelines outlined by PPN46. The Strategic Assessment Guidelines seek to provide a consistent framework for the evaluation of a proposed planning scheme amendment and the outcomes that it produces. An assessment of Amendment C114 against the Strategic Assessment Guidelines is provided below.

### **7.1 Why is an amendment required?**

Amendment C114 is informed by the Scheme and associated strategic planning documents adopted by Council, in particular the Hobsons Bay Industrial Land Management Strategy. The Industrial Land Management Strategy and the LPPF specifically identify Precinct 16 West as a 'Strategic Redevelopment Area' where urban consolidation and redevelopment is clearly encouraged.

Amendment C114 is required to facilitate the redevelopment of Precinct 16 West for residential purposes as the existing IN3Z prohibits use for residential purposes.

The existing planning controls applying to Precinct 16 West do not accurately reflect the intended residential purpose and development potential of the Precinct. It is therefore proposed to rezone Precinct 16 West from the IN3Z to part GRZ4 and part RGZ2, remove the now defunct HO274 from the land and apply the DPO2 and EAO to appropriately guide future development of the Precinct.

Precinct 16 West is an isolated industrial area that is situated predominantly adjacent to land in the GRZ in recognition of the long-established residential neighbourhoods to the south and west and the future residential neighbourhood to the east (Precinct 16 East). Access to Precinct 16 West also must be gained from the arterial road network (namely Blackshaws Road) and then via residential areas (existing and proposed) along either Sutton Street or Stephenson Street. Further, 41-59 Stephenson Street is now vacant, while the warehouse buildings on 9 and 9A Sutton Street are in poor condition and are no longer fit for efficient industrial use. The existing industrial operations at 5-7 Sutton Street are located immediately adjacent to residential properties and it is therefore also seen as preferable to transition the use of this property to residential purposes, which will be encouraged by rezoning the land to allow for residential development.

The amendment will allow future development of Precinct 16 West to better integrate with the surrounding urban context and to provide a more coordinated approach to land use planning in the local area. Amendment C114 also realises a significant opportunity for urban consolidation in an existing urban area that is well serviced by a range of facilities as outlined in Section 2 of this report.

The mix of GRZ and RGZ will appropriately facilitate the future residential development of Precinct 16 West with a range of dwelling types and variation in built form. Use of the GRZ and RGZ is appropriate to allow for the anticipated range of building heights in the Precinct as outlined by the Framework Plan and to ensure that the efficient future development of Precinct 16 West is not curtailed. The GRZ is also appropriate to cater for the proposed public open space within the Precinct, given the exact boundaries of that public open space are yet to be defined.

Given that the Precinct is identified for residential development with only limited potential for commercial use, the GRZ and RGZ are seen as a more appropriate Victorian Planning Provision (VPP) than the MUZ to achieve the vision for Precinct 16 West.





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The removal of the HO274 will assist in achieving redevelopment anticipated for Precinct 16 West. As outlined previously in this report, the HO274 relates to a place of heritage significance that no longer exists, with the former industrial buildings at 41-59 Stephenson Street having been demolished in accordance with Planning Permit No. PA1122480. The HO274 is therefore redundant and should be removed.

It is proposed to extend the EAO across the entirety of Precinct 16 West. As outlined in Preliminary Environmental Assessment accompanying this report, each of the land parcels that form Precinct 16 West are in various stages of remediation however, an environmental audit is unlikely to be issued for all of the properties prior to gazettal of this Amendment. It is therefore proposed that the EAO apply to all land within Precinct 16 West, consistent with the intent of Ministerial Direction No.1 Potentially Contaminated Land.

Finally, it is proposed to apply the DPO2 to Precinct 16 West so as to appropriately guide future development of the Precinct. The DPO2 will provide Council, surrounding residents and landholders within the Precinct with a level of certainty regarding future development of the land and also facilitate the implementation of the Framework Plan.

The DPO is seen as the best tool to achieve this outcome.

