

31 May 2022 Council Meeting Attachments

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Budget Submissions 2022-23

#	Name	Organisation/club	Submission Title	Category	Presenting to Council	Budget requested
1	Michael		Douglas Parade Newport Road Rehabilitation	Infrastructure and Capital Works	No	
2	Monica Sidhu		Altona North - forgotten again	Infrastructure and Capital Works	No	
3	Zara NEWTON		McCormack Park budget FY23	Infrastructure and Capital Works	Yes	
4	Moazzam Channa		Aquatic center	Infrastructure and Capital Works	No	
5	Mark Titley		Breakdown per suburb	Rates and Charges	No	
6	Angus Ward		Fiscal Management	Rates and Charges	No	
7	Michael Disbury		2022/2023 proposed budget	Rates and Charges	No	
8	tania McKenny McKenny		Not a formal submission, but a query	Infrastructure and Capital Works	No	
9	Carly Conlan	Newport Ladies Lacrosse Club and Altona Lacrosse Club	Health and safety upgrades to PJ Lynch Reserve	Infrastructure and Capital Works, Council Services	No	
10	Denice Perryman		Bruce Comben Reserve	Infrastructure and Capital Works	No	
11	andrew webster		newport lakes	Infrastructure and Capital Works	No	\$100,000
12	Michael Govender	Viva Energy Australia Pty Ltd (ABN 46 004 610 459)	Repair of Drake street road in Newport	Infrastructure and Capital Works	No	
13	Ankush Chopra		Basic infrastructure	Infrastructure and Capital Works	No	
14	Garima Wahi		Infrastructure	Infrastructure and Capital Works	No	
15	Zac Lewis	Western Chances	Western Chances	Other	Yes	
16	Ingrid Dodd		Adequate Finance for Williamstown Botanic Gardens	Infrastructure and Capital Works	No	
17	Adam Plunkett		Pedestrian & traffic management improvements Fearon Reserve	Infrastructure and Capital Works	Yes	
18	Nathan Letson	Altona Little Athletics Centre	Altona Little Athletics - Redevelopment of High Jump Area	Infrastructure and Capital Works	Yes	\$30,000
19	Tania Behan	Melbourne Disc Golf	Disc Golf Course Cherry Lake	Infrastructure and Capital Works	No	\$50,000
20	Brett Bobridge	Melbourne Disc Golf Club	Disc Golf Course (Cherry Lake)	Infrastructure and Capital Works	Yes	

Budget Submissions 2022-23

#	Name	Organisation/club	Submission Title	Category	Presenting to Council	Budget requested
21	Christopher Khoo		Disc golf course at Cherry Lake, Altona	Infrastructure and Capital Works	No	
22	Joel		Disc golf course for Cherry Lake.	Infrastructure and Capital Works	No	
23	Adam Longshaw Longshaw	Altona Magic Soccer Club- Paisley Park	Steps in front of canteen	Infrastructure and Capital Works	Yes	\$100
24	Aaron Ponnudurai		A Disc Golf Course for Hobson's Bay	Infrastructure and Capital Works	No	\$50,000
25	Aydan Davidson		Stop Beach works over summer	Infrastructure and Capital Works	No	
26	Brett Bobridge	Melbourne Disc Golf Club Member #3401	Cherry Lake submission proposal of Disc Golf Course 2022/23	Infrastructure and Capital Works	No	
27	Stephen Willis	Williamstown Colts Cricket Club	Greenwich Reserve Cricket Nets/Storage Replacement-Planning	Infrastructure and Capital Works	No	\$35,000
28	Patrick Eldridge	Melbourne disc golf	Disc Golf Course installation	Infrastructure and Capital Works	No	\$50,000
29	Spiros Skaftouros	N/A	Budget Feedback	Infrastructure and Capital Works	No	
30	Lindsay Morton	Williamstown Newport Anglers Club and Fish Protection Society	Refurbishment of Williamstown Beach Jetty Facilities	Infrastructure and Capital Works	Yes	\$300,000
31	Michael Smith		Request For Funding A Disc Golf Course at Cherry Lake	Infrastructure and Capital Works	No	\$4,000,050,000
32	Robin Fernandes		Williamstown Train Station surrounds	Infrastructure and Capital Works	No	
33	Robin Fernandes		Dangerous two-way bike lanes planned	Infrastructure and Capital Works	No	
34	Fin Adamson	Williamstown CYMS Football Club	Williamstown CYMS FC budget feedback Loft Res. & Fearon Res.	Infrastructure and Capital Works	Yes	
35	Ashley Sandison	Williamstown Little Athletics Centre	Support for 260k to replace shade sales	Infrastructure and Capital Works	No	
36	Creina Lister	Williamstown Tennis Club	Tennis Court Light Upgrade	Infrastructure and Capital Works	Yes	
37	David Jamieson Jamieson	Williamstown Athletic Club	Newport Park Athletic Track front straight shelter	Infrastructure and Capital Works	Yes	
38	Amanda Hill		Stop spending Ratepayers money frivolously	Infrastructure and Capital Works	No	
39	Michael O'Connor	Laverton Bowling Club	Laverton Bowling Club - Community Upgrade Revamp	Infrastructure and Capital Works	Yes	\$500,000

Budget Submissions 2022-23

#	Name	Organisation/club	Submission Title	Category	Presenting to Council	Budget requested
40	David Jamieson		Champion Road, Newport, incl. 1.7km Shared Trail	Infrastructure and Capital Works	No	
41	Dean Hurlston	Ratepayers Victoria Inc.	Ratepayers Vic - Hobsons Bay submission	Other	Yes	
42	Kim Michell	Melbourne Disc Golf Club	Cherry Lake proposal of Disc Golf course 2022/2023	Infrastructure and Capital Works	No	
43	Diana Babb		Proposed Annual Budget 2022-23 - Concerns and Considerations	Infrastructure and Capital Works	No	

Number	1
Date Submitted	16/04/2022 9:37pm
Organisation/ club (if applicable)	
Name	Michael
Submission Category	Infrastructure and Capital Works
Submission Title	Douglas Parade Newport Road Rehabilitation
Submission Summary	

Where has the funding gone to complete the rest of the road rehabilitation from North Rd to Bunbury Street gone? Will this project be ever finished? the condition of the road and footpaths on such a major road out of Williamstown is a joke. 3 stages have been done over the last 6-7 years and the last 2 stages needs to be finished ASAP. Can funding be created to finish this project off? The state of the road is unsafe

Requesting Funding	Yes
Budget requested	\$0.00
Presenting to Council	No
Attachments	

Number	2
Date Submitted	17/04/2022 9:40am
Organisation/ club (if applicable)	
Name	Monica Sidhu
Submission Category	Infrastructure and Capital Works
Submission Title	Altona North - forgotten again
Submission Summary	

less than \$3 million allocated for environmental sustainability. Is the Council going to continue to ignore the significant impacts that climate change is having already?

Not one project designated to making Altona North more liveable. This is an area that is undergoing considerable change, with housing density increasing on a daily basis. The significant income from residential rates that this generates is not reflected by an increase or improvement in services - landscaping, trees, safer traffic/pedestrian movements.

no wonder so many people are cashing in, selling up and moving out - we are seen as cash cows to you with scraps thrown to appease us.

very disappointing as an Altona North resident, highly irresponsible as a global citizen.

Requesting Funding	No
Budget requested	
Presenting to Council	No
Attachments	

Number	3
Date Submitted	17/04/2022 1:43pm
Organisation/ club (if applicable)	
Name	Zara NEWTON
Submission Category	Infrastructure and Capital Works
Submission Title	McCormack Park budget FY23
Submission Summary	

I am a member of the Love Laverton focus group, and saw that after diligently working with council, and other constituents since last year and eager to see what has made the FY23 budget, found that McCormack came up well short at only \$600k? Is this a staggered annual payment to the master plan? And the term "Green Space" is again used for the Aviation Road train station area, when we were advised it was not going to happen just last month? No one knows what is going on? What is the purpose of this focus group if we're not kept up to date and understand where we are with everything that directly impacts where we live?

If we need to present to the council, we can, but I thought that was the entire point of having the Love Laverton focus group in the first place?

Requesting Funding	No
Budget requested	
Presenting to Council	Yes
Attachments	

Number	4
Date Submitted	18/04/2022 10:29am
Organisation/ club (if applicable)	
Name	Moazzam Channa
Submission Category	Infrastructure and Capital Works
Submission Title	Aquatic center
Submission Summary	

Disappointed that once again, Aquatic center in Bruce Comben reserve is not included in this budget. I have gone through the draft, it appears a \$60 million capital is required for construction and council will pitch for funding from state and federal government in addition to \$20 committed by council.

What that means is this center is not going to be built anytime soon. It's a shame that AM residents have to go to werribee for this basic facility.

Could you please look into considering self funding this project construction in twophases across two financial years or reprioritize this project over other capex projects in this FY. We can't wait any longer for this much needed infrastructure in our area.

Thank you!

Requesting Funding	No
Budget requested	
Presenting to Council	No
Attachments	

Number	5
Date Submitted	19/04/2022 7:37pm
Organisation/ club (if applicable)	
Name	Mark Titley
Submission Category	Rates and Charges
Submission Title	Breakdown per suburb
Submission Summary	

can you provide a breakdown per suburb and then by income from each suburb.

I.e.

suburb	spending	income (rates
Altona	\$2,000,000	\$1,500,000
Williamstown	\$1,500,000	\$2,000,000

Requesting Funding	No
Budget requested	
Presenting to Council	No
Attachments	

Number	6
Date Submitted	20/04/2022 12:44pm
Organisation/ club (if applicable)	
Name	Angus Ward
Submission Category	Rates and Charges
Submission Title	Fiscal Management
Submission Summary	

I would urge the Council to reconsider borrowing more money and increasing fees and rates again. We cannot continue down the trajectory of more debt and more taxation when people are struggling financially as a result of the measures put in place during the pandemic. I do not expect that Council will take action to curb the ever growing debt and increasing rates, but I feel that I should remind Council that if we keep pursuing more amenities at the cost of the rate payer, we will create a gentrification that pushes the working class out of the neighborhoods they have lived in for decades, and we will have a city where only the wealthy may reside. While this may be the intention, I feel that the residents of Hobsons Bay deserve a place they can call home where they are not extorted to pay for amenities and 'nice to have projects'. Please revise your budget to account for the debt, account for the over-expenditure, and tighten your belts like we have all had to do. By doing this, Council will be ensuring the welfare of all of its residents.

Requesting Funding	No
Budget requested	
Presenting to Council	No
Attachments	

Number	7
Date Submitted	21/04/2022 1:01pm
Organisation/ club (if applicable)	
Name	Michael Disbury
Submission Category	Rates and Charges
Submission Title	2022/2023 proposed budget
Submission Summary	

The Proposed 22/23 budget is not financially responsible or sustainable

Requesting Funding	No
Budget requested	
Presenting to Council	No
Attachments	

Proposed 2022 / 2023 Budget

I shake my head every year when the council increases our rates, they are indeed in danger of stretching the rates elastic band to breaking point.

The Councils own website suggests the 2022/2023 budget is 'financially responsible and sustainable'. Clearly, my understanding of financially responsible and sustainability and the councils differ somewhat.

The Council should NOT be borrowing 10's of millions of dollars, instead they should actually be financially responsible and cut their cloth to fit their coat.

If Council officers are responsible for this proposed budget, I'd like my elected representatives to go back to them and tell them to sharpen their pencil, budget forecasts of borrowings in 22/23 of \$19M, 23/24 of \$32M, 24/25 of \$34M and 25/26 of \$29M is NOT sustainable.

If this means shelving all these expensive new projects, then so be it. All I want my council to do is pick my rubbish up and mow the grass in the park.

Wouldn't it be a wonderful state of affairs if our Council could actually propose a rates cut instead of being financially lazy and simply applying the maximum rate rise. Now that's a council I could be proud of.

Regards

Michael Disbury

Number	8
Date Submitted	27/04/2022 10:05am
Organisation/ club (if applicable)	
Name	tania McKenny McKenny
Submission Category	Infrastructure and Capital Works
Submission Title	Not a formal submission, but a query
Submission Summary	

Can you please advise when Piri Grove, Altona Meadows is scheduled for resurfacing.

Requesting Funding	No
Budget requested	
Presenting to Council	No
Attachments	

Number	9
Date Submitted	01/05/2022 6:22pm
Organisation/ club (if applicable)	Newport Ladies Lacrosse Club and Altona Lacrosse Club
Name	Carly Conlan
Submission Category	Infrastructure and Capital Works, Council Services
Submission Title	Health and safety upgrades to PJ Lynch Reserve
Submission Summary	

For a long period of time, we have been requesting Council to install a fence around the lacrosse fields at PJ Lynch Reserve. There is regular hoon behaviour with young people riding motorised bicycles or motorbikes on the fields (without helmets) and we are regularly calling local police as our members' safety is often threatened. In addition, there is also regular graffiti and vandalism around our facility, the latest being the new box lacrosse court to be vandalised. Newport Ladies Lacrosse Club is a female only club and both clubs hold junior training during the week, and at times our members have been threatened and verbally abused by these offenders. There was a previous plan drawn up for some fencing, trees and a walkway to be constructed there but we haven't heard anything about that for years.

Another main issue is that the public use PJ Lynch Reserve as a dog off leash walking area. There have been many issues with dog safety of dogs off leash approaching our members, particularly when we are trying to play lacrosse with balls and many children are scared of dogs. Not to mention the disgusting habits of dog owners who do not pick up their dog poo and we have to play sport there. However, there are no council signs about dogs in the area, nor are there any public rubbish bins or dog poo collection bags.

We also want to submit a proposal to improve the lighting at PJ Lynch Reserve, as the current lighting is not great quality for night time training and games. We have players in Australian squads and Victorian representative teams training at our grounds and our premier division of men and women playing games there but the lighting is poor. We'd like to request an upgrade to the Luxe rating of the lights to compare with the Williamstown Lacrosse Clubs at Fearon Reserve.

These three requests will provide better safety and security for all participants and visitors to PJ Lynch Reserve. It will also assist in reducing the pressure on police and council resources in regards to complaints and maintenance requests being lodged. In conjunction with the box lacrosse court, PJ Lynch Reserve could be the lacrosse hub of Victoria if we provided some minor upgrades and improved facilities. If council agreed to the dog off leash area being designated, then there must be appropriate signage and resources provided for dog owners to act responsibly and dispose of dog poo or it will continue to be a health and safety hazard.

We hope that Council will consider these requests for future upgrades in the budget. Thank you.

Requesting Funding	Yes
Budget requested	
Presenting to Council	No
Attachments	

Number	10
Date Submitted	05/05/2022 8:53am
Organisation/ club (if applicable)	
Name	Denice Perryman
Submission Category	Infrastructure and Capital Works
Submission Title	Bruce Comben Reserve

Submission Summary

As a long term resident of Altona Meadows, I was pleased to see money set aside in the budget for Altona Meadows. I feel that often our area has missed out on funding in the past. I have contacted the other councillors to express this view as well.

The Bruce Comben Reserve has been calling out for redevelopment and it is nice to see money finally set aside for Open Space Development here. The \$800, 00 will be a good start. Is there to be further consultation on what happens in the reserve?