Approval of a development plan (or plans) for the Precinct will also ensure that future planning permit applications do not require further public notice given the extensive public notice that is anticipated as part of the consideration of the joint Amendment C114, planning permit applications, 9 and 9A Sutton Street Development Plan and 41-59 Stephenson Street Development Plan and also expected as part of the consideration of any future Development Plans for the balance of the Precinct by Council.

Furthermore, application of the DPO and subsequent approval of Development Plans under the DPO will ensure that the garden area requirements outlined by the GRZ will not be applicable to future development within Precinct 16 West.

As outlined above, the 9 and 9A Sutton Street Development Plan and 41-59 Stephenson Street Development Plan are to be considered concurrently with Amendment C114 and responds directly to the proposed provisions of the DPO2.

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

Amendment C114 implements the objectives of planning in Victoria, as outlined by Section 4 of the Act in the following ways.

- **Objective A:** The amendment provides for the fair, orderly, economic and sustainable use and development of land as it facilitates a coordinated redevelopment of strategically identified land in a responsible manner through the implementation of the appropriate zone and overlays.
- **Objective B:** Amendment C114 facilitates an efficient use of resources within an established area. Through doing so it naturally reduces development pressures on Melbourne's fringe. There are no natural or man-made resources or ecological processes evident in Precinct 16 West.
- **Objective C:** Amendment C114 will facilitate the redevelopment of industrial land into a pleasant and efficient residential area for future residents and visitors alike.
- **Objective D:** Despite a heritage overlay affecting part of Precinct 16 West, there are no buildings, areas or other places with historical interest in Precinct 16 West. As outlined in the previous sections of this



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report, the buildings within HO274 have been demolished in accordance with a previously issued planning permit.

- **Objective E:** There are no public utilities or other assets within Precinct 16 West that require protection to the benefit of the broader community. Measures will be put in place to ensure that the future development of the Precinct does not unreasonably hinder the ongoing operations of the SMC to the northeast of Precinct 16 West, while the major pipelines to the north and west of the Precinct will not be impacted on by development within the Precinct as ensured through the proposed provisions of the DPO2.
- **Objective F:** Amendment C114 will facilitate redevelopment of Precinct 16 West for residential infill purposes in accordance with State and local planning policies.
- **Objective F(a):** It is anticipated that measures regarding an affordable housing provision or equivalent contribution will be entered into between the land owners and Council prior to development of land within Precinct 16 West.
- **Objective G:** The amendments seeks to balance the present and future interests of all Victorians through facilitating urban consolidation on a strategically identified opportunity site in a manner that will provide for increased housing and housing diversity while creating a new urban character of a high quality.

### 7.3 How does the amendment address the environmental effects and any relevant social and economic effects?

Precinct 16 West has previously been used for industrial purposes. Given the location of the Precinct immediately adjacent to existing and proposed residential areas, and the limited industrial operations that exist within the Precinct, ongoing industrial use of Precinct 16 West is not considered the maximum economic outcome. Infill residential development of Precinct 16 West is therefore considered a preferable economic outcome for the land given the number of jobs that will be created during the construction phase of the project when compared to the relatively low number of existing jobs.

As highlighted in Section 2 of this report, there are no environmental features of Precinct 16 West that require retention and protection. The small number of scattered trees are not of a nature, condition or character worthy of retention and will ultimately be replaced by improved planting, particularly in the public realm. Any potential environmental impacts associated with soil conditions will be appropriately managed through application of the EAO to all of Precinct 16 West, while the relevant Environmentally Sustainable Development Policy at Clause 22.13 will ensure that future development on the land has a high level of environmental performance.

The Social Impact Assessment that has been prepared to support Amendment C114 demonstrates that Precinct 16 West is located in an area that benefits from access to a range of services and facilities, a feature which has helped to identify it for redevelopment. Furthermore, the Social Impact Assessment does not identify the need for any additional social services or facilities as a result of the redevelopment of Precinct 16 West.

### 7.4 How does the amendment address any relevant bushfire risk?

There is no identified or potential bushfire risk in the local or broader area.



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

This report and the planning scheme amendment process more generally demonstrates how Amendment C114 is consistent with Ministerial Direction No.11 – Strategic Assessment of Amendments, and Ministerial Direction No.15 – The Planning Scheme Amendment Process. Other relevant Ministerial Directions are responded to below.

#### **7.5.1 Ministerial Direction No.1 – Potentially Contaminated Land**

The amendment responds to Ministerial Direction No.1 through applying the EAO to all of Precinct 16 West. Detailed environmental assessment has been undertaken of parts of Precinct 16 West and while remediation works have commenced on parts of the Precinct, it is not expected that an Environmental Audit will be issued for all of the Precinct prior to gazettal of Amendment C114.

It is therefore considered necessary to apply the EAO to Precinct 16 West to ensure that potentially contaminated land is appropriately remediated prior to future residential use. It is also proposed to include this as a conditional requirement of the DPO2 to further enshrine it in the planning process for Precinct 16 West. Furthermore, it is noted that the DPO2 is written in a manner that allows a planning permit for buildings and works associated with remediation of land within Precinct 16 West prior to the approval of a Development Plan.

Information regarding the environmental conditions and status of properties within Precinct 16 West is provided by the correspondence prepared by Environmental Assessment Services Pty Ltd and submitted in association with this report.

#### **7.5.2 Ministerial Direction No.9 – Metropolitan Strategy**

The Metropolitan Strategy (Plan Melbourne) provides strong support for infill development, clearly encouraging the better utilisation of existing infrastructure to accommodate population growth, particularly on unused or underutilised land in existing urban areas. Realisation of the development opportunities presented by sites such as Precinct 16 West will assist in achieving the objectives of planning in Victoria, manage urban growth, more efficiently utilise existing assets and provide greater housing diversity and affordability.

Plan Melbourne has guided the Planning Policy Framework for Metropolitan Melbourne (as outlined by 6.2 of this report), which repeatedly encourages the appropriate urban consolidation of strategic redevelopment sites such as Precinct 16 West

The policy trend has in turn driven the LPPF, which specifically identifies Precinct 16 West as a 'Strategic Redevelopment Area' where infill residential development at varying densities is encouraged and the need for planning scheme amendments to rezone the Precinct is acknowledged.

The planning policy framework as generated from the policies outlined in Plan Melbourne has underpinned Amendment C114.

Amendment C114 gives effect to 'Direction 2.1 – Understand and Plan for Expected Housing Needs', 'Direction 2.2 – Reduce the Cost of Living by Increasing Housing Supply near Services and Public Transport' and 'Direction 2.4 Facilitate the Supply of Affordable Housing'

- increasing land supply for residential development in an existing urban area;



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- increasing housing choice in an area which largely consists of large dwellings on large allotments;
- addressing housing affordability by providing a diversity of housing product in this part of Melbourne, including provision for smaller, family oriented housing;
- the provision of affordable housing or equivalent contribution.

There is no way in which Amendment C114 will compromise the implementation of the Metropolitan Strategy.

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

As outlined previously in this report, Amendment C114 assists in realising the urban consolidation policies that are embedded in State policy. On a detailed level, Amendment C114 supports and implements State policy as outlined below.