Requesting Funding	No
Budget requested	
Presenting to Council	No
Attachments	

Number	11
Date Submitted	05/05/2022 8:41pm
Organisation/ club (if applicable)	
Name	andrew webster
Submission Category	Infrastructure and Capital Works
Submission Title	newport lakes
Submission Summary	

Hi There

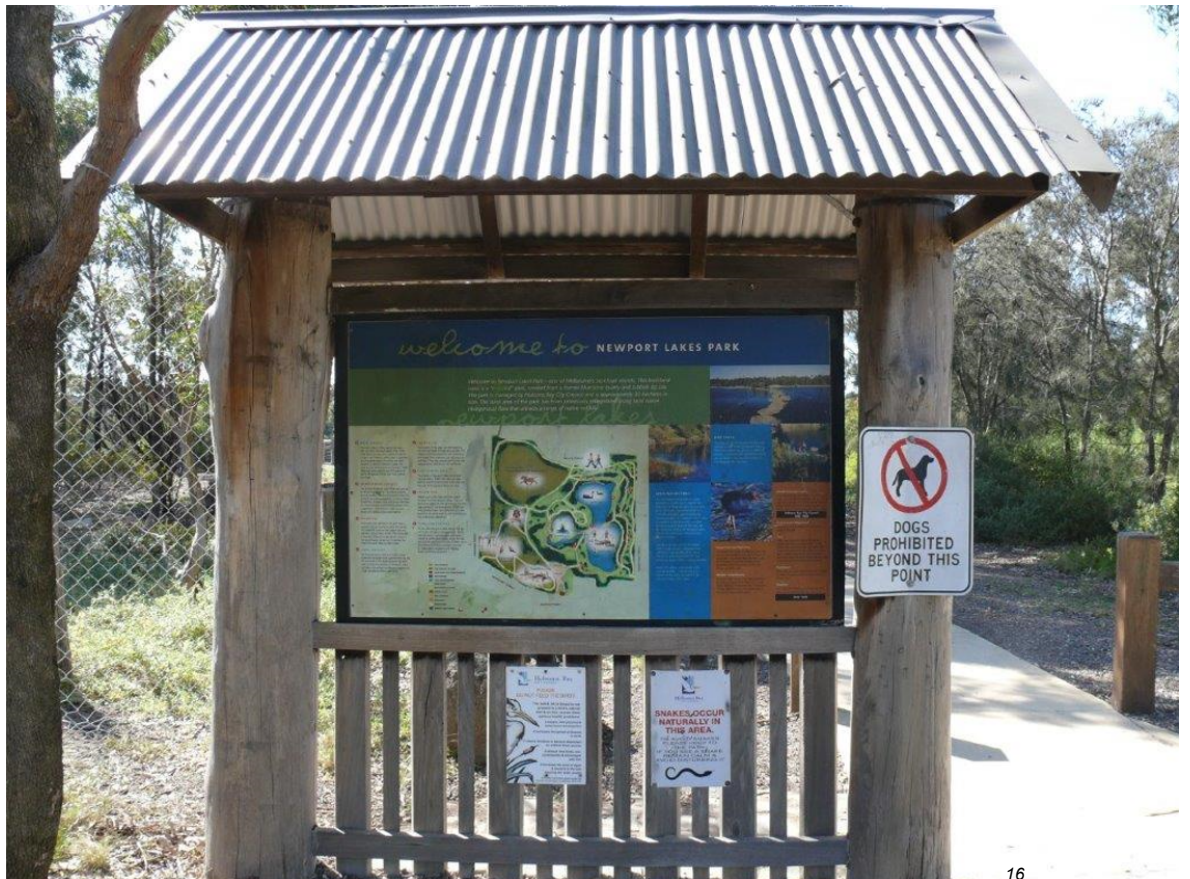
Unless im missing something, there is no funding for Newport Lakes. I would expect NL to be in the top 5 open spaces in Hobsons Bay, and in the eyes of many more valuable to HB than most, if not all of the the other capital works items listed for funding.

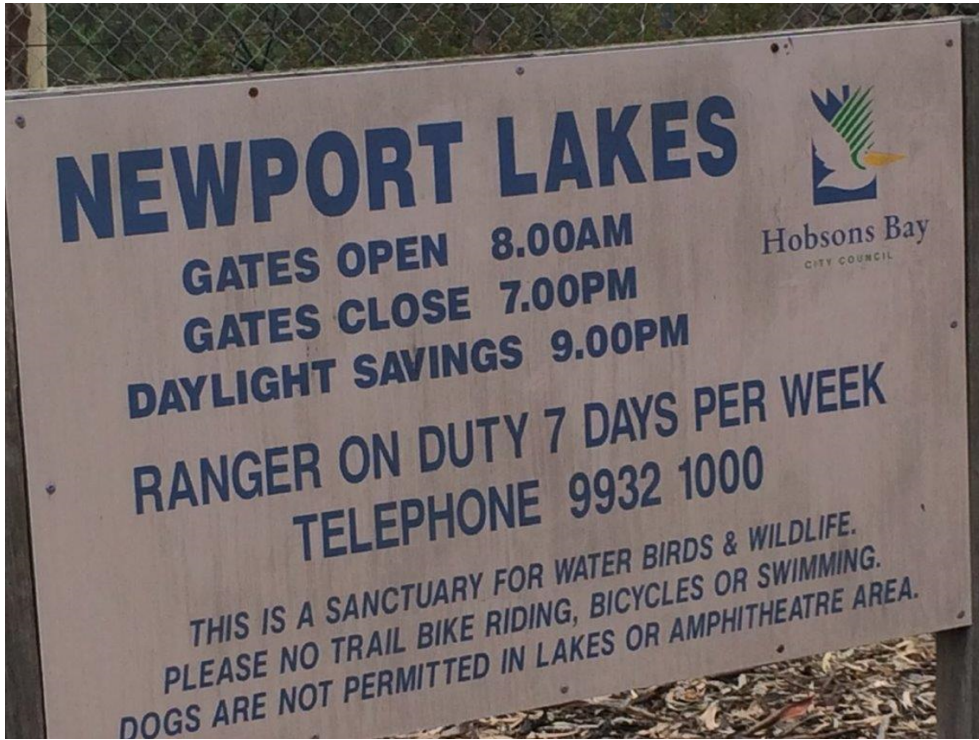
The infracstructure is approximately 30 years old and aside from asethically being appalling, a lot of it is unsafe. Its only a matter of time before someone falls over on the unstable paths or bridges. Meanwhile the quality of the water and surrounding vegetation continues to degrade whilst council watch on.

There is a redevelopment masterplan in the pipeline which addresses all these issues. Why is it that this masterplan is destined for the filing cabinet like so many others.

It needs money to be carried out - NOW!!!

Requesting Funding	Yes
Budget requested	\$100,000.00
Presenting to Council	No
Attachments	





Number	12
Date Submitted	06/05/2022 11:56am
Organisation/ club (if applicable)	Viva Energy Australia Pty Ltd (ABN 46 004 610 459)
Name	Michael Govender
Submission Category	Infrastructure and Capital Works
Submission Title	Repair of Drake street road in Newport
Submission Summary	

I am an employee of Viva Energy Australia Pty Ltd (ABN 46 004 610 459) a petroleum industry located in 39-81 Burleigh street (main office) and the other parts of the business storage facility located from Burleigh street to High street. Please see attached and below one of the council roads that is in very unsafe condition. The road in question starts from a T junction from Burleigh street to Drake street highlighted in blue and leads to our facility. This road is used daily and is becoming unsafe due to the increasing number of pot holes. Some of the pot holes are very big and are increasing daily by continuous use. Currently this is our main access route as the road on the South side of Drake street is under construction by council.

Can you please confirm what needs to be done from our end to ensure the road is part of the budget submission process. Thank you in advance for your assistance with this matter.

Requesting Funding	No
Budget requested	
Presenting to Council	No
Attachments	

Number	13
Date Submitted	08/05/2022 9:28am
Organisation/ club (if applicable)	
Name	Ankush Chopra
Submission Category	Infrastructure and Capital Works
Submission Title	Basic infrastructure
Submission Summary	

Seabrook, Altona meadow and Laverton are one of the great area in Melbourne and we need to do 3 things to just make it the best

1. Create a leisure centre which includes pool. Every suburb which ranks high in liveability has one. But the residents of these 3 suburbs have to go to Werribee or new port. We have quiet a elderly population and will be blessing for them. Now this could be even renovating Laverton pool to top class if feasible

2 Seabrook primary have a splendid reputation, first we need to sustain it and then also see if we can make it secondary. This school has so much potential to become one of the schools of Glen . This school is primary reason people buy houses here and good community gets attracted. So we should just make it better this will increase revenue for council revenue for business and a prosperous community.

3 Installing infrastructure in parks. Homestead park looks fab we shoul do the same at pipeline reserve. So under utilised premium location so close to school n have like not even basic infrastructure for park. Can install outdoor gym basketball or BBQ. Again all depends on budget but something needs to happen

thank you

Ankush

Requesting Funding	Yes
Budget requested	
Presenting to Council	No
Attachments	

Number	14
Date Submitted	08/05/2022 9:31am
Organisation/ club (if applicable)	
Name	Garima Wahi
Submission Category	Infrastructure and Capital Works
Submission Title	Infrastructure
Submission Summary	

Hi 3 things for our community

1. Create a leisure centre which includes pool. Every suburb which ranks high in liveability has one. But the residents of these 3 suburbs have to go to Werribee or new port. We have quiet a elderly population and will be blessing for them. Now this could be even renovating Laverton pool to top class if feasible

2 Seabrook primary have a splendid reputation, first we need to sustain it and then also see if we can make it secondary. This school has so much potential to become one of the schools of Glen . This school is primary reason people buy houses here and good community gets attracted. So we should just make it better this will increase revenue for council revenue for business and a prosperous community.

3 Installing infrastructure in parks. Homestead park looks fab we shoul do the same at pipeline reserve. So under utilised premium location so close to school n have like not even basic infrastructure for park. Can install outdoor gym basketball or BBQ. Again all depends on budget but something needs to happen

thank you

Ankush

Requesting Funding	Yes
Budget requested	
Presenting to Council	No
Attachments	

Number	15
Date Submitted	11/05/2022 12:21pm
Organisation/ club (if applicable)	Western Chances
Name	Zac Lewis
Submission Category	Other
Submission Title	Western Chances
Submission Summary	

I write to you to seek your support to renew the funding allocation to Western Chances in Hobsons Bay City Council's 2022-23 Budget.

Western Chances empowers young people who are facing financial barriers to achieve their potential. We award scholarships to motivated and talented young people facing social or financial barriers to pursue their education and career pathway. We have a strong track record of success and since first awarding scholarships in 2004, we have invested nearly \$8 million in Melbourne's west, awarding over 8,800 scholarships and empowering over 3,550 young people.

Our model is simple; we provide students scholarships to pay for small items that have a big impact including textbooks, laptops, home internet, public transport and specialist subject equipment. In 2021, thanks to your funding commitment, we empowered 42 young people in Hobsons Bay, providing them with access to scholarships and high-value educational opportunities, an activity identified in the Hobsons Bay 2030 Community Vision (Priority 3) as a key factor in successfully planning for future community growth.

In addition to our Scholarship Program, we promote learning and economic outcomes by facilitating a range of excellent and life changing opportunities for our recipients that they might not otherwise be able to afford. Over the last three years, we have facilitated opportunities valued at over \$2M which have focused on skill development, increasing confidence and self-esteem and fostering leadership. Many of our scholarship recipients provide a valuable contribution to society by utilising their new skills for the benefit of their families and their communities, which is in close alignment with the priorities of the Hobsons Bay 2030 Community Vision.

COVID-19 has presented significant challenges to our Scholarship Program. The need for assistance in the community of Hobsons Bay is increasing; the number of applications we have received has increased by nearly 10% already this year.

We request you renew your funding to Western Chances by providing a grant of \$30,000 to commence in 2022. This grant will assist Council to grow the wellbeing and aspirations of young people in Hobsons Bay through leadership, excellence and inclusion; a core focus of council. Specifically, this grant will assist us deliver two key priorities:

- Fund approximately 20 scholarships to young people living in Hobsons Bay aged 12-25 who are enrolled in government secondary schools, TAFE and university.

- Assist undertake a Social Return on Investment Evaluation to better understand the needs of our young people and the impact of our work.

I have attached a proposal for our Social Return on Investment Evaluation project for your review. Please note the full cost of this project is \$44,000 and we have also sought funding commitments from the Maribyrnong City Council, Wyndham City Council and Brimbank City Council to fund this project in full. All have expressed support for this project.

I would welcome the opportunity to discuss this proposal with you and Mayor Hemphill and can be contacted by phone on 0407 639 009 or via email at zac.lewis@wh.org.au.

Thank you for considering our request and I look forward to hearing from you.

Kind regards,

Zac Lewis
CEO

Western Chances

21

Requesting Funding	Yes
Budget requested	
Presenting to Council	Yes
Attachments	

Western Chances Social Return on Investment Project

Funding Proposal May 2022



Zac Lewis
CEO

0407 639 009
zac.lewis@wh.org.au

Western Chances

Executive Summary

Western Chances is a charity, based in Footscray, that empowers talented and motivated young people from disadvantaged backgrounds in Melbourne’s west to achieve their potential.

We provide educational scholarships, holistic opportunities and ongoing support so young people can complete their education and pursue their dreams.

We have a strong track record of success; investing almost \$8 million in Melbourne’s west, awarding over 8,800 scholarships and empowering over 3,550 young people since 2004.

We are seeking a funding commitment of \$44,000 to undertake a Social Return on Investment Evaluation project.

This project is a key capacity building project to assist our organisation to continue to grow and respond to the impacts of the Covid-19 pandemic.

Specifically this project will:

- Conduct a study to determine the social return on investment of our program
- Design a practical ongoing monitoring and evaluation framework.

This project will enable our organisation to continually improve our program and have a positive flow on effect for our scholarship recipients and alumni (3,300 young people), western suburbs schools/education centres (50) and current and future donors.





Western Chances

Our Model

We identify young people who demonstrate talent and motivation and who are facing financial disadvantage. We empower these young people with funds, opportunity and holistic support to name their career goals, complete their education and pursue their dreams.

Our **Scholarship Program** is simple; we provide scholarships to pay for small items that have a big educational impact including textbooks, laptops, home internet, public transport and specialist subject equipment. In 2021, we awarded scholarships to 852 secondary, TAFE and tertiary students at an average scholarship value of approximately \$1000. Recipients can renew their scholarships year-on-year as long as their need continues and they are succeeding in their chosen pathway. We work closely with 33 secondary schools in the six western Melbourne council areas of Brimbank, Hobsons Bay, Maribyrnong, Melton, Moonee Valley and Wyndham to identify eligible young people for our program.

In addition, our **Links Program** provides Western Chances scholarship recipients with high value academic, personal and professional opportunities delivered outside the school environment. Over the last three years, our Links Program has facilitated free opportunities for students valued at over \$2m to broaden knowledge, foster leadership, boost confidence and develop job ready skills.

Project Need

Covid-19 has impacted Western Chances immensely. The pandemic has widened the educational gap for students facing financial hardship and this year we have seen scholarship applications increase by nearly 10%. In addition to the soaring demand for our program, we have had to move our operations online and experienced a change in funding as the philanthropic sector deals with the uncertainty resulting from the pandemic.

As we navigate through this critical period, there is a need to undertake a program evaluation to ensure our program remains impactful and relevant for young people. This project will quantify the positive flow-on effect of our program to the rest of society, help inform program investment decisions and enable us to continue to attract funders so that we can grow our program to support more young people.

Western Chances

Project Outcomes

This project seeks to conduct a study to determine the social return on investment (SRoI) of our programs and design a practical ongoing monitoring and evaluation framework to assess outcomes annually.

This project will enable us to capture and analyse key data to improve our service and demonstrate the short and long-term impact of Western Chances programs.

Specifically, this project will deliver the following outcomes:

- Articulate objectives, activities, outcomes and impact in a Theory of Change that guides our work;
- Define the social and economic value of our programs;
- Create an ongoing model of evaluation to monitor and improve our programs annually.

Following input from Council regarding the potential for Victoria University to partner and assist undertake this project, Western Chances approached Victoria University and specialist SRoI consultants Think Impact and Social Ventures Australia about this project.

We reviewed each supplier's scope of works and costing, their credentials with respect to this analysis and met with each group to inform our decision as to which organisation was best suited to the task.

Western Chances will engage consultancy, Social Ventures Australia (SVA) to assist with this project. SVA, a specialist non-profit consultancy, are leading experts in the field of Social Return on Investment analysis and provided the most competitive cost and comprehensive scope of works.



Western Chances

Chi, Project Engineer

Chi completed a Bachelor of Civil Engineering and Business Management at RMIT University with support from Western Chances. After being connected to an internship with a leading commercial construction company, she is now a Project Engineer, working on the New Footscray Hospital.



“Financial difficulties at home meant it was hard to find the money for textbooks and calculators. The Western Chances scholarship gave me the funds I needed to study the subjects I loved, through secondary school and during my degree. Western Chances also gave me this internship opportunity. It started as paid work experience before I gained a full internship...Western Chances is fantastic. It provides a bridge for those of us without industry contacts to take up our careers of choice and become part of a professional workforce.”

Milestone Schedule

This project will commence in July 2022 and conclude in June 2023. This project will be undertaken in five phases.

Phase	Activity	Deliverable	Timeline
Phase 1	Document Theory of Change	Workshop with staff undertaken Theory of Change developed	Jul – Aug 22
Phase 2	Develop Outcomes Framework	Stakeholder interviews undertaken Key outcome metrics identified	Sep-Oct 22
Phase 3	Consult stakeholders and collect data	Survey distributed to program participants and stakeholders Case-study interviews undertaken	Nov 22 – Mar 23
Phase 4	Analyse data and report findings	Social return on investment quantified and report delivered	Apr 23
Phase 5	Develop an ongoing impact measurement plan	Evaluation framework developed Ongoing data collection finalised (annual surveys)	May – Jun 23



Western Chances

Budget

Phase	Description	\$
Phase 1	1.5 days of consultant time @ \$1664 per day	\$2,496
Phase 2	Consultant time x 3 days	\$4,992
Phase 3	Consultant time x 6 days	\$9,984
Phase 4	Consultant time x 10 days	\$16,640
Phase 5	Consultant time x 2 days	\$3,328
Project Management	Staff management and administration of the project	\$6,560
	Total Funding	\$44,000

Number	16
Date Submitted	11/05/2022 1:04pm
Organisation/ club (if applicable)	
Name	Ingrid Dodd
Submission Category	Infrastructure and Capital Works
Submission Title	Adequate Finance for Williamstown Botanic Gardens

Submission Summary

The appointment of highly qualified professional horticulturalist to Williamstown Botanic Gardens will enable the fulfillment of HBCC's Master Plan and enhance this much-loved treasure for the benefit of the town and the many visitors who enjoy these surroundings and contribute to the town's economy.

Requesting Funding	Yes
Budget requested	
Presenting to Council	No
Attachments	

There is an urgent need for the appointment of professional horticultural staff to the Williamstown Botanic Gardens. Following the resignation of the Head Gardener, the approaching retirement of the Assistant Head Gardener and the end of the term of the current apprentice gardener, it is vital that these positions are filled with highly qualified horticulturalists as soon as possible. The fulfilment of the current Master Plan, as approved by HBCC, has been disrupted by the various Covid Lockdowns which also affected the proper care and maintenance programme. These all now require intensive professional work.

The importance of the Williamstown Botanic Gardens to the people of Williamstown and tourists alike is based on the following:

- Founded in 1856 thanks to demand by local residents, the Garden has been a popular site for recreation, relaxation and education for locals and visitors ever since.
- Listed in the Victorian Heritage Register as '*Significant for their historical, aesthetic, scientific(horticultural) and social significance to the state of Victoria.*' These Gardens are the equivalent of a living museum as well as potentially a continuing evolving natural treasure.
- They have had especially great value during the two years of Covid Lockdowns when many sports were not allowed.
- Maintenance and care of the gardens fits in with HBCC's plans for tree planting and environmental improvements in the Council's area, in line with their response to the challenges of Climate Change.
- Many scientific studies, including those at Deakin University, are increasingly showing the importance to mental health of time spent in the natural environment.
- The current educational services in the gardens provided by the Friends, like the Reading Corner in the school holidays for young children and their families, have the potential for expansion with appropriate support.
- The ABC programme 'Gardening Australia' filmed in the gardens in the past and are showing interest in visiting again.
- This year, from 25th-29th September 2022, the 7th Global Botanic Gardens Congress is being held at the Melbourne Convention and Exhibition Centre. An opportunity for HBCC to raise the profile of Williamstown Botanic Gardens within Australia and internationally - an historic and beautiful asset to be proud of.

Sufficient finance should be included in the forthcoming budget, earmarked for the top-quality maintenance and development of Williamstown Botanic Gardens, this unique treasure in HBCC's care.

Number	17
Date Submitted	11/05/2022 9:54pm
Organisation/ club (if applicable)	
Name	Adam Plunkett
Submission Category	Infrastructure and Capital Works
Submission Title	Pedestrian & traffic management improvements Fearon Reserve
Submission Summary	

I am writing on behalf of my local community in regards to road and pedestrian safety to Fearon Reserve along Osborne St Williamstown- specifically between Victoria St and Giffard St. As a local resident I have witnessed near misses between cars and pedestrians trying to cross Osborne Street on numerous occasions and most recently a serious incident in December 2021 involving a collusion between a motorcyclist & car.

There is a high amount of pedestrian traffic accessing Fearon Reserve along this section of Osborne Street, particularly when people are accessing this area from Williamstown Beach Train Station (and from the trainline under passes) through Garden Street and Forster Street to access the beach, Fearon Reserve and the Botanic Gardens. In addition pedestrian traffic is heavily increased on weekends, and during football season and the warmer months, along with the fact that this is the main pedestrian route for the local schools who cross Osborne street to access Fearon Reserve for sporting activities and for swimming activities at Williamstown beach.

It is observed that areas of Hobson Bay with similar challenges have or are having raised pedestrian crossings implemented, including the recent raised pedestrian crossing in front Williamstown Primary school on Giffard Street, as well as many speed humps in other high traffic areas to limit the speed at which cars travel and ensure pedestrian safety.

Therefore it is requested the Council progress with installing pedestrian & traffic management improvements to Fearon Reserve (Osborne St) to ensure the safety of local residents and family's utilising Fearon Reserve.

Requesting Funding	No
Budget requested	
Presenting to Council	Yes
Attachments	

Number	18
Date Submitted	12/05/2022 8:02am
Organisation/ club (if applicable)	Altona Little Athletics Centre
Name	Nathan Letson
Submission Category	Infrastructure and Capital Works
Submission Title	Altona Little Athletics - Redevelopment of High Jump Area
Submission Summary	

Altona Little Athletics believes community sport organisations play an important role in the creation and delivery of social and community health outcomes in local communities.

With the Commonwealth and Olympic games scheduled for Australia in the next ten years, we have a tremendous opportunity to provide athletes from Hobsons Bay to participate. Providing the right facilities helps us to achieve that by attracting new members.

In 2021 we revised our development strategy for the next 5 years - the short term (Stage 1) strategy was to complete a renovation of the current High Jump area, increasing the current 14x14m asphalt area to a 18x18m concrete pad.

This project is something we'd liked considered in the 2022-23 Hobsons Bay Council Budget.

This short term strategy is documented on Page 7 of our Strategy Document which I've attached as part of this submission.

The high jump area is made up of an asphalt construction that is located on the west side of the permanent storage shed. It is undersized, uneven and unfit to be used for high jump. As it further deteriorates it is becoming an OH&S concern. This will also give our athlete's better consistency at club meets in preparation for Regional and State Competitions.

The Altona facility is located at George Nevitt Athletics Track – Sugargum Drive Altona. The venue is named in memory of Victorian Little Athletics Life Governor and inaugural Altona Little Athletics Centre Life Member, George Nevitt. Outside of competition days, this is a facility which all members of the public can enjoy, and do.

In order to grow, we need to continue to improve facilities which attract new families and retain our current athletes. We have Williamstown and Werribee centres in close proximity to us with synthetic tracks and large facility infrastructure; the reality is that we do lose athletes to these centres because of the facilities. We've submitted our broader strategy document as part of this proposal and welcome any questions.

Requesting Funding	Yes
Budget requested	\$30,000.00
Presenting to Council	Yes
Attachments	



ALTONA LITTLE ATHLETICS CENTRE

EST. 1969

GEORGE NEVITT ATHLETICS TRACK DEVELOPMENT STRATEGY

May 2022

Executive Summary

Altona Little Athletics Centre (ALAC) has prepared this updated strategy document as a revision to the 2015 proposal to improve amenities at the George Nevitt Athletics Track – Altona.

Altona Little Athletics is requesting assistance with the following works, broken up into a short, medium and long term strategy to address areas at the facility which are becoming an OH&S issue.

In order to grow, we need to provide facilities which attract new families and retain our current athletes. We have Williamstown and Werribee centres in close proximity to us with synthetic tracks and large facility infrastructure; the reality is that we do lose athletes to these centres because of the facilities – this problem statement serves as a call to action.

Our proposed strategy consists of the following:

- 1) **Short:** Renovation of the current High Jump area, increasing the current 14x14m asphalt area to 18x18m concrete pad.
- 2) **Medium:** Upgrade the outdated plinth to a permanent concrete plinth, in built with new distance markers. Assisting with ongoing maintenance of the track; meaning mowers and gardening equipment will not damage distance markers.
- 3) **Long:** Extension and Renovation of the synthetic area at the eastern end of the track, incorporating the existing Javelin Runway to include high jump facilities.

In formulating this document we have obtained a quotation in order to execute this strategy.

The club is looking to fund this work through a combination of community grants, Hobsons Bay City Council and ALAC contributions and will demonstrate an investment strategy during the course of the next 3 years to implement these changes in line with state and local government strategies.



Introduction

As the 41st member of Little Athletics Victoria - the Altona Little Athletics Centre began in 1969. Little Athletics is a modified children's athletics program for 5 to 15 year athletes of all abilities. Victorian born and bred, Little Athletics started in Geelong and now boasts 100,000 athletes across Australia.

Altona Little Athletics Centre (ALAC) has over 50 years of producing great little athletes in the Altona district of Hobsons Bay. Our Centre celebrates and encourages our current 126 athletes and their families to achieve their best, through our "PB Program" where the focus is on athletes achieving their personal best at each meet.

Our motto - Family, Fun & Fitness.

The Altona facility is located at George Nevitt Athletics Track – Sugargum Drive Altona. The venue is named in memory of Victorian Little Athletics Life Governor and inaugural Altona Little Athletics Centre Life Member, George Nevitt.



Problem Statement

We're proudly a grass athletics track, with limited synthetic runways for our long jump and javelin runways. These facilities, however, are ageing, in some areas put athletes at risk of injury; and require a refresh.

In order to grow, we need to provide facilities which attract new families and retain our current athletes. We have Williamstown and Werribee centres in close proximity to us with synthetic tracks and large facility infrastructure; the reality is that we do lose athletes to these centres because of the facilities.

The Altona LAC Committee wishes to address this imbalance by providing a facility which meets the needs to the community. We rely heavily on the parents volunteering to help each week, it's with this in mind that we wish to improve our facilities.

Proposed Solution

Based on the above Altona Little Athletics is requesting assistance with the following works, broken up into a short, medium and long term strategy.

- 4) Short: Renovation of the current High Jump area, increasing the current 14x14m asphalt area to 18x18m concrete pad.
- 5) Medium: Upgrade the outdated plinth to a permanent concrete plinth, in built with new distance markers. Whilst providing accurate measurement of the track this will also assist with ongoing maintenance; mowers and gardening equipment will not damage distance markers.
- 6) Long: Extension and Renovation of the synthetic area at the eastern end of the track, incorporating the existing Javelin Runway to include high jump facilities.

Addressing Community Needs

Altona Little Athletics believes the proposed program of work is in line with current state and local government initiatives.

1. Hobsons Bay City Council Open Space Strategy (2018-2028)
2. Hobsons Bay 2030 - Strategy 2 "Community Wellbeing and Inter-Connection"
3. State Government - Public Health and Wellbeing Plan (2019-2023)
4. Hobsons Bay 2020 - "Women's Participation in Sport and Active Recreation in Melbourne's West"

a) Health and Wellbeing:

Sport participation at all levels and abilities makes an important contribution to individual and community health and wellbeing, including the amount of regular physical activity undertaken by people. Altona Little Athletics helps instil those behaviours of being active at a young age.

b) Environment and Sustainability:

In accordance with the Hobsons Bay City Council Open Space Strategy (2018-2028), "If greater ad hoc subdivision occurs, there is potential for a net loss of private open space" Poor design and limited private green space will lead to an increased demand for access and use of public open spaces. The proposed upgrade to George Nevitt Athletics Track will draw the community to enjoy the open space of the facility and more people to the adjacent Cherry Lake precinct.

c) Leadership

Involvement in sport, and in particular a national body like Little Athletics Australia provides multiple development opportunities and leadership pathways for communities future leaders. We have numerous examples of past Altona Little Athletes going on to represent their field in both athletics (Morgan Mitchell; Luke Mathews), and community leadership - Sascha Sri Deenathayalan was awarded a Wyndham Council 'Young Person of the Month Award' in November 2020. Sascha continues to volunteer as a coach and official for our club three years after finishing her Little Athletics participation – particularly in Javelin which is an integral part of our upgrade proposal.

d) Education and Skills

Altona Little Athletics provides opportunities for the volunteers within our club to learn and develop new skills. Our weekly parent volunteer roles provide exposure to sports and community skills including canteen management and safe food handling. We have offered numerous athletics coaching and officiating courses at our club and aim to build on these offerings with upgraded facilities.

e) Diversity

Altona Little Athletics supports diversity and inclusion in the community, and aligns with Hobsons Bay 2020 - "Women's Participation in Sport and Active Recreation in Melbourne's West" initiative.

We are proud that 50% of our current athletes are female, and we have demonstrated in recent years that our female athletes are being retained longer on average than our male teenage athletes. In addition our members are made up of a wide range of ethnic and socio-economic groups representative of the diversity of the local community. We anticipate that our improved facilities will further enhance the retention of our members.



Connecting Communities

According to the Hobsons' Bay City Council Open Space Strategy report, "the current Hobsons Bay population is 93,390 and the forecast population is set to increase by 20% by 2036, to approximately 112,642 (based on the 2016 Census, as analysed by .id Consulting, 2017)

Altona Little Athletics believes community sport organisations play an important role in the creation and delivery of social and community health outcomes in local communities

Furthermore, referrals and recommendations have always played an important part in all forms of the community. The more athletes that we can attract through improved facilities, the more exposure our sponsors have to new customers and also attract new sponsorship opportunities for the club.

We have already been recognised within Little Athletics Centres across the Australia as being one of the "most engaging" through our social media platforms.

In the 2020-21 season we had 126 athletes across ~60 families. In 2021-22 that rose to 184 athletes. Our goal for the 2022-23 is to grow this by a further 15%.

Our Personal Best (PB) Program is sponsored by local business who provide vouchers for our little athletes to redeem in their businesses. In return, Altona Little Athletics promote these businesses through our Social Media platforms. We believe we provide a positive contribution to the community of Hobsons Bay; improving facilities will only enhance that capability.



Community Cohesiveness

The vision of the Hobsons Bay City Council is to ensure open spaces are accessible, connected, safe and inviting places that are well-maintained, well-designed and environmentally sustainable.

It is recognised, protected and enhanced for its heritage and cultural importance, its contribution to human recreation and wellbeing, and its biodiversity and conservation values. We believe these values are now amplified given the current COVID 19 pandemic and the requirement for social interaction and mental health well-being.

The athletics track was named after George Nevitt - Victorian Little Athletics Life Governor and inaugural Altona Little Athletics Centre Life Member.

This year would have been George's 100th birthday, which we plan to commemorate on the 6th November with a ceremony at the track. We're proud that our heritage celebrates his contribution.

In order to grow, we need to provide facilities which attract new families and athletes and retain our existing families - We want to ensure our Altona residents are competing at Little Athletics in Altona. Altona Little Athletics is proud of past elite athletes' that have gone on to represent Australia. Morgan Mitchell, Celeste Mucci, Luke Mathews are Altona alumni.

There are many choices of sports for Children, it's a competitive industry – facilities which are behind those in the area find it more difficult to attract members. Altona Little Athletics believes these proposed improvements to our facility will enable us to contribute even more positively to the initiatives outlined above, providing facilities in line with community expectation.

Altona Little Athletics is not just about producing elite athletes; we believe there are many benefits to participants of club sports, outside of physical fitness alone. These include emotional well-being, character building, self-confidence, time management, social orientation, teamwork skills, learning and development, and leadership skills.

The proposed upgrade to George Nevitt Athletics Track will also help the club to engage with the local primary and secondary schools to host their sports carnivals at our track and attract new members to our club. Williamstown and Werribee athletics tracks are better placed to provide school carnivals to these schools because of these inadequacies.



Our Strategy

Based on the above Altona Little Athletics is requesting assistance with the following works, broken up into a short, medium and long term strategy.

The works are proposed to be funded through a mix of Hobsons Bay City Council, Altona Little Athletics and Community Grants.

1) Short Term (0-6 Months): Renovation of the current High Jump area, increasing the current 14x14m asphalt area to 18x18m concrete pad.

Indicative Cost: \$30,000.00

The high jump area is made up of an asphalt construction that is located on the west side of the permanent storage shed. It is undersized, uneven and unfit to be used for high jump. As it further deteriorates it is becoming an OH&S concern. The orientation of its location means it is not in plain view of the parents – it's very impracticable.

We would like to propose a larger high jump area to align with the current Little Athletics Victoria standards, this will also give our athlete's better consistency at club meets in preparation for Regional and State Competitions.

Below is a proposed mock-up of the development area; as well as a current photo depicting the uneven surface of the current high jump area.



2) Medium Term (6-12 Months): Upgrade the outdated plinth to a permanent concrete plinth, in built with new distance markers.

Indicative Cost: \$89,240.00 (quote attached)

The solution is upgrade the outdated plinth to a permanent concrete plinth, in built with new distance markers. Correct distance markers is imperative to provide a fair and consistent competition to all of the Children that compete every week. At times we have no choice but to estimate where the distances are to be run from. This will also assist with ongoing maintenance of the track as mowers and gardening equipment will not damage distance markers.

Altona Little Athletics Centre has already received a grant of \$2000.00 from Bendigo Bank to go towards the purchase of new distance markers.

Upgrading the concrete plinth will allow us to gather a level on the track. Once this is established the long term strategy of creating a High Jump / Javelin complex at the eastern end of the track can commence.

CURRENT



PROPOSED



3) Long Term (12-36 Months): Extension and Renovation of the synthetic area at the eastern end of the track, incorporating the existing Javelin Runway to include a high jump facilities.

Indicative Cost: \$200,801.50 (quote attached)

Once completed, the renovated high jump area completed in the short term strategy is proposed to be converted into a separate storage facility by constructing a shed on the already completed concrete slab

In order to grow, we need to provide facilities which attract new families and retain our current athletes. The Altona LAC Committee wishes to address this by providing a facility which meets the needs to the community.