- Clause 11.02 is implemented through ensuring there is a sufficient supply of land available for residential development, through a better utilisation of industrial land that is not viable for this use in the long term. In this manner the objective of 'consolidation, redevelopment and intensification of existing urban areas' is realised. Furthermore, while a Structure Plan is not proposed for Precinct 16 West given the small size of this Precinct comparatively, application of the DPO2 will ensure appropriate master planning to guide future development.
- Amendment C114 responds to Clause 13 through recognising potential amenity conflicts between the noise emanating from the SMC and the future residential development of Precinct 16 West. It is a requirement that any Development Plan submitted under the DPO2 include an acoustic report that identifies the potential noise sources, their potential impact on future residential development in the Precinct, and recommendations for measures to manage potential acoustic and vibration impacts throughout the development of Precinct 16 West. The DPO2 also includes requirements that a Development Plan include details as to how the interface with the adjacent high pressure gas pipelines is managed throughout the development of Precinct 16 West.
- The future built environment for Precinct 16 West will be appropriately guided through application of the DPO2. The DPO2 includes provisions to guide the new built form character expectations for the Precinct, while also ensuring an appropriate transitioning of the built form to adjacent residential properties and neighbourhoods. In this manner Amendment C114 achieves the objectives and strategies of Clause 15.
- Clause 16 (Housing) is facilitated through ensuring the increased provision of housing within an existing urban area that is close to existing services and facilities. Housing affordability and diversity specifically, is encouraged through the provision of a diversity of housing types in the area and in particular smaller housing types, with a focus in the DPO2 of ensuring the provision of a mix of dwelling types, including for families. The DPO2 also includes built form guidance to provide certainty in the heights and setbacks of future development in Precinct 16 West. It is anticipated that an agreement will be entered into with Council to ensure that affordable housing or an equivalent contribution will be provided.
- Amendment C114 achieves the objectives and strategies of Clause 18 through a detailed analysis of the existing transport network surrounding Precinct 16 West, and the potential implications of future development within the precinct as anticipated by the Framework Plan. This assessment and subsequent recommendations for future works to the transport network, are contained in the Traffic Impact Assessment that supports this amendment. The DPO2 will ensure that local cycling and pedestrian networks are extended to and through Precinct 16 West.



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- The Infrastructure and Developer Contributions Report and Stormwater Management Strategy that support Amendment C114 outlines the manner in which existing infrastructure services can adequately be extended to service the future development of Precinct 16 West, in keeping with Clause 19.

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

The LPPF in particular underpins Amendment C114, while Amendment C114 clearly implements the LPPF as outlined below.

The Strategic Framework Plan at Clause 21.02 identifies Precinct 16 West as forming part of a 'Strategic Redevelopment Area' where urban consolidation is encouraged. Clause 21.02 states that urban consolidation and housing growth in the Hobsons Bay City Council is to occur primarily through redevelopment of Strategic Redevelopment Areas. Furthermore, Clause 21.02 states that the preparation of an Outline Development Plan should underpin the redevelopment of these areas. As outlined above, the Framework Plan has formed the basis for Amendment C114 and the Development Plan.

This report, and the supporting consultant reports, demonstrate the following in response to Clause 21.03-2.

- The extent of contamination and methods to treat this contamination as part of the redevelopment.
- The predominant residential use for Precinct 16 West, apart from a future public open space and other potential small scale uses to meet the needs of local residents.
- The method in which infrastructure services will provide for the future site redevelopment.
- A traffic management plan that caters for the anticipate future residential growth.
- The DPO2 includes requirements relative to staging of development.
- The DPO2 includes provisions to ensure that off-site amenity impacts (in particular the noise from the SMC) are managed.
- The DPO2 includes provisions to protect the ongoing industrial use within Precinct 16 West at 5 Sutton Street and the manner in which the transition to residential development should occur in the future.
- The DPO2 also includes provisions to ensure that a diversity of housing is provided within the Precinct when compared to the predominant housing type in the local area.
- An analysis and summary of environmental sustainable development principles.
- A social impact assessment.

The Built Form and Heritage Policy at Clause 21.06 outlines a series of objectives and strategies relevant to this process. In response to Clause 21.06, the DPO2 includes provisions to:

- guide the preferred future character of Precinct 16 West;
- encourage a high quality, contemporary and innovative architectural outcome;
- encourage energy efficiency;
- promote designs that are functional, aesthetically pleasing and have a high level of internal amenity;



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- protect the amenity of adjacent residents;
- ensure establishment of an appropriate landscape character for the precinct;
- ensure that high quality streetscapes are achieved.