We rely heavily on the parents volunteering to help each week, it's with this in mind that we wish to improve our facilities as a whole.

A synthetic area at the eastern end of the track, incorporating the existing Javelin Runway to include a High jump whilst incorporating the existing shot put area meets this demand.

Moving this into a central location will not only address the safety concerns but provide a better viewing experience for our families.

Drawings and a detailed quote are contained at the back of this document.

Current

Proposed (Not to Scale)



Funding Strategy:

Quotations and proposed funding is contained below. Extension and Renovation of the synthetic area as outlined as part of the long term strategy will be further refined to look for a more cost effective solution. The quote that has been provided is at appropriate competition track standard.

Expenditure Description	Amount	Notes	Funding
<i>Short Term (0-6 Months):</i> Renovation of the current High Jump area,	\$ 30,000.00	Increasing the current 14x14m asphalt area to 18x18m concrete pad.	Combination of: a) ALAC to contribute up to \$5k to Project b) HBCC Contribution (subject to approval)
<i>Medium Term (6-12 Months):</i> Upgrade the outdated plinth to a permanent concrete plinth, in built with new distance markers.	\$ 89,240.00	Once established the long term strategy of creating a High Jump / Javelin complex at the eastern end of the track can commence.	TBA
<i>Long Term (12-36 Months):</i> Extension and Renovation of the synthetic area at the eastern end of the track, incorporating the existing Javelin Runway to include a high jump facilities.	\$ 200,801.50	Once completed, the renovated high jump area completed in the short term strategy is proposed to be converted into a separate storage facility by constructing a shed on the already completed concrete slab. Shed subject to future proposal.	TBA
Total Works	\$ 320,041.50		

Capability:

The club is well advanced with its design and procurement strategy. The club has met with an athletic sports field specialist who has provided a quotation of the works required. The project is basically shovel ready.

The Altona LAC Committee and parent members are made up of many people from professional organisations experienced in governance and project management well equipped to handle the project management and governance of this initiative. As an example:

- Nathan Letson – President – ANZ Bank (Business Governance – Customer Resolution)
- Mark Hambling – Vice President – Lawson Real Estate (Rental Management)
- Sarah Tole – General Committee – Campari Foods (Plant Director)
- Daniel Shield – Life Member – Shield Plumbing (Director)
- Daniel Papal – Hobsons Bay City Council – Senior Project Manager

With the Commonwealth and Olympic games scheduled for Australia in the next ten years, we have a tremendous opportunity to provide athletes from Hobsons Bay to participate. Providing the right facilities helps us to achieve that.

The pages following contain quotes and drawings used to formulate this strategy document, myself and the entire Altona LAC committee would welcome and questions regarding the detailed proposal and welcome an ongoing partnership with Hobsons Bay City Council to deliver these initiatives.

Please contact me at altonapresident@lavic.com.au with any questions.

Go Rockets!

Nathan Letson – President.

Altona Little Athletics Centre.

Number	19
Date Submitted	12/05/2022 11:16am
Organisation/ club (if applicable)	Melbourne Disc Golf
Name	Tania Behan
Submission Category	Infrastructure and Capital Works
Submission Title	Disc Golf Course Cherry Lake
Submission Summary	

After a successful come and try Disc Golf Day at Cherry Lake on the 1st of May with local residents and residents from neighbouring councils showing their interest. Installing a course would increase family health and have recreational & mental health benefits with a low cost to participants. All you need is a frisbee or disc to play. Disc Golf is social, gets you outdoors and will also attract players from all around Victoria and Australia to play. It is a growing sport that the whole family can play.

Requesting Funding	Yes
Budget requested	\$50,000.00
Presenting to Council	No
Attachments	

Number	20
Date Submitted	12/05/2022 12:13pm
Organisation/ club (if applicable)	Melbourne Disc Golf Club
Name	Brett Bobridge
Submission Category	Infrastructure and Capital Works
Submission Title	Disc Golf Course (Cherry Lake)
Submission Summary	

Disc golf is a rapidly growing sport that is inclusive and accessible to people of all ages and abilities. It is simple to set up and highly cost-effective to run. Having a free course at Cherry Lake would add to the already recreational nature of the area.

Requesting Funding	Yes
Budget requested	\$0.00
Presenting to Council	Yes
Attachments	



RECONNECT PEOPLE, PLAY & NATURE.

DISC GOLF

DISC GOLF is low impact, inclusive community recreational activity which encourages the use of Parks and Open Spaces. A disc golf course provides people of all ages and abilities with an avenue to enjoy exercising, connect with nature and socialise as a group.

Low cost and accessible to a wide demographic, it is a fun and healthy sport perfectly suited to the Australian lifestyle.

YOUR COMMUNITY & DISC GOLF

MANY 
OPEN SPACES
**PARKS &
RESERVES**
ARE **INACTIVE &
UNDER-UTILISED**

ACTIVATE 
OUR **PARKS** WITH AN
INEXPENSIVE
facility & engage
THE COMMUNITY
WITH AN **INCLUSIVE**
ACTIVITY

ALMOST **25%**
OF YOUNG
AUSTRALIANS
& **63%**
OF THE **ADULT**
POPULATION ARE
OVERWEIGHT

**ENCOURAGE
EXERCISE
& MENTAL
STIMULATION**
WITH A **LOW IMPACT
LIFETIME SPORT**

LACK OF **COMMUNITY
ACTIVITIES**
LEADS TO A
**DECREASE IN
SOCIAL
COHESION**

**ENABLE OUR
COMMUNITY
TO CONNECT WITH
OTHERS & ENJOY
EXERCISING
IN NATURE**

COMPANY



At **RAD** we provide disc golf course design services and equipment to create exciting recreational experiences for people of all ages and abilities. Our team of experienced professionals have designed over 40 disc golf courses in Australia, more than half the total number of courses in the country.

From the consultation and planning stages, through to design, installation, and promotion, our team works alongside you to achieve your goals. Drawing on 20+ years of professional disc golf course design and project management experience, we create safe, custom-designed facilities to serve their users for many years to come.

Our team has delivered disc golf course projects on time and budget for our many clients, which include local government, schools, universities, camps, golf clubs and resorts. As the only dedicated disc golf course design company in Australia, we are fully committed to our projects, ensuring the goals and safety requirements of our customers exceed expectations.

OUR SERVICES

- PLANNING
- COURSE EQUIPMENT
- COURSE DESIGN
- SAFETY & ENVIRONMENTAL IMPACT REVIEWS
- DELIVERY & INSTALLATION
- MARKETING & PROMOTION
- COURSE REFURBISHMENT
- CORPORATE EVENTS & CLINICS

DISC GOLF



A FUN FAMILY ACTIVITY

DISC GOLF is a healthy lifestyle activity, perfectly suited for people of all ages and abilities. It can be enjoyed both individually as a recreational sport and played casually with family and friends. With similar rules to traditional golf, players throw specially designed golf discs from a tee area into an elevated target basket. With over 8000 courses now found in more than 40 countries, it is one of the fastest growing sports in the world.

Disc golf is a passive sport which provides low impact, aerobic exercise - all whilst connecting people with nature. The unique challenge offered by disc golf helps diversify the recreational opportunities available for local communities. As a low-cost entry sport that's easy to begin playing, disc golf is suitable for a wide demographic from all socio-economic backgrounds.

Disc golf provides participants with a walk in the park with purpose. Many people find themselves "hooked" on the sport, playing regularly to hone their skills and enjoy both the positive social and physical health benefits it offers. It takes only one hour to learn, but a lifetime to master!



DEMOGRAPHICS



WHO PLAYS DISC GOLF

DISC GOLF can be enjoyed by anyone despite age and level of experience, providing an inexpensive means of fitness for life.

Disc golf is so easy to learn. Therefore, no one is excluded, making it an excellent choice for families to enjoy together. The Professional Disc Golf Association, with a member base of over 115,000, is the governing body for the sport and sanctions competitive events for men and women of every skill level from novice to professional.

In 2018, PDGA memberships grew by 13.13% to 46,457 active members. Whilst male participants make up 92% of the total membership base, female participation has increased by an astounding 300% over the past decade, with a modest 906 female PDGA members in 2008, growing to 3619 members in 2018.

DISC GOLF
can be enjoyed by
ANYONE DESPITE
AGE & LEVEL OF
EXPERIENCE



GROWTH

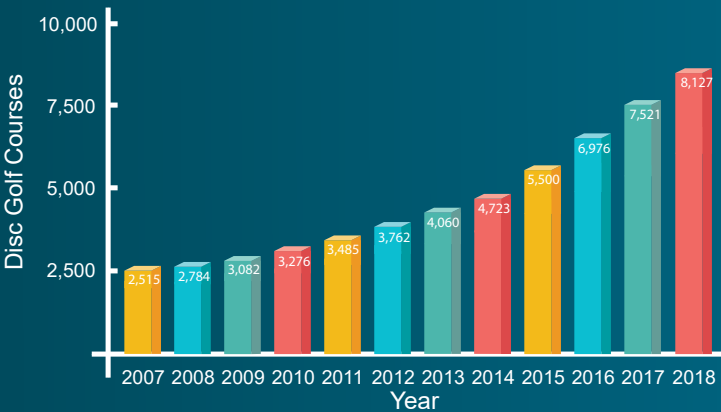


The past few years have seen huge growth in disc golf participation, with more and more courses, clubs and people casually playing the sport all over the world. There are now over 8,000 courses and over 20 million regular players made up of an exceptionally wide and diverse demographic.

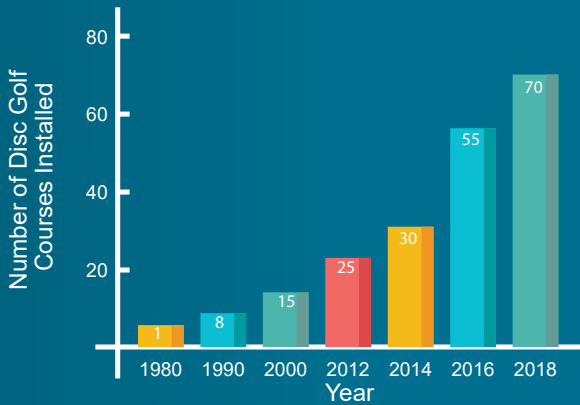
GROWTH & PARTICIPATION IN AUSTRALIA

In Australia, disc golf is experiencing significant growth. There are now over 70 courses in the country, with more than half of these courses installed in the last 5 years alone. Our RAD designers have been responsible for 50% of the total course development. With this increased accessibility to the sport, participation in disc golf has grown dramatically in a short period.

GLOBAL DISC GOLF COURSE GROWTH



DISC GOLF COURSE GROWTH IN AUSTRALIA



BENEFITS



ACTIVATE & UTILISE PARKS, RESERVES & OPEN SPACES

- IMPROVE SECURITY
- ENHANCE PARK CONNECTIVITY
- ENVIRONMENTALLY FRIENDLY ACTIVITY

CREATING A HEALTHIER & HAPPIER COMMUNITY

- LOW IMPACT EXERCISE
- FOSTER SOCIAL INTERACTION
- IMPROVE MENTAL HEALTH

STRENGTHENING A SENSE OF COMMUNITY

- INCREASE SENSE OF COMMUNITY THROUGH PARTICIPATION
- INCLUSIVE SOCIAL SETTING
- ENCOURAGE MULTIGENERATIONAL PLAY

OUR PROJECTS



FANTASY PARK DISC GOLF (ROCKINGHAM, WESTERN AUSTRALIA)

Fantasy Park Disc Golf is the newest course to be installed in Western Australia. The course is free to play and open for the community anytime. With two tee positions for its 9 disc catching baskets, the course offers 18 unique holes to suit participants of all ages and skill levels, providing a fun challenge that has people coming back to play time and time again.

"Disc golf is an exciting sports that can be played by people of all and abilities.No matter what your skill level, I encourage resident to head down to Fantasy Park and test their disc golfing skills."
-Barry Sammels, City of Rockingham Mayor



TOM PRICE DISC GOLF (TOM PRICE WESTERN AUSTRALIA)

Tom Price Disc Golf Course is located at Minna Oval in the township of Tom Price in Western Australia. This 9 hole course is one of two disc golf courses to be installed in the Shire of Ashburton and first in a remote Australian mining town.

The Shire acquired the services of RAD to design and install both courses. Tom Price disc golf is located around Minna Oval making use of the native gums and subtle elevation to create a challenging amateur course. A primary school and other sporting clubs are located nearby, helping improve the area's status as a sports hub.

"I engaged Andrew Ferguson from RAD seeking advice about how to approach installing a disc golf course. He provided everything I need to speak to council, local golf clubs, and the general public about what it would mean to have a disc golf course in our town. 3 years later, we now have tow courses within the Shire of Ashburton." - Gavin Douglas - Tom Price Disc Golf Club



BALD HILL PARK DISC GOLF CLARINDA VICTORIA

Bald Hill Park Disc Golf Course is a brand new facility in the City of Kingston. The community of Clarinda, just outside Melbourne, can now call themselves home to a top of the line disc golf facility. This 9 basket 18 tee course not only has full signage and concrete tee pads, but also boasts a practice area complete with a "how to play" information sign and practice basket - the perfect introduction for those new to the sport. This new addition to the Melbourne area will be a draw card for visitors, help increase disc golf participation and encourage members of the local community to exercise in the outdoors.

Introducing a Disc Golf Course in Kingston is consistent with Council's recently endorsed 2018 Sport and Recreation Strategy as well as the Kingston Public Health and Wellbeing Plan, both of which seek to encourage informal recreation opportunities. Council is Committed to supporting opportunities to get involved in low-cost and unstructured sporting activities, and disc golf is a great way to have fun and stretch your legs, without having to pay any fees to be a member of a club. - Georgina Oxley, City of Kingston Mayor



To see more RAD course projects, visit: www.rad-creations.com/rad-projects

TESTIMONIALS



Disc Golf is a sport that is experiencing phenomenal growth across the world and especially in Australia and the City was proud to support this project. Chichester Park Disc Golf Course is another example of the City's commitment to fostering active and healthy lifestyle opportunities for the local community.

Troy Pickard, City of Joondalup Mayor

The team at RAD created two outstanding disc golf facilities for the Shire of Ashburton community. From the initial proposal to the installation, they worked alongside the local disc golf community and the Shire to manage the project and deliver the facilities on schedule and budget. Their professional design experience and knowledge of the industry provided us with the confidence and justified our investment in the community.

Gavin Douglas, Tom Price Disc Golf Club

The team at RAD have designed a fantastic 18 tee course at Tintinara incorporating the features of the natural landscape. It is a great playing course for all ages and skill levels taking in lake views and walking trails through the native vegetation. The staff were exceptional in their knowledge of the sport and course design. They were also very helpful, timely and supportive every step of the way regardless of distance, ensuring the equipment was of high quality and the installation process was trouble free. I highly recommend the RAD team and look forward to the growth of the sport and more courses being developed in South Australia.

Tanja Morgan OPAL Manager (Acting), Coorong District Council



Office of Sport



City of Joondalup



Number	21
Date Submitted	12/05/2022 1:25pm
Organisation/ club (if applicable)	
Name	Christopher Khoo
Submission Category	Infrastructure and Capital Works
Submission Title	Disc golf course at Cherry Lake, Altona
Submission Summary	

I played disc golf at Melbourne Disc golfs' come and try day and enjoyed the atmosphere. Please make it permanent for all.

Thanks
Chris

Requesting Funding	No
Budget requested	
Presenting to Council	No
Attachments	

Number	22
Date Submitted	12/05/2022 3:25pm
Organisation/ club (if applicable)	
Name	Joel
Submission Category	Infrastructure and Capital Works
Submission Title	Disc golf course for Cherry Lake.
Submission Summary	

Seeking funds to be set aside for the design and implementation of a disc golf course to be installed in the area of Cherry Lake Reserve.

Participation in Disc Golf has grown rapidly in the past few years and has seen very high participation rates upon the installation of the Stony Creek Course in Maribyrnong. A course in the Hobsons Bay Area would introduce new participants to a sport that can be played by any age level, skill level or fitness level and is enjoyed by all.

Disc golf is a rapidly growing sport worldwide and the installation of a course in Hobsons Bay would not only provide an opportunity for locals to get out and enjoy the outdoors but would bring many to the area to see what Hobsons Bay has to offer.

Requesting Funding	Yes
Budget requested	
Presenting to Council	No
Attachments	

Number	23
Date Submitted	12/05/2022 6:41pm
Organisation/ club (if applicable)	Altona Magic Soccer Club- Paisley Park
Name	Adam Longshaw Longshaw
Submission Category	Infrastructure and Capital Works
Submission Title	Steps in front of canteen
Submission Summary	

Altona Magic are trying to improve safety, usability and inclusion at Paisley Park, these goals are also all aspirations detailed in the HBCC community vision. As part revitalising existing community facilities, a specific area in front of the canteen was identified as a community hazard and required addressing. This included requirements by AMSC to supply preliminary drawings to HBCC.

This priority was highlighted in the community survey where 81% of females stated that safety was poor or extremely poor at Paisley Park. This area was identified as a specific problem for residents, parents and players.

Addressing this will not only make the entire areas more usable, but will aid in creating a more inclusive area enabling greater community engagement. With over 30,000 visitors annually to Paisley Park the impact of this work is significant

In April of 2021, HBCC approved work to occur in front of Altona Magic's Canteen, in particular labor and materials to complete project. This commitment was subject to Altona Magic spending its own money to undertake surveying, engineering, architect drawings and other requirements. Altona Magic completed all of this with a confirmation from HBCC that work would be done in 2021. HBCC then advised this would be completed in early 2022 due to covid workforce shortages. AMSC have recently been advised that HBCC has no budget to undertake approved works and we must complete another submission despite it already being approved. Clearly this is disappointing given prior written commitments to AMSC

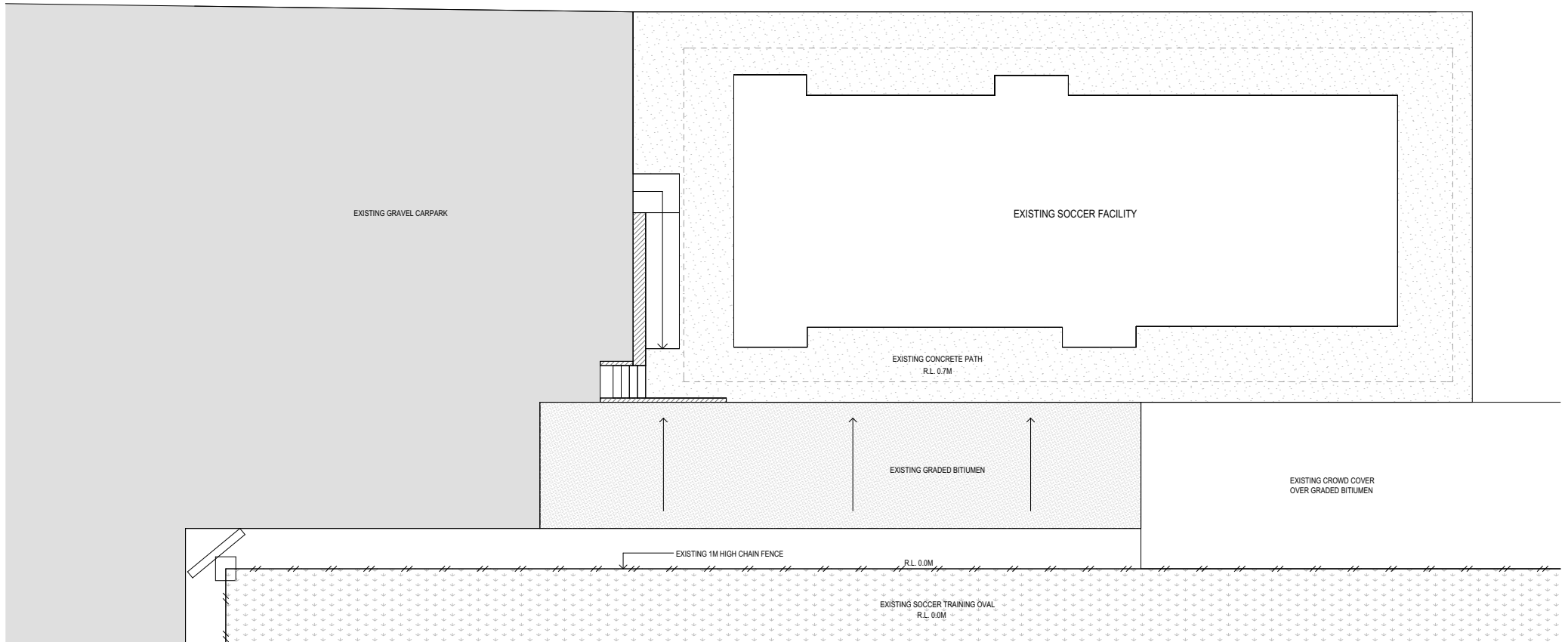
Altona Magic believe this project should be completed asap, given the previous approval and support given by HBCC and now seek this to be included as a priority project post July 2022.

We also attach engineering and other drawings that were submitted in 2021, as well as a letter from Football Victoria who were present in discussions with HBCC representatives on this project.

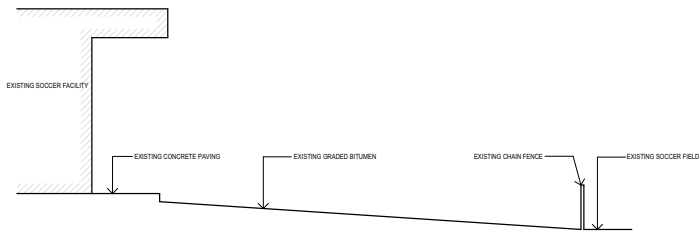
This work directly supports our community vision for Altona Magic which states our goal is to “deliver outstanding community services, that brings together our diverse and ever growing community in an environment that is safe and inclusive enabling all to enjoy the outstanding recreational facilities available”

We would also be happy to address council directly on this project which was highlighted as critical by Hobson Bay in 2021 to improving safety.

Requesting Funding	Yes
Budget requested	\$100.00
Presenting to Council	Yes
Attachments	



EXISTING SITE CONDITIONS - PLAN
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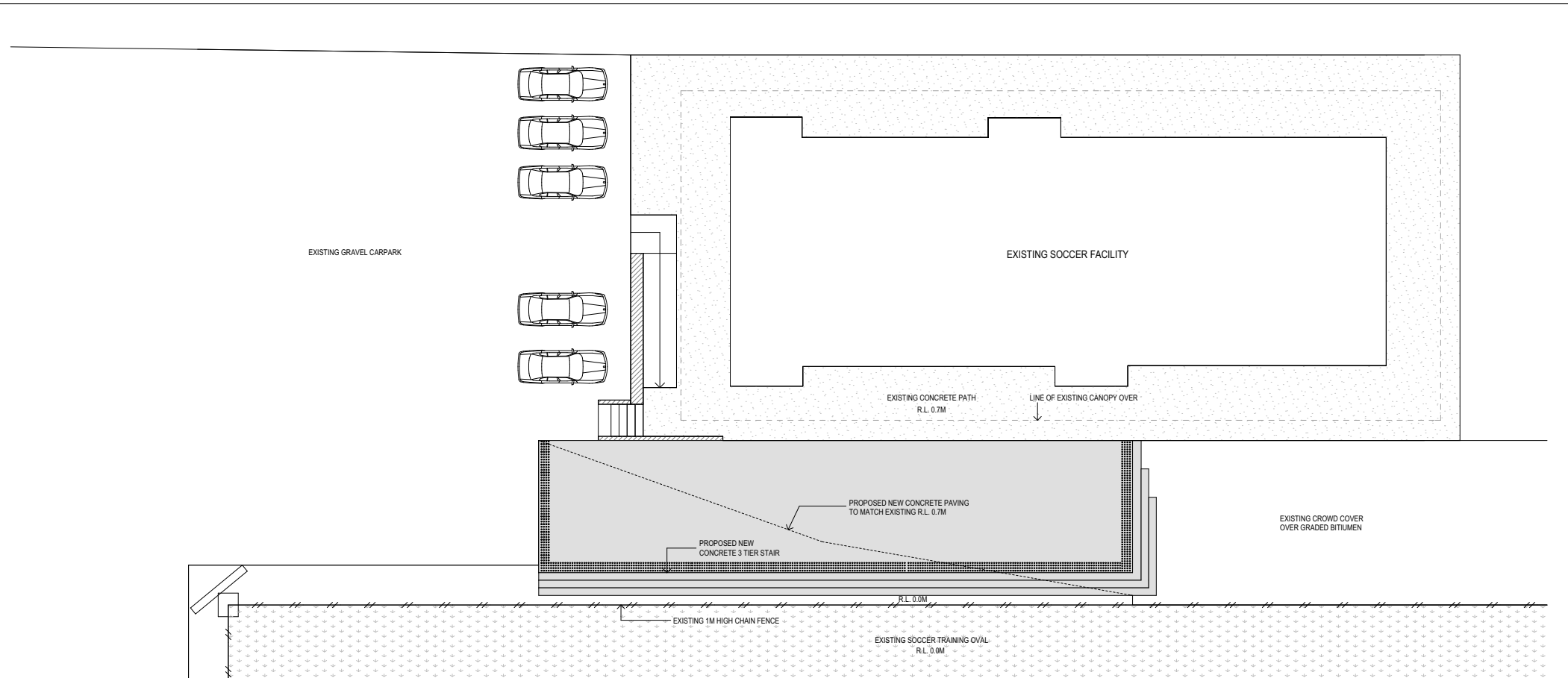
EXISTING SITE CONDITIONS - SECTION
SCALE 1:50

Project: **ATONA MAGIC SOCCER CLUB - NEW PAVING OUTDOOR AREA**
 Property Address: 1-15 Mills St, Altona North VIC 3025
 Client: ALTONA MAGIC SOCCER CLUB

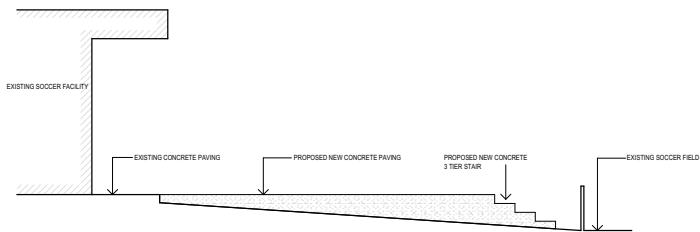


NOTES

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Page 59	<small>Client:</small>	<small>Drawn By:</small>
<small>PK</small>	<small>SK</small>	<small>1 of 2</small>



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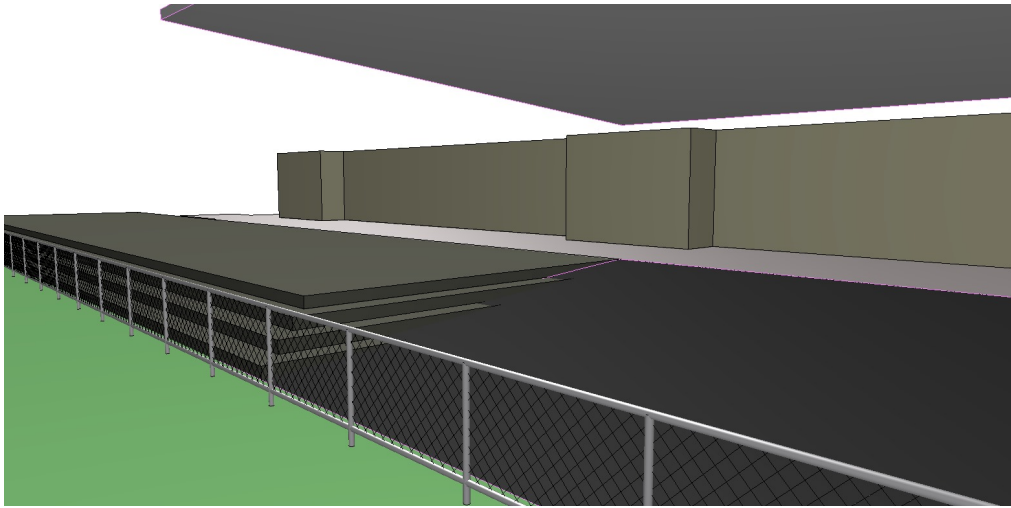


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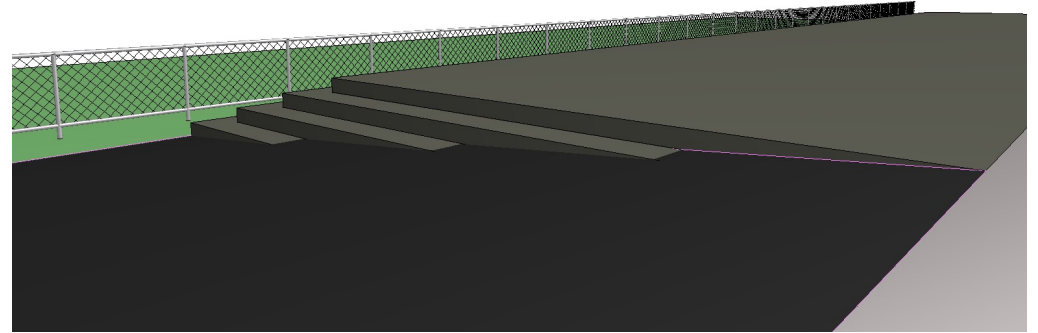
Project: **ATONA MAGIC SOCCER CLUB - NEW PAVING AND DOOR AREA**
 Property Address: 1-15 Mills St, Altona North VIC 3025
 Client: ALTONA MAGIC SOCCER CLUB



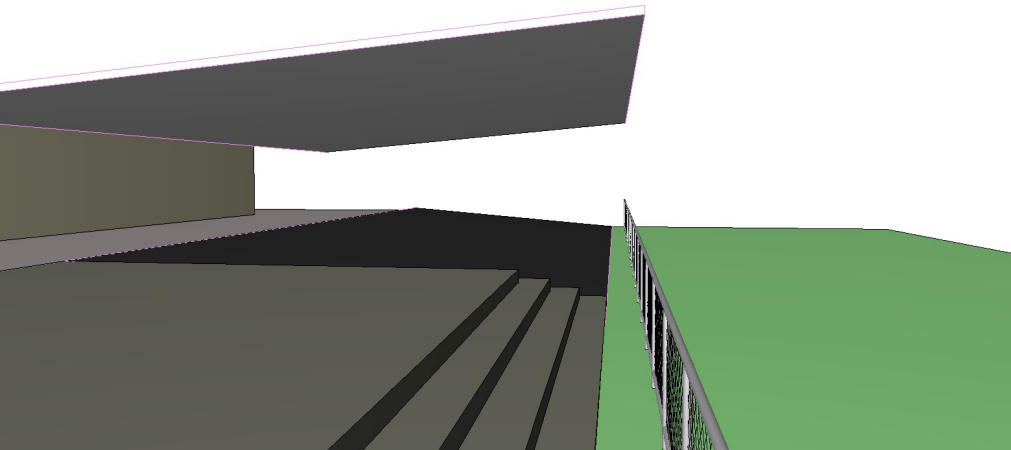
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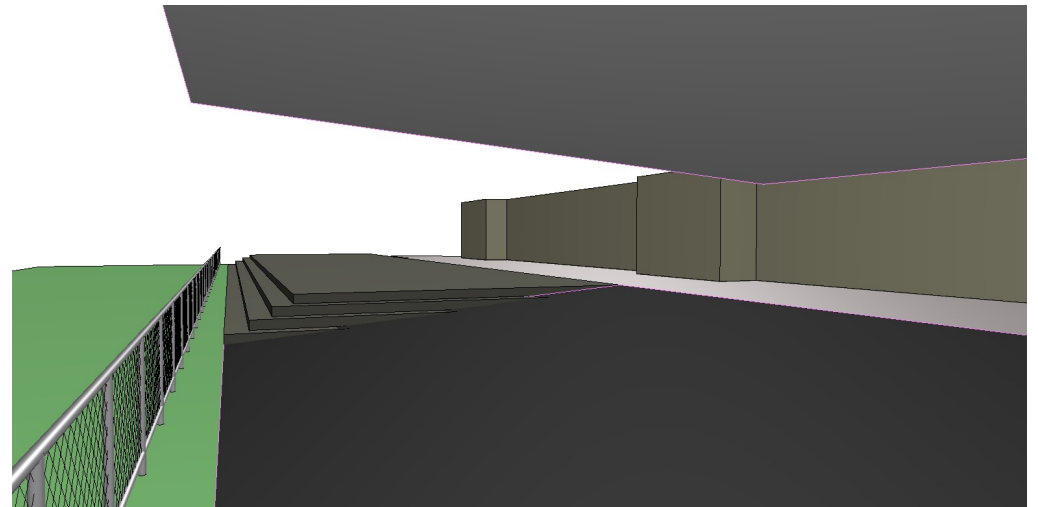
VIEW 1