This report, and the supporting reports, demonstrate the following in response to Clause 21.03-2.

- The extent of contamination and methods to treat this contamination as part of the redevelopment.
- The predominant residential use for Precinct 16 West, apart from a future public open space and other potential small scale uses to meet the needs of local residents.

Clause 21.07 (Housing) is facilitated through ensuring that Precinct 16 West will be developed with a range of lot sizes and dwelling types of medium to high densities. In particular, a mix of townhouse and apartment style dwellings are encouraged for the Precinct through the DPO2, with the townhouses in particular encouraged to provide family accommodation in a variety of layouts, including small lot housing that has associated affordability benefits when compared to the majority of housing stock in the local area.

Clause 21.09 (Transport and Mobility) is implemented through the recommendations of the Transport Impact Assessment that supports this report.

Any new development in Precinct 16 West will need to respond to the Environmentally Sustainable Development Policy at Clause 22.13. In addition, the DPO2 includes a requirement that any development plan include an ESD response.

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

Amendment C114 makes proper use of the VPPs by applying the GRZ4 and RGZ2 to allow for the use and development of a medium to high density residential neighbourhood at Precinct 16 West. As outlined previously, these are considered the most appropriate zones for the anticipated outcome of the Precinct as indicated by the Framework Plan.

Furthermore, application of the EAO to Precinct 16 West is considered appropriate to address potential site contamination and remediation requirements.

Application of the DPO2 will provide a framework to guide future development in Precinct 16 West in keeping with the Framework Plan.

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

The future exhibition of Amendment C114 will provide a formal opportunity for all relevant stakeholders to provide comment on the proposal. The views of relevant agencies will be sought during this process.



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

The *Transport Integration Act 2010* establishes a framework for the provision of an integrated and sustainable transport system in Victoria. It provides for a system in which all transport activities and modes work together and recognises the interdependency of transport and land use.

Amendment C114 complies with the relevant requirements of the *Transport Integration Act 2010* as it will facilitate development which integrates with and promotes sustainable transport systems to better address transport accessibility, housing affordability and sustainable communities. This integration will ensure that the transport system is able to support the land use outcomes as foreshadowed by Amendment C114 and similarly that the proposed land use patterns support the use of an integrated transport system.

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

The consideration and implementation of the amendment and the future development and use is not anticipated to give rise to any unreasonable resource or administrative costs for Council. Implementation of the DPO2 further ensures that the future resource costs to Council will be appropriately minimised.



## **8 Key Considerations**

The following section of this report has been prepared to provide an overview of the envisaged key issues relating to Amendment C114. Please refer to the associated specialist reports for further details of matters discussed below.

### **8.1 Proposed Zones and Overlays**

#### **8.1.1 General Residential Zone**

The Framework Plan outlines two separate height limits affecting the Precinct. As detailed previously in this report, it is proposed to apply the GRZ to those parts of Precinct 16 West identified by the Framework Plan to have a maximum building height of 2-3 storeys. The GRZ was selected as the preferred zone as it is considered to best facilitate the 2-3 storey townhouse and apartment typology within the relevant parts of the precinct.

Precinct 16 West has been identified as a Strategic Redevelopment Area within the MSS and therefore is considered to be able to accommodate higher density residential development. The Precinct is located within close proximity to existing services and infrastructure, as well as proposed services within the precinct and on adjacent redevelopment sites.

The GRZ4 is to be used to vary numerous requirements of Clause 54 and 55. This is considered necessary to facilitate the medium to high intensity residential development anticipated for Precinct 16 West. It is considered that an appropriate development outcome for Precinct 16 West will be achieved through the combined application of the GRZ4, RGZ2 and the DPO2.

#### **8.1.2 Residential Growth Zone**

As detailed previously in this report, it is proposed to rezone that part of Precinct 16 West identified by the Framework Plan as having a maximum height of 6 storeys, to the RGZ. The RGZ was selected as the preferred zone as it aims in part to provide housing an increased densities and to encourage a diversity of housing types in strategic locations and also allows for a maximum height of 6 storeys.