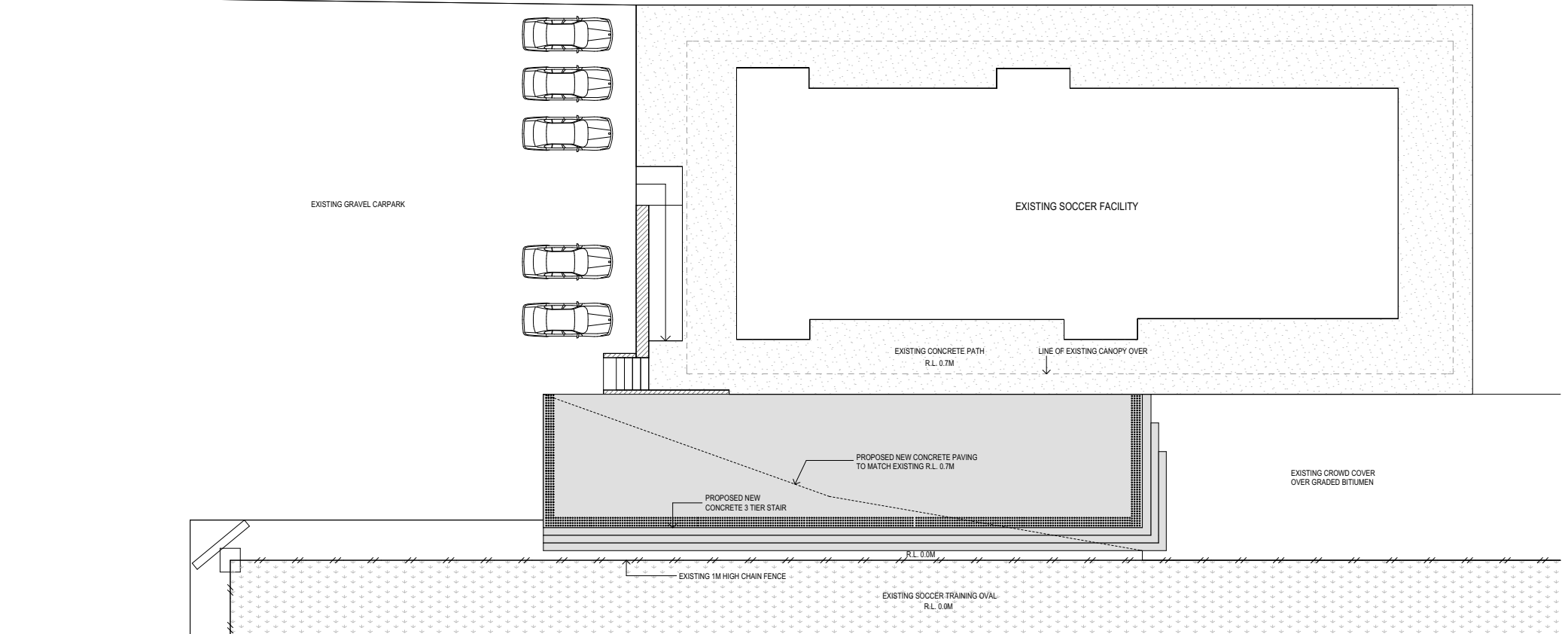
VIEW 2



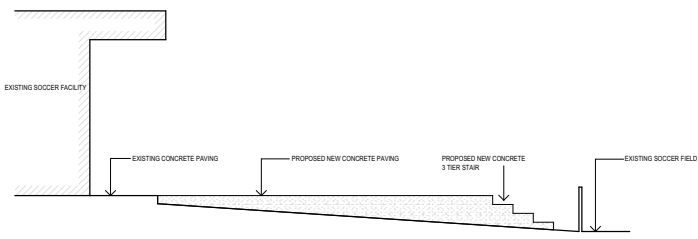
VIEW 3



VIEW 4



EXISTING SITE CONDITIONS - PLAN
SCALE 1:100



EXISTING SITE CONDITIONS - SECTION
SCALE 1:50

Project: **ATONA MAGIC SOCCER CLUB - NEW PAVING AND COVER AREA**
 Property Address: 1-15 Mills St, Altona North VIC 3025
 Client: ALTONA MAGIC SOCCER CLUB



NOTES	DATE ISSUED: 10/01/2021	Drawn By: P.K.	Checked By: SK
	PROJECT: ATONA MAGIC SOCCER CLUB - NEW PAVING AND COVER AREA	DATE: 10/01/2021	SCALE: 1:100

To whom it may concern,

LETTER OF SUPPORT –DRAFT BUDGET SUBMISSION 200/20223 – PAISLEY PARK RESERVE

Football Victoria (FV) is pleased to support Altona Magic Soccer Club in their submission under the Hobson Bay Draft Budget Submission 2022/2023 for the re-allocation of council funding towards the building of a concourse and steps in front of the public facility/ canteen area at the soccer complex and to engage a consultant for the preliminary designs and cost estimates to formalise an entry point, carpark and safety lighting along the southern boundary of the reserve, along Mill Street.

Altona Magic Soccer Club has been situated at Paisley Park for over 40 years and has provided a range of inclusive formal and informal football opportunities and programs for the community in the Altona North and Hobson Bay region. Currently, there is no formal public concourse or gathering area in front of the public facility/ canteen area within Paisley Park- Soccer complex. Due to the wet winter months, this area becomes very slippery and muddy, causing a slip hazard for spectators and the wider community that come into the reserve throughout the season. Additionally, with no formal entry and car parking provision along the southern boundary of the reserve, the undeveloped area used for car parking becomes unusable during the winter months, with the surface becoming muddy and suffering from large pooling of water. With no car parking lighting, this area becomes unsafe and uninviting for players, coaches and the wider community during night trainings and games. Collectively, the poor provision of safe and adequate car parking, lighting, and viewing areas highlights a lack of investment and leads to a negative experience for the wider community. Members and the community that come to the soccer complex have raised concerns around the safety risk of the poor street lighting around the facility and Hobson Bay City Council staff have identified the safety risks and concerns of the user groups of Paisley Park as it is considered unsafe and deemed dangerous.

Altona Magic have placed previous budget submissions in the 2020-2021 budget cycle for the above works to be completed, highlighting the benefits of the works to the club's strategic vision and goals for the community and members of Altona Magic & Altona East. These previous budget submissions have been unsuccessful.

Due to the previous submissions being unsuccessful and to assist council in achieving the above improvements, Altona Magic Soccer Club have invested \$15,000 of their own club funds towards the detailed design drawings, engineering reports, surveyors, and building certificates for the concourse and steps in front of the public facility/ canteen area. This has been done in consultation with the Sport and Recreation Team at Hobson Bay City Council. Altona Magic have followed all the necessary steps to ensure they met the relevant safety checks & documentations required of them from council and requests that funding be allocated through this budget submission to build the concourse and steps in front of the public facility/ canteen within the reserve. This request also asked for council to allocate funding to the preliminary designs, Geotech investigations and cost estimates to formalise an entry point, carpark, and safety lighting along the southern boundary of the reserve, along Mill Street. This will address the previously mentioned safety concerns due to the lack of adequate lighting and formal car parking.



Hobson Bay City Council drafted a future for Paisley Park in 2007 which outlines the key goals, objectives, and action items to be delivered. The above-mentioned works are aligned with this plan, including the following key action points:

- Action point 2: Formalise the access points to the park
- Action point 6: Better defined and organise internal car parks
- Action point 9: Address areas in the park which pose a safety risk.

Football Victoria appreciates all the projects delivered for the sporting community of Hobson Bay and fully understands the demands and pressure required to service the whole community. Therefore, FV would be supportive of a staged approach to the car parking project over a number of years where initial Geotech investigations and designs can be staged separately to a future construction phase.

Football Victoria seeks your support to allow funds to be allocated in the 2022/2023 budget, to ensure the club can avoid any further complaints and injury reports of the steep slope in front of the canteen area, as well as the concept plans and staged works for a safe levelled car park & walking surface. Overall, the above-mentioned projects will provide safe lighting around the facility to protect the women and girls, youth, elderly, disabled, men and boys & LGBTQ users, members, and the wider community along with improving the overall safety and amenity of the wider Paisley Park reserve.

Football Victoria will continue to provide support to Hobson Bay City Council and supports the justification in council's desire to improve the facilities & major projects to meet the community's current and future needs.

If you wish to discuss this project further or require additional information, please feel free to contact me email at Sebastian.hassett@footballvictoria.com.au or Josephine.lapila@footballvictoria.com.au
Nth West Co-ordinator

Your Sincerely,

A handwritten signature in black ink, appearing to read "S Hassett".

Sebastian Hassett
Head of Facilities and Government Relations

SUPPORTING MATERIAL:

Photo 1: Concept render of proposed design and layout of public concourse and steps in front of public facility/ canteen area:



Photo 2: Examples of current carparking provision and pooling of water, lack of lighting



Photo 3: Live Stream AUSTRALIA CUP MATCH - CONDITION OF GROUND AT PAISLEY PARK PITCH ONE dated Tuesday night at 7.30pm



Number	24
Date Submitted	12/05/2022 8:19pm
Organisation/ club (if applicable)	
Name	Aaron Ponnudurai
Submission Category	Infrastructure and Capital Works
Submission Title	A Disc Golf Course for Hobson's Bay
Submission Summary	

I am a new resident and ratepayer in Hobsons Bay (as of March 2022) and have been enjoying the sport of disc golf during lockdown.

There are a few courses in Melbourne but none in Hobsons Bay. I lived near the City of Kingston and played at the course at Bald Hill Park when it was within my allowed travel radius - it's a really excellent course, which is multi-use, with walking paths and playgrounds. **The course takes up less than a quarter of the space compared to nearby golf courses**

I am a member of the Melbourne Disc Golf club, which recently ran a "Come and Try day" at **Cherry Lake in Altona, that was very well received.**

I truly believe that the sport provides myriad benefits to all stakeholders

- it is a low cost and easy sport to start playing and enjoy but provides enduring challenges for those who want to play seriously (similar to regular golf).

- It is family friendly and accessible for all ages

- unlike regular golf, the resources required to install and maintain a course are far less, both from a financial and environmental standpoint.

- I love that with clever design, disc golf courses work within existing landscapes. there is no need for manicured greens and full time groundskeepers.

- green spaces that may be difficult to use for other sports are often ideal for disc golf. A good example is the Stony Creek course in Yarraville.

To that end, i think that Cherry Lake presents a similar opportunity. **It would be great if a modest sum of money could be put towards funding some community consultation, scoping and installation of a course.**

I expect that the return on investment for council would be excellent, especially when compared with other recreational expenditure that may benefit fewer residents.

I would be keen to be contacted to discuss this further

regards,

Aaron

Requesting Funding	Yes
Budget requested	\$50,000.00
Presenting to Council	No
Attachments	

Number	25
Date Submitted	12/05/2022 8:20pm
Organisation/ club (if applicable)	
Name	Aydan Davidson
Submission Category	Infrastructure and Capital Works
Submission Title	Stop Beach works over summer
Submission Summary	

Stop closing half the beach over summer!

The path widening is taking up too much beach space.

Requesting Funding	No
Budget requested	
Presenting to Council	No
Attachments	

Number	26
Date Submitted	13/05/2022 11:22am
Organisation/ club (if applicable)	Melbourne Disc Golf Club Member #3401
Name	Brett Bobridge
Submission Category	Infrastructure and Capital Works
Submission Title	Cherry Lake submission proposal of Disc Golf Course 2022/23
Submission Summary	

Brett Bobridge

3/188 Civic Parade Altona

I was fortunate enough to get vision of the City of Kingston Council Meeting

26Th April 2022 - 7pm - item 10.2 Proposed Disc Golf Course

This was a very sincere and compelling proposal put to the council

who were unanimous in voting for the implementation of a Disc Golf Course/

As a 60yr old Business operator based In Altona, this sport has been a revelation to myself , my personnel health and (as a Bi-Polar sufferer) my mental Health.

This sport encapsulates everything that is beautiful in community minded activities for ALL ages, I play this game with 20 yr olds to 60 yr olds as myself, Males & Females and I must add I'm doing pretty well against the young bucks, the equality it provides between the genders of all and any category is indeed in itself a remarkable experience as strength is not the over riding factor in being competitive in this game , neither is a competitive nature required because it is simply that much fun.

I study the female players of this game (you-tube) as technique is what this game is all about.

Bonus , my 20 yr old Daughter and I now have a brilliant activity to share of which we have a similar skill set , so very competitive.

Never have I met most sincere , friendly and passionate people as those of the Disc Golf community.

Altona being almost a Mecca of sporting facilities from netball, football, cricket, Aussie rules football, tennis this would define Altona as a sporting hub to be revered by every other municipality of Melbourne.

Open spaces are not the major requirements for this sport , so as not to infringe on picnic area's , The J K Grant reserve has brilliant lands to the back west side of Cherry Lake, i.e. = Cherry Creek and the ridge of land separating the Industrial zone directly behind this area, ideal to create a competitive course that could one day attract the Victorian open (170 competitor's 2022 Ballarat) , hopefully even the Australian open. ???

I thoroughly endorse this sport, it's affiliated communities and of course it's benefits in Health and well being.

I make myself available for any further communication on this subject if so requested

Sincerely

Brett Bobridge

Requesting Funding	Yes
Budget requested	\$0.00
Presenting to Council	No
Attachments	

Number	27
Date Submitted	13/05/2022 3:47pm
Organisation/ club (if applicable)	Williamstown Colts Cricket Club
Name	Stephen Willis
Submission Category	Infrastructure and Capital Works
Submission Title	Greenwich Reserve Cricket Nets/Storage Replacement-Planning
Submission Summary	

This submission is requesting the inclusion of \$35,000 of funding in the 2022/2023 Budget year in support of the \$350,000 that has already been earmarked for the following Budget Year.

The capital investment is for the replacement of the existing 3 practice cricket nets (with 4 cricket practice nets) and the replacement of the current cricket club storage facilities located at Greenwich Reserve.

The cricket practice nets were built in approximately 1992 and were 100% funded by the cricket club. Since this time the council has only spent limited capital money on ongoing maintenance and repairs. The cricket practice nets urgently need replacing for the following reasons:

1. Public and Cricket Club members safety.
2. No longer fit for purpose.
3. Insufficient number of nets - the cricket club needs 4 practice nets to support our growing Junior development program.
4. Improved facilities for general public use.

In conjunction with the cricket practice nets replacement, the club is also seeking to have the significantly inadequate storage facilities replaced. The storage facilities need to be replaced for the following reasons:

1. The grossly insufficient storage shed currently provided by the council has necessitated for a locked gate to be installed on 1 of the 3 existing nets to store the turf pitch cricket rollers. This means that the rollers are open to the weather which is not advised by the equipment manufacturers.
2. The lack of lockable storage facilities results in our turf pitch covers being left in the open which significantly increases the risk of vandalism damage.
3. The existing inadequate storage shed (refer attached photo) allows anybody with access to bolt cutters to help themselves to expensive cricket equipment. This is exactly what happened 2 seasons ago where a \$5,000 bowling machine was stolen from the storage shed 4 weeks after the club bought it. The level of support from the council when advised of this was a figurative shrug of the shoulders.
- 4.

The cricket club respectfully requests that this proposal is given serious consideration and is included in the Council 2022/2023 Capital Budget.

Sincerely

Steve Willis

President

Williamstown Colts Cricket Club

Requesting Funding	Yes
Budget requested	\$35,000.00
Presenting to Council	No
Attachments	

Number	28
Date Submitted	13/05/2022 5:28pm
Organisation/ club (if applicable)	Melbourne disc golf
Name	Patrick Eldridge
Submission Category	Infrastructure and Capital Works
Submission Title	Disc Golf Course installation
Submission Summary	

Dear council,

As a resident of Hobsons Bay I would love to see the installation of a disc golf course (cherry lake would be a great location). There are meant benefits for both residents and the wider community.

Firstly, I couldn't advocate more for the sport of disc golf! A friend of mine from work introduced a group of us at stoney creek reserve just before the pandemic and I was instantly hooked on the game. It is incredibly accessible for all ages and genders with disc for loan from the library for free and the prices of discs as little \$28 each online. Moreover it is great exercise and I was lucky enough to be able to access stoney creek during a 5km restrictions which allowed me to stay active. Since then I've become a member of the Melbourne disc golf club where I've met wonderful people who are passionate about the game and have prioritised growing the game especially with women with several ladies events along side mens competitions.

Second, a new course in hobsons bay would allow more residents to be exposed to the game helping to grow the game and provide outlets for people to exercise and build connections and community. A new course will see players from other areas travel to play the course helping local businesses as well (a regular habit of mine is to get coffee and lunch on weekends when playing at stoney creek or from courses in other areas like bald hill park in clarinda.

Third and finally, a modest investment in a course a cherry lake would benefit so many in our community as well as being a point of attraction to bring keen players from all over Melbourne.

Requesting Funding	Yes
Budget requested	\$50,000.00
Presenting to Council	No
Attachments	

Number	29
Date Submitted	14/05/2022 8:06am
Organisation/ club (if applicable)	N/A
Name	Spiros Skaftouros
Submission Category	Infrastructure and Capital Works
Submission Title	Budget Feedback
Submission Summary	

I notice Council is spending 500k on design works for the proposed Williamstown Lifesaving Club Upgrade. There is already 11.3 Million dollars committed by State Government to this project, so why are rate payers money being used as well, surely the money already provided by the State is enough and the 500k from rate payers be redirected elsewhere? Currently the parks i live near continue to decline - Hatt, Cyril Curtain, Gloucester & Saddler Reserves. These reserves lack watering systems as they become dry and hard, are dusty with trees in stress or new ones planted dying and there are weeds everywhere. They get wet muddy holes in winter. They lack green grass. They need irrigation, more trees, more garden beds and paths and generally more care. These reserves are an embarrassment and i challenge Councils executive and local Councilors undertake a complete tour. We pay significant Rates in this area and only to see the ongoing neglect of these reserve whilst countless rate payers money is splashed out on the Williamstown Football club and Fearon Reserve is of great frustration and disappointment. Given the significant number of people using and valuing these reserves it is incumbent and the responsibility on Council to provide high quality, accusable open spaces to assist with the mental and physical well being of its Citizens. I urge Council through its adoption of the Coastal and Marine Management Plan to undertake significant upgrades of these reserves.

Requesting Funding	Yes
Budget requested	
Presenting to Council	No
Attachments	

Number	30
Date Submitted	14/05/2022 2:43pm
Organisation/ club (if applicable)	Williamstown Newport Anglers Club and Fish Protection Society
Name	Lindsay Morton
Submission Category	Infrastructure and Capital Works
Submission Title	Refurbishment of Williamstown Beach Jetty Facilities
Submission Summary	

The Williamstown Beach jetty facilities, located in the vicinity of 29 Esplanade Williamstown, were opened in February 1942 and rebuilt in 1976. The jetties have provided community access for a variety of purposes for 80 years, though now are in deteriorating condition and nearing the end of life. Whilst maintained by the Williamstown Newport Anglers Club (WNAC), unrestricted access for the community to the jetty facilities is provided in accordance with the lease with Hobsons Bay City Council (HBCC). The current facilities comprise wooden jetties, a concrete ramp, viewing platforms and a fish cleaning station.

The Community of Hobson Bay enjoys unfettered access and utilises the facilities throughout the year for recreational purposes including but not limited to:

- Personal Exercise
- Exercising and swimming of Dogs
- Snorkelling / Spearfishing
- Visits by Community Groups including disabled outings, wedding parties,
- Relaxation, viewing and photographic opportunities
- Water craft usage including kayaks and paddleboards
- Club Utilisation

The annual estimation of foot traffic utilising the jetties is approximately 35,000 personnel per annum.

Project Scope and Management

The WNAC in partnership with HBCC has led a project to refurbish the facilities commissioning a number of reports and establishing an MOU between HBCC and WNAC to progress the project to Final Design and Construction stage.

The project has previously received the support of HBCC including an undertaking to secure funding upon reaching final Design stage.

The project has also received the support of the Honourable Melissa Horne MP, Minister for Fishing and Boating, Ports and Freight, Consumer Affairs, Gaming and Liquor Regulation recognizing the importance and significance of the facilities. Letters from Minister Horne previously providing support to HBCC and the Westgate Tunnel Project are enclosed.

Current Project Status

HBCC in conjunction with WNAC is finalising the engagement of a Design Consultant to deliver the project to final design enabling the construction stage of the project commencing in financial year 2022-23.

In addition, HBCC and WNAC have expressed interest to Better Boating Victoria and the Bourgh of Queenscliff to secure floating pontoons from the refurbishment of the Queenscliff Boat ramp to be reused in the Williamstown Beach Jetty Project. If successful, the reuse of the floating pontoons will represent a substantial saving for the project.

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A letter to the West Gate Tunnel Project, following a meeting between HBCC, WNAC and the Westgate Tunnel Project, identifying the current status is enclosed.

Project Budget

The estimated project budget is of \$1.3M. WNAC has provided a commitment of up to \$250,000 with the Westgate Gate Tunnel Project providing a grant of \$500,000 through the Partnership Fund. WNAC in conjunction with HBCC has submitted a grant application to Better Boating Victoria seeking \$300,000. An outcome of the Better Boating Application is anticipated in the forthcoming months.

A commitment of \$300,000 under Capital Works is sought from HBCC to the construction stage of the project that is scheduled to commence in financial year 2022-23 and potentially continue into financial year 2023-24. The contribution by HBCC is considered warranted on the basis of the unrestricted use and benefit to the Hobsons Bay community and is aligned with the contributions of WNAC, the West Gate Tunnel Project and Better Boating Victoria.

Benefits for the Community

The project will deliver benefit to the community of Hobsons Bay with the continued unrestricted use of the facilities for the wide range of activities that are currently undertaken. Importantly the facilities will continue to provide viable options for the exercising of dogs and launching of watercraft from other than the adjacent Williamstown Beach. The refurbishment of the facilities will provide significantly improved disabled access. In addition the refurbishment of the facilities aligns with the significant foreshore restitution works already undertaken by HBCC and will improve and enhance the aesthetics of the foreshore.

Requesting Funding	Yes
Budget requested	\$300,000.00
Presenting to Council	Yes
Attachments	

Number	31
Date Submitted	14/05/2022 6:14pm
Organisation/ club (if applicable)	
Name	Michael Smith
Submission Category	Infrastructure and Capital Works
Submission Title	Request For Funding A Disc Golf Course at Cherry Lake
Submission Summary	

I would like to submit a suggestion for creation of a disc golf course at Cherry Lake. Cherry Lake is an ideal location for a disc golf course which could easily accommodate a new course without impacting its natural beauty or negatively affecting the many other activities available at nearby JK Grant Reserve .

Disc golf is a positive past-time that combines love of nature with exercise that appeals to people of all ages for a number of reasons. It provides a peaceful escape from daily distractions and can truly be enjoyed by the whole family. From small children to older people ,like myself, all can enjoy the sport at their own level while also enjoying and appreciating the beauty of the natural environment surrounding the course.

The cost to start playing is very inexpensive as a disc cost is as low as \$20 for a new disc golf disc , and even less for a standard frisbee , and very commonly a community will offer discs available for borrowing from a local library which can also encourage further use of the library as well as the course. It is an easy and inexpensive sport to take up but which also offers many challenges to deepen interest in the sport as one progresses.

A recent "Come and Try Day" held at JK Grant Reserve demonstrated how easily the site could accommodate a course without affecting the natural surroundings or other activities offered at that facility and was attended by many locals with an interest in learning about the game.

The sport , while challenging to master , can be easily played at a beginner level by anyone who can throw a frisbee without any further instruction and can be enjoyed alone or with a group of players. While playing at the other venues I am regularly approached by pedestrians who are curious about the sport and who I later see out on the course enjoying the game.

As there are only 4 permanent courses in the Melbourne city area a new course in Altona will draw players from around the city as well as from outside the city limits, while providing a great new activity for locals to enjoy. The course would easily complement the nearby beach and shops and further enhance the draw of spending a great day in Altona.

A disc golf course is an excellent and inexpensive way to enhance a park setting without disturbing any of its natural beauty. The courses are built using existing natural growth such as trees and shrubs as obstacles for the disc golf holes.

A key foundation of the rules of the disc golf are to respect nature and to show respect for other people enjoying the park facilities where the courses are located , and disc golfers will be natural ambassadors for the new potential facility as they tend to be nature lovers who are happy to share their enthusiasm for the sport with others.

The Cherry Lake setting would serve as an ideal venue for a new course as the lake would give the course a natural beauty that none of the currently existing courses in Melbourne could rival, and draw visitors that otherwise might not be aware of what Hobson's Bay has to offer.

Please give consideration to the addition of a disc golf course in Hobson's Bay as it would provide an exciting and beautiful new outlet for exercise and enjoyment for the people of Hobson's Bay.

Thank you,

Michael Smith

Requesting Funding	Yes
Budget requested	\$4,000,050,000.00
Presenting to Council	No
Attachments	

Number	32
Date Submitted	15/05/2022 10:21am
Organisation/ club (if applicable)	
Name	Robin Fernandes
Submission Category	Infrastructure and Capital Works
Submission Title	Williamstown Train Station surrounds
Submission Summary	

It is disappointing that pavement and roadworks between the station and Hanmer Street have not been included in the 22/23 capital works program. I acknowledge that this is VicTrack land however Council can put in an application to get these works done. The station is accessed by many locals and visitors to Williamstown. Many events at Seaworks or visitors to historic Nelson Place are greeted by shabby roads, footpaths are inadequate; a disgraceful entry to Hobsons Bay's premier suburb.

Requesting Funding	No
Budget requested	
Presenting to Council	No
Attachments	

Number	33
Date Submitted	15/05/2022 10:32am
Organisation/ club (if applicable)	
Name	Robin Fernandes
Submission Category	Infrastructure and Capital Works
Submission Title	Dangerous two-way bike lanes planned
Submission Summary	

I have noticed planning for two way bike lanes in the GreenLine projects in Spotswood and other suburbs. This is a very dangerous situation as other road users such as vehicles and pedestrians are accustomed to looking right for bikes when crossing or turning into a road. I have first hand nearly hit a cyclist on Fitzroy Street in St Kilda that was coming from the opposite direction to what I anticipated when turning my car into the street

Requesting Funding	No
Budget requested	
Presenting to Council	No
Attachments	

Number	34
Date Submitted	15/05/2022 11:27am
Organisation/ club (if applicable)	Williamstown CYMS Football Club
Name	Fin Adamson
Submission Category	Infrastructure and Capital Works
Submission Title	Williamstown CYMS FC budget feedback Loft Res. & Fearon Res.
Submission Summary	

Thankyou for the opportunity to provide feedback on the 2022/2023 budget, we request the following capital works to ensure the sustainability of the higher use of Loft Reserve for football in the 2022/2023 budget:

1. Upgrade works are undertaken in 2022/2023 at the smaller ground to the north (Lofts 2) at Loft Reserve to both slightly enlarge the ground and improve the surface, drainage etc so that there are two equally as good grounds at Loft Reserve. Our understanding from correspondence received by Council in 2019 is that there was money allocated in the Council's draft capital works budget for 2021/2022 for these works at Loft 2 that were subject to council adoption.
2. Lighting upgrade at Loft 2. The current lights at Loft 2 are inadequate in terms of both brightness and coverage of the ground. Most of the ground is unable to be used for night training, placing more pressure and load on Loft 1.
3. Lighting upgrade at Loft 1. The current lighting at Loft 1 is inadequate (brightness and coverage) for teams to utilise the whole ground when training. We request new lights to be installed to allow full utilisation of the ground for training.
4. Two new interchange hutches to be constructed at Loft 1 to provide shelter for volunteers, coaches and players on the bench.
5. Budget for HBCC to commence a design process with CY's football and cricket on opportunities to upgrade the Social Rooms at the Fearon.
6. Two weather protection hutches for supporters to watch the game from, either as standalone structures similar to Bayside Oval or connected to existing structures.

Requesting Funding	Yes
Budget requested	
Presenting to Council	Yes
Attachments	



Williamstown CYMS Amateur Football Club
Fearon Reserve
Cnr. Osborne and Garden Streets, Williamstown
PO Box 220
Williamstown VIC 3016
ABN 66419844775

Dear Hobsons Bay City Council (HBCC),

On behalf of the Williamstown CYMS Amateur Football Club (“CYs”) thank you for providing our community with the opportunity to provide feedback on the proposed 2022/2023 budget. Unfortunately we did not participate in the ideas pitch due to a changeover of our volunteer committee occurring at the time, but applaud HBCC’s willingness to engage with their constituents.

The Williamstown CYMS Football Club (CY’s) is the largest over-age sports club within Hobson Bay. We are a volunteer run amateur club, meaning none of our players get paid. For the 2022 season we have over 220 registered players and are fielding eight teams: four open age mens team, one open age womens team and three under 19 teams. To allow us to grow to this number of teams we’re thankful for the support received in 2019 by HBCC to secure our club winter tenancy of Loft Reserve, Newport.

Within the next two years, we are planning to add a second womens team at the club to ensure we continue to provide our community with the opportunity to participate in our game. This will take our our total number of teams to nine.

The growth in playing numbers of the Newport Power Football Club for this season has meant that Loft Reserve has also become their ‘second ground’ and we are sharing the ground and facilities with them. Whilst we are fully supportive of maximising community assets and reserves within our municipality for all the benefits that sport provides, we want to ensure that the CY’s tenancy at Lofts Reserve is retained, and that football can be played throughout winter.

For the first half of season 2022, we have been limited to playing two games per Saturday at the main ground (Loft 1) at Loft Reserve and Newport Power has been playing games at Loft 1 on the Sunday. With this number of games being played per weekend, the ground is deteriorating quickly and we foresee future years where it may not last the season. We request that HBCC prioritise upgrades to the north oval at Loft Reserve (Loft 2) for 2022/2023.

Fearon Reserve continues to be the spiritual home of the Williamstown CYMS Football Club and where we play our show-case games each Saturday, and occasional Friday night game. We are thankful of HBCC’s commitment to delivering the Fearon masterplan and the recent upgrades of the Harsley Pavillion which have both brought our changerooms up to scratch and reduced stress and workload for our volunteers with improved storage and security. We are keen to commence further discussions with council on the opportunity for additional upgrades to the ‘Social Rooms’ comprising our kitchen, canteen and social room. We understand that it could take several years for any plans to come to fruition but having a design agreed and a program to target external and government funding should be commenced.

Williamstown CYMS Amateur Football Club
Fearon Reserve
Cnr. Osborne and Garden Streets, Williamstown
PO Box 220
Williamstown VIC 3016
ABN 66419844775

To ensure that our club can continue to provide as many people within our community the opportunity to play sport, we provide the following feedback to council on the proposed 2022/2023 budget:

1. Upgrade works are undertaken in 2022/2023 at the smaller ground to the north (Lofts 2) at Loft Reserve to both slightly enlarge the ground and improve the surface, drainage etc so that there are two equally as good grounds at Loft Reserve. Our understanding from correspondence received by Council in 2019 is that there was money allocated in the Council's draft capital works budget for 2021/2022 for these works at Loft 2 that were subject to council adoption.
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3. Lighting upgrade at Loft 1. The current lighting at Loft 1 is inadequate (brightness and coverage) for teams to utilise the whole ground when training. We request new lights to be installed to allow full utilisation of the ground for training.
4. Two new interchange hutches to be constructed at Loft 1 to provide shelter for volunteers, coaches and players on the bench.
5. Budget for HBCC to commence a design process with CY's football and cricket on opportunities to upgrade the Social Rooms at the Fearon.
6. Two weather protection hutches for supporters to watch the game from, either as standalone structures similar to Bayside Oval or connected to existing structures.

Thank you again for the opportunity to provide feedback, and we look forward to continuing to work collaboratively with HBCC officers and councillors in the years ahead.

Kind Regards,

Fin Adamson
Co-President

Tess Beagley
Co-President

Number	35
Date Submitted	15/05/2022 12:25pm
Organisation/ club (if applicable)	Williamstown Little Athletics Centre
Name	Ashley Sandison
Submission Category	Infrastructure and Capital Works
Submission Title	Support for 260k to replace shade sales
Submission Summary	

Williamstown Little Athletics Centre (WLAC) welcomes the council decision to allow for funding for the replacement of the shade shelters at the Newport Athletics Track. WLAC would like to see supporting documentation that outlines the existing shade structure is ready for replacement, as the club feels there are other higher priorities this money could be spent on i.e. discus cage -that is used at all competitions including schools and bench seating - currenyl spectators sit on the ground to warch athletics.

Requesting Funding	No
Budget requested	
Presenting to Council	No
Attachments	

Number	36
Date Submitted	15/05/2022 12:31pm
Organisation/ club (if applicable)	Williamstown Tennis Club
Name	Creina Lister
Submission Category	Infrastructure and Capital Works
Submission Title	Tennis Court Light Upgrade
Submission Summary	

As President of Williamstown Tennis Club, I write to council in response to the draft 2022/2023 budget. The light replacement project at the club is not contained in the draft budget, despite confirmation that it would be included during a meeting in 2021 at the club with a number of council representatives, which was also confirmed in follow-up emails, post-meeting.

The meeting in 2021 resulted in the replacement of one light pole with LED lighting as it had completely failed and corroded. Upon replacement, it was again confirmed that a full facility light replacement was due to take place in the 2022/2023 budget. Obviously, as a committee representing an active club membership, we were most grateful. The lights are corroding and require repair on at least a quarterly basis. Given the corrosion, we are concerned about the light poles' stability and light failure during the night competition. This is occurring more frequently, which is a concern for the safety of our members when playing.

Over the past 4 years, the club has grown from 120 members to now almost 200. We have a strong club coach in place that is reinvigorating junior tennis. We have team representation across all competitions and a lively membership of local Hobsons Bay members who love tennis and the family-friendly atmosphere at Williamstown Tennis Club. As an early adopter of Tennis Victoria's Book a Court System, we were a big provider of public court bookings in Hobsons Bay during COVID when tennis was one of the only sports that could operate.

We hope that this submission is reviewed and the light replacement at Williamstown Tennis Club revisited before more corrosion and light failures occur.