Precinct 16 West has been identified as a Strategic Redevelopment Area within the MSS and therefore is considered to be able to accommodate higher density residential development. The Precinct is located within close proximity to existing services and infrastructure, as well as proposed services within the precinct and on adjacent redevelopment sites. Precinct 16 West also has potential for building heights up to six storeys, as anticipated by the Framework Plan.

The RGZ2 is to be used to vary numerous requirements of Clause 54 and 55. This is considered necessary to facilitate the medium to high intensity residential development anticipated for this part of Precinct 16 West. Meeting the standard requirements relative to setback, site coverage, private open space and the like, will unreasonably limit the development potential of the Precinct and the ability to encourage innovative design to provide new forms of housing with a high level of internal amenity.

#### **8.1.3 Development Plan Overlay**

It is proposed to introduce the DPO to the entirety of Precinct 16 West. The DPO has been specifically used to help provide certainty about the nature of future development within the Precinct and to guide future development to ensure that it is in alignment with the Framework Plan. The DPO2 also outlines requirements to ensure that various





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potential amenity impacts such as the adjacent major pipelines and potential noise impacts are adequately addressed by future development in Precinct 16 West.

Furthermore, use of the DPO ensures that future planning permit applications, if generally in accordance with a Development Plan approved under the DPO2, will not require further public notice as third party involvement will occur during the consideration of this amendment and assessment of any future development plan (or plans) for the Precinct. This will appropriately facilitate redevelopment of Precinct 16 West whilst balancing the need to provide certainty to local residents.

The Framework Plan sets out a clear vision for the future development of Precinct 16 West and the DPO is considered the best tool to provide certainty around this outcome.

### **8.1.4 Environmental Audit Overlay**

As stated previously in this report, the environmental assessment and remediation of each land parcel within Precinct 16 West is at various stages. It is therefore proposed to apply the EAO to the entire Precinct 16 West to ensure the appropriate remediation of land prior to future residential development. The EAO is seen as the only available tool to ensure that this is achieved in keeping with Ministerial Direction No.1.

## **8.2 Neighbourhood Character and Existing Resident Amenity**

The DPO2 outlines a requirement for built form guidelines to be included in any future development plan to guide the future character of Precinct 16 West. The DPO2 also outlines some preferred guidance for the type of character anticipated to occur within Precinct 16 West.

It is acknowledged by the DPO2 that the future character of Precinct 16 West will be that of a medium to high density residential neighbourhood with a mix of housing types, varying heights, and high site coverage. Furthermore, this developed outcome is to be facilitated through the GRZ4 and RGZ2 varying provisions of Clause 54 and 55. This is considered important to ensure that the appropriate planning tools and guidelines are in play when considering future planning permit applications for the Precinct.

The DPO2 acknowledges the vision for a medium to high intensity residential development of Precinct 16 West while seeking to ensure that a high quality urban character is created through appropriate built form and architectural expression and also through providing a high quality public realm, including streets as well as a future area of public open space.

The DPO2, and its references to the Framework Plan, seek to manage the transition between development within Precinct 16 West and existing residential development to the south and west of the Precinct. Specifically, building heights are to be a maximum of two to three storeys in the GRZ4 and where adjacent to existing residential properties or fronting Stephenson Street. The DPO2 also includes provisions to ensure that an appropriate interface with immediately adjoining residential properties is provided in keeping with Clause 55.

The Framework Plan outlines that future development should consist of the following key features.

- Development of an apartment building(s) with a height of up to six storeys in the north east corner of Precinct 16 West to manage potential noise impacts from the SMC.
- A two to three storey built form across the balance of Precinct 16 West.



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- A permeable road network with a direct east-west link providing vehicle, pedestrian and bicycle access from Stephenson Street to Sutton Street.

### **8.3 Acoustic and Vibration Issues**

A Noise and Vibration Assessment has been prepared by SLR Consulting Australia Pty Ltd and supports Amendment C114. This Assessment focusses on the potential noise and vibration impacts to Precinct 16 West from the existing and surrounding uses and includes:

- an assessment of potential noise impacts from nearby industrial uses, including most notably the SMC and the existing operations at 5 Sutton Street;
- an assessment of potential train noise;
- an assessment of potential train vibration.

The assessment identifies that Precinct 16 West is potentially impacted by rail noise and vibration from the railway lines to the north and also from noise emanating from the SMC to the northeast.

The assessment concludes that the proposed development of Precinct 16 West and Precinct 16 East provide for an ultimate SEPP N-1 compliant outcome across both future developments through various measures including shielding structures and barriers along the railway corridor interface.

The assessment also notes that there are potential issues associated with development staging in advance of the ultimate arrangements at the railway corridor interface that each developer will need to address and which may result in temporary acoustic shielding depending on the sequencing of development. Furthermore, there will also be a requirement for temporary noise attenuation at the northern boundary of 5 Sutton Street should this part of the Central Sub-precinct be development while the industrial operations are still occurring at 5 Sutton Street.

Measures to ensure the appropriate treatment and management of noise and vibration impacts in the ultimate arrangement as well as at various stages of the future development are included in the DPO2 as a requirement for any future development plan affecting Precinct 16 West.

### **8.4 Major Pipelines**

As outlined in Section 2 of this report, there are major gas pipelines running along Stephenson Street and the railway corridor to the north of Precinct 16 West. These pipelines are acknowledged by the DPO2, which requires that any development plan include a report that outlines measures necessary to ensure that the pipelines are responded to appropriately.

This is expected to be in the form of a safety management study workshop with the relevant stakeholders to ensure that the necessary recommendations to respond to the pipelines are incorporated into any future development within Precinct 16 West.



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### **8.5 Servicing Infrastructure**

A Site Services and Infrastructure Report has been prepared and supports Amendment C114. The report investigates the suitability of the existing infrastructure and the requirements of the relevant authorities to serve the future development of Precinct 16 West.

#### **8.5.1 Water**

City West Water is the responsible authority for the provision of water within the area. Potable water supply can be provided to the development from the existing 150mm diameter water main located in Sutton Street and the 100mm diameter water mains located in Stephenson Street and Blackshaws Road.

Upgrades to the water mains within Blackshaws Road may be required given the scale of the proposed development.

#### **8.5.2 Stormwater**

Hobsons Bay City Council is the responsible authority for the provision of stormwater drainage in the area.

There are existing stormwater drains within Stephenson Street / Moresby Street and Blackshaws Road. There are no existing drains within Sutton Street. As the existing pavements within Sutton Street are part asphalt to the south and gravel to the north, the surface and drainage of Sutton Street will need to be upgraded.

#### **8.5.3 Sewer**

City West Water is the responsible authority for the provision of sewer in this area.

The existing 150 mm and 225mm diameter sewer mains and easements running through the subject site will have sufficient capacity to provide sewerage facilities for the proposed development.

#### **8.5.4 Gas**

Ausnet services is the responsible authority for the provision of gas in the area. The subject site is located in a high pressure gas area (over 70 kPA). There are existing 40, 50 and 300 millimetre diameter gas distribution mains within Stephenson Street and 63 millimetre diameter gas distribution mains in Blackshaws Road and Sutton Street.

There is sufficient gas infrastructure within the vicinity of the subject site to cater for the proposed development. The development will connect to the existing mains in Stephenson and Sutton Street.

#### **8.5.5 Telecommunications**

Telstra has underground pit and pipe infrastructure within the street frontages to the site. The existing facilities lead in services are off Stephenson Street and Sutton Street.

It is anticipated that both new fibre and copper lead-in services will be required for the new development. Copper lines will be provided for the safety services with fibre lines for the data and telephony.



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An application will be submitted to the National Broadband Network (NBN) to determine if the site is eligible to receive NBN Fibre. There are NBN assets within Blackshaws Road and it is likely that NBN or other broadband assets will be required for this development.

### **8.5.6 Electricity**

Jemena is the responsible authority for the distribution of electricity in the area.

There are existing overhead low voltage and high voltage infrastructure in Stephenson Street and Sutton Street frontages. The site is fed from two existing substations with underground cable easements connected to overhead poles in the Sutton Street frontage. There is also a pole mounted substation at the north end of Sutton Street which appears to be supplying the VicTrack site.

The electrical demand of the proposed new site development works will exceed that of which can be provided by the existing overhead high voltage service cables. Two kiosk substations will be required on site to cater for the increased electrical demand. The kiosk substations will each require an easement reserve of 7.200 metres long by 7.2 metres wide and will need to be located on the Stephenson Street and / or Sutton Street frontages to avoid additional cable easements.

## **8.6 Traffic and Car Parking**

A Traffic Impact Assessment has been prepared for Precinct 16 West based on the development outcome anticipated by the Framework Plan, which is up to 650 dwellings. It is noted that the maximum figure of 650 dwellings is conservatively high and has been used for the purposes of the traffic report to analyse a maximum traffic scenario. The following key conclusions of this Assessment are noted.

- The development of Precinct 16 West could be expected to generate approximately 325 vehicle movements during the morning and afternoon peaks, and approximately 3,250 vehicle movements over the entire day.
- There is adequate capacity in the surrounding road network to cater for the traffic generated by the proposed development of Precinct 16 West as anticipated by the Framework Plan.
- The internal road network within Precinct 16 West should be developed in accordance with the principles embodied in Clause 56 of the Scheme.
- Adequate pedestrian and cyclist facilities can be provided within Precinct 16 West and can connect to the surrounding networks.
- The development of Precinct 16 West has the potential to meet the relevant guidelines in the Scheme so as to ensure the efficient and safe operation of the local street network.

## **8.7 Social Impact**

A Social Impact Assessment has been prepared and supports Amendment C114. This Assessment identifies that the residential development of Precinct 16 West would have a number of important social benefits, as outlined below.

- The development of Precinct 16 West for residential and related purposes accords with the State Government's urban consolidation initiatives.



## **AMENDMENT C114 TO THE HOBSONS BAY PLANNING SCHEME & PLANNING PERMIT APPLICATIONS PA1943532 and PA1943533**

Precinct 16 West

- The proposed mix of housing would contribute to housing diversity and affordability in the local area.
- Demand for community facilities and services associated with the future population of Precinct 16 West would be minimal.



## **9 Conclusion**

This Report has detailed Amendment C114 and provided an analysis of the existing conditions of Precinct 16 West and the surrounding neighbourhood, detailed the proposal, provided an overview of the relevant planning policy framework and lastly provided an assessment of the proposal against the relevant policies and provisions.

It is clear from this assessment that Amendment C114 is underpinned by all levels of the planning policy framework and in particular the LPPF, which specifically identifies Precinct 16 West as a Strategic Redevelopment Area, where redevelopment for residential purposes is encouraged. The assessment provided above outlined how the combined amendment and application will achieve a net community benefit.

It is considered that the proposed planning framework for Precinct 16 West appropriately realises the redevelopment potential while providing an appropriate framework to ensure that future development in the Precinct occurs in keeping with the Framework Plan and in a generally appropriate manner.

**13 May 2021**

**Hollerich Town Planning Pty Ltd**



**AMENDMENT C114 TO THE HOBSONS BAY PLANNING SCHEME &  
PLANNING PERMIT APPLICATIONS PA1943532 and PA1943533**

Precinct 16 West

**Appendix A**

Precinct 16 West Framework Plan







**AMENDMENT C114 TO THE HOBSONS BAY PLANNING SCHEME &  
PLANNING PERMIT APPLICATIONS PA1943532 and PA1943533**

Precinct 16 West

**Appendix B**

Map of Major Pipeline Infrastructure