Requesting Funding	Yes
Budget requested	
Presenting to Council	Yes
Attachments	

Number	37
Date Submitted	15/05/2022 3:33pm
Organisation/ club (if applicable)	Williamstown Athletic Club
Name	David Jamieson Jamieson
Submission Category	Infrastructure and Capital Works
Submission Title	Newport Park Athletic Track front straight shelter
Submission Summary	

We are pleased to see the Council has proposed funds for the Newport Park Athletic Track. The amount of \$260,000 has been proposed for the replacement of the front straight shelters. It is considered that the existing shelters are suitable and functional, particularly as there are more immediate priorities and needs. These include an approved standard throwing cage, seating and storage space. We request therefore that the funds are made available for these practical immediate needs.

Requesting Funding	No
Budget requested	
Presenting to Council	Yes
Attachments	

Number	38
Date Submitted	15/05/2022 4:24pm
Organisation/ club (if applicable)	
Name	Amanda Hill
Submission Category	Infrastructure and Capital Works
Submission Title	Stop spending Ratepayers money frivolously
Submission Summary	

Rates, roads, and rubbish. I pay my rates, and I expect my roads to be fixed and general services performed by Council. While I'm glad that weekly garbage collection is back, it's really the only thing that's now working properly, but only after Council chose to stuff it up with lack of community consultation and the introduction of Recycling 2.0 in the first place.

My concern is that Council chooses to spend its money frivolously. It is not acceptable that one third of revenue raised from ratepayers is spent on sporting facilities when our community infrastructure (ie roads and footpaths) are being ignored and remain in poor condition.

Councils backlog of asset renewals of almost \$100m should be the number one priority. Council needs to stop throwing money away on the unnecessary spending and stop increasing our debt for the "nice to have" projects.

Spending exorbitant amounts of money must be balanced against the needs of the whole community. The consultation for projects such as the Bruce Comben (Aquatic) Masterplan and the McCormack Park Masterplan need to be reconsidered or put on hold until proper consultation takes place.

The Financial Commitments made by former Councillors pre-covid can and should be reviewed as a matter of priority before carelessly committing us to further debt. If the vote was to build it in 2019 doesn't mean that it is viable investment in today's climate.

Where's our CEO? Given he has been on an extended leave of absence from the position I would expect that Councillors do not reward him with a pay rise from ratepayers.

Requesting Funding	No
Budget requested	
Presenting to Council	No
Attachments	

Number	39
Date Submitted	15/05/2022 4:28pm
Organisation/ club (if applicable)	Laverton Bowling Club
Name	Michael O'Connor
Submission Category	Infrastructure and Capital Works
Submission Title	Laverton Bowling Club - Community Upgrade Revamp
Submission Summary	

Community Submission: Annual Budget 2022-23 Hobsons Bay City Council

Laverton Bowling Club Community Upgrade/Revamp

The Laverton Bowling Club is a proud community club that services community members in the municipality of Hobsons Bay City Council. Laverton Bowling Club is run by dedicated volunteers for the betterment of the local community. We seek to table a Community Submission for the Annual Budget 2022-2023. The submission we are tabling seeks to gain a community upgrade/revamp of the club's facilities, amenities and resources. Our club is in desperate need of facility upgrades and look forward to liaising with Hobsons Bay City Council to work through our priorities.

Our club values the local community and seeks to strengthen and improve the community engagement of local residents and visitors to our area. Through the proposed upgrades our club seeks to promote social cohesion by fostering positive social relationships among a diverse range of community groups who use the Laverton Bowling Club facilities. We seek to improve social cohesion by encouraging multi-generational and diverse members of our community to come together and engaging in a variety of activities and functions. We look forward to the opportunities and new community groups that will use our space if we are successful with our budget submission. We nurture the values of inclusiveness and want to strengthen our community space that creates a common sense of belonging, promotes trust, and enables access. We believe that we can bring our community together to create this space; benefiting the community for years to come. The Laverton Bowling Club is situated in the Laverton Park sporting precinct, it is also hoped that we will foster social cohesion by engaging members of the local football, soccer, tennis and cricket clubs.

Benefits:

The proposed upgrades will benefit the local community on multiple fronts. It will strengthen our current community partnerships with local organisations, provide future opportunities for community members/ groups to use the space, enable access, provide a community space for engagement and participation and cater for increasing usage. We also seek to welcome back community members and groups post covid, to assist with community recovery.

Currently, The Laverton Bowling Club hosts multiple community groups, organisations, residents, functions and programs. These include:

- BINGO - is hosted weekly, on average 70 – 100 participants, recently, we have seen a steady increase of participants.
- Dance Clubs (Rock n’ Roll and Line Dancing) – these groups use our clubrooms regularly
- Car Club (Westside Cruisers) – this group uses our clubroom regularly
- Board Game/Gaming Club – this group uses our clubroom semi-regularly
- Altona Men’s Shed – this group uses our clubroom semi-regularly
- The Laverton Choir – this group uses our clubroom semi-regularly
- Functions (Private and Public) – inclusive of birthdays, family reunions, funerals, dances, quiz nights and business presentations.
- Hobsons Bay City Council Sponsored Community Days – days for the community to experience lawn bowls and local community groups
- The Laverton Bowling Club Big Day Out – an opportunity to participate in community events

- Lawn Bowls - pennant, social and barefoot – providing gentle exercise and social opportunities
- Work for the Dole Program – our club has regularly hosted this program and will continue in this space if the opportunity arises
- Fundraising events – the biggest morning tea and similar events
- Membership of the good sports club program
- Membership and ambassador for the 'This Girl Can' Promotion through Victorian Health, encouraging female participation.
- Providing free access to community groups in the municipality
- Recently successful community grant application to construct a community garden

The benefits of the planned upgrade/revamp will allow us to branch out and approach many new community groups. We look forward to the new opportunities and partnerships that we will develop. Some of these community groups include:

- Altona Meadows Primary School – currently liaising with them
- Local Schools
- Local Disability Organisations
- Mums and Bubs program
- Cultural and Linguistically Diverse groups

Proposed Work

The Laverton Bowling Club would like to submit the following capital works, maintenance and funding options as part of the budget submission. We anticipate that the total of all works would likely be 400,000 – 500,000 if fully supported/funded. The proposed work that the club would like to undertake includes the following.

Capital Work:

- Full renovation of the bathroom facilities (male and female toilets)
- Full renovation of the kitchen facilities (including flooring upgrade to non-stick options, appliances; dishwasher)
- Full renovation of the internal roofing panels
- Flooring (Upgrade to all flooring in the bathroom and kitchen facilities, full carpet replacement in the clubrooms, levelling of the floor)
- Shelter shed/shade/outdoor seating
- Upgrade to the outside toilet facilities
- Front entrance improvements, ramp facilities and access improvement
- Shed upgrades
- Concreting around the bowling greens

Maintenance:

- Fences (holes and structural damage)
- Full assessment and refurbishment of air-condition and heating units.
- Painting of the facility
- External groundwork (greens, ditches, sand, plinths)

Funding:

- Bowling green major renovation
- Signage and advertisements
- Internal sliding doors
- Tables and chairs
- Sports equipment (bowling specific)

Priorities

The main priorities for The Laverton Bowling Club are:

1. Funding for the Bowling green major renovation
2. Internal Capital Works – Upgrade to the bathrooms, kitchen, flooring and ceilings

The Laverton Bowling Club is in urgent need of support to upgrade and revamp its facilities. Without critical upgrades the future viability of the club is uncertain. We look forward to hearing from and working with council to upgrade our magnificent community club.

On behalf of the Laverton Bowling Club,

Kind Regards,

Michael O'Connor

Requesting Funding	Yes
Budget requested	\$500,000.00
Presenting to Council	Yes
Attachments	

	Projected Cost
Capital Work:	
- Full renovation of the bathroom facilities (male and female toilets)	70 - 100,000
- Full renovation of the kitchen facilities (including flooring upgrade to non-stick options, appliances; dishwasher)	70 - 100,000
- Full renovation of the internal roofing panels	30 - 40,000
- Flooring (Upgrade to all flooring in the bathroom and kitchen facilities, full carpet replacement in the clubrooms, levelling of the floor)	30 - 40,000
- Shelter shed/shade/outdoor seating	10 -15,000
- Upgrade to the outside toilet facilities	15 - 20,000
- Front entrance improvements, ramp facilities and access improvement	15 - 20,000
- Shed upgrades	10 - 15,000
- Concreting around the bowling greens	30 - 40, 000
Maintenance:	
- Fences (holes and structural damage)	1 - 4,000
- Full assessment and refurbishment of air-condition and heating units.	5 - 10,000
- Painting of the facility	1 - 4,000
- External groundwork (greens, ditches, sand, plinths)	5 - 10,000
Funding:	
Signage and advertisements	5 - 10,000
- Internal sliding doors	1 - 4,000
- Tables and chairs	1 - 4,000
- Sports equipment (bowling specific)	1 - 4,000
Bowling Green Major Renovation	30 - 50,000
Total	\$490 000

Number
Date Submitted
Organisation/ club (if applicable)
Name
Submission Category
Submission Title
Submission Summary

40
 15/05/2022 4:48pm

 David Jamieson
 Infrastructure and Capital Works
 Champion Road, Newport, incl. 1.7km Shared Trail

Road Rehabilitation Program - Champion Road, Newport, between Market Street & Lemmon Street [3.5] incl. 1.7km Shared Trail

Why is the Council proposing to spend \$1,800,000 on a shared pathway trail when the road is in such appalling condition? This would seem to be a poor use of ratepayers money. Is there an explanation?

Requesting Funding
Budget requested
Presenting to Council
Attachments

No

 No

Number	41
Date Submitted	15/05/2022 5:19pm
Organisation/ club (if applicable)	Ratepayers Victoria Inc.
Name	Dean Hurlston
Submission Category	Other
Submission Title	Ratepayers Vic - Hobsons Bay submission
Submission Summary	
General Feedback on the budget	
Requesting Funding	No
Budget requested	
Presenting to Council	Yes
Attachments	

Local Councils can impact positively or negatively how we live more readily than any other level of government. **We take the role of Council very seriously.**

So how should a Budget be administered?

Section 106 of the Local Government Act 2020 specifies the standard of Council service delivery.

The Act says that a council must plan and deliver services to the municipal community in accordance with these service performance principles:

- *services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community;*
- *services should be accessible to the members of the municipal community for whom the services are intended;*
- *quality and costs standards for services set by the Council should provide good value to the municipal community;*
- *a Council should seek to continuously improve service delivery to the municipal community in response to performance monitoring;*
- *service delivery must include a fair and effective process for considering and responding to complaints about service provision.*

Councils must demonstrate to their communities that they have the right balance between the standard of service they aim for and the cost to ratepayers and residents of achieving these standards.

We believe this budget missed the mark on some key vital infrastructure needs.

User Fees

The 30% increase in these is not responsive to the community as it continues to recover from the pandemic and its impact on households. We note that the introduction of NEW permit fees for households requiring more than 2 permits is something that should have not been introduced. This feels like a cash grab from Council.

Debt

In a time of rising interest rates, we think Council should seek to pay down or minimize debt, this budget is adding significant debt. Within a few years your debt cost will climb from \$400K to \$1 million per annum. This is fiscally irresponsible.

The surplus.

The draft budget shows a surplus of \$27+ Million. It is still a healthy surplus.

We acknowledge that Council uses surplus funds for capital works.

Capital Works. - \$56.7M

We agree with spends on base infrastructure like roads, footpaths, drains and the like.

Most of the spending is on sporting infrastructure, existing building assets and upgrading infrastructure in current open space. We remain concerned that the capital works continue to neglect the significant backlog of asset renewal works and vital base infrastructure that is required. We believe council is not ensuring its asset plan is a priority and this in turn leads to more expense to fix outstanding items that keep being deferred.

Council Staff Employee Costs - \$57M

Council staffing costs represent around 35% of all income. This is a little high in itself.

Materials and Services - \$51.7 Million

Of major concern in this budget is the spending on outsourced services and materials.

Essentially this when added to the staff labour cost shows how much council is really spending on labour and outsourced labour, it is significantly higher than many comparable councils.

This represents around \$108 Million in combined costs or almost 2/3 of Councils income.

Proposed swimming pool

We note that there is much community discussion on this item. We have seen representation that Council will fund \$20M (although it is not in these financials as a forecast) and that the rest will be sought as a grant. We find council and indeed councillors spruiking this before any grant funding is realised is irresponsible. This has instigated much argument on social media and has set residents against each other. This is wholly Councils responsibility. There are few if ANY examples of that kind of grant funding needed across Victorian Councils. The state government would at

best fund \$10 million as there are 79 other Councils competing for the same needs. It would be highly unlikely that the federal government would give more than a few million at best. Recent examples show Bacchus Marsh - \$10 Million and Kingston - \$20 Million (marginal labor electorate)

The whole exercise appears to be a chest beating exercise that is futile until grant funding is secured. We remain deeply concerned that this item is now out in the public realm and creating unreasonable demands from the community. It seems that the CEO and officers should have held this item back until the financial aspects were far more progressed.

Summary

We recommend Council consider making some increases and changes to the capital works items, prioritising the roads, footpaths and drains over some of the sporting items. Some of these can be deferred and are not essential.

We respectfully remind Councillors that very few people have the privilege of sitting on the board of a company with \$200M budget annually. This money is public money and must be used wisely and efficiently. The backlog of asset renewals highlights a lack of consistent spending where it is needed.

We note that the council is taking on significant levels of debt, this is alarming as ratepayers will have to foot the interest bill. Councils should be able to manage all their commitments within their means.

Yours Sincerely,

Dean Hurlston

Media Director and Vice President

Ratepayers Victoria Inc.

Number	42
Date Submitted	15/05/2022 6:06pm
Organisation/ club (if applicable)	Melbourne Disc Golf Club
Name	Kim Michell
Submission Category	Infrastructure and Capital Works
Submission Title	Cherry Lake proposal of Disc Golf course 2022/2023
Submission Summary	

- proposal for the installation of 9/18 basket Disc Golf Course at Cherry Lake Altona.

Requesting Funding	Yes
Budget requested	\$0.00
Presenting to Council	No
Attachments	

As residents of Altona for the last 15 years we would like to advocate for the proposal of a disc Golf course at Cherry Lake.

Recently myself and partner were introduced to Disc Golf by our neighbour.

As two people coming from high level sporting backgrounds we were instantly hooked and thrilled that it's also a fun family activity that our 3 year old can participate in.

This sport is a wonderfully inclusive sport and everyone can get involved be it be on a social or competitive level, male/female and any age.

Since our involvement in the club we have met nothing but wonderful accomodating people that are willing to give advice and offer support and encouragement.

Having a Disc Golf course in Hobsons Bay would certainly be an asset for community engagement and have a positive impact on health and well being of local residents.

Altona is fast becoming a sporting mecca and a Disc Golf course at Cherry Lake would be an ideal location with un-utilised land, facilities and picnic areas. This location would no doubt attract more people into the local area from all around Melbourne and even interstate.

We full endorse this sport and are excited for its future growth.

We are more than happy to engage in any conversation that may take place regarding the proposal.

Kind Regards,

Kim Michell and Mat Daniels

Number	43
Date Submitted	18/05/2022 3:27pm
Organisation/ club (if applicable)	
Name	Diana Babb
Submission Category	Infrastructure and Capital Works
Submission Title	Proposed Annual Budget 2022-23 - Concerns and Considerations
Submission Summary	

As a local resident of 40 years, I am concerned about the new budget generating unnecessary record high debts in the current economic climate given areas that are used by every resident daily, including but not limiting, footpaths, roads recreation tracks need to be maintained and attended to as priority.

Altona was once a beautiful suburb laden with exceptionally manicured gardens, parks, smooth foot paths and pot hole free roads. This is becoming a real thing of the past. I personally have tripped on Queen street, Altona Meadows (I raised the concerns at the time with the council) and still to this day, the foot path has not been correctly fixed, simply bogged with a chunk of black tar (this is what I refer to as a band aid fix).

I am thrilled weekly garbage collection has been reinstated, whilst such a dramatic change affecting everyone should not have occurred in the first place without a referendum, and is working as best as it can in these challenging times (covid enforced isolations).

I am concerned about the money making scheme to install paid parking meters along Altona Esplanade. The beach is a place for *all* to attend and enjoy - at no cost. I strongly oppose this. I also am disappointed there is no relief on rates with any revenue generated. With an spend friendly Council pocketing all and spending frivolously.

Which leads me to the Substation. Why are we giving exorbitant amounts of money to the Substation with no give back to residents/community?

I read on; the Council has a backlog of asset renewals of almost \$100m. Why are these not being prioritised, before Council chooses to throw it away on the unnecessary and personal interests of Councillors and executives for their personal glory and resume crusade?

Our CEO has been absent more than usual and expected for a position of such importance. I am not privy to his personal circumstances and I trust he is well, however is he the right man for the job given his recent employment was not all that long ago weighted against time out of the office? Serious consideration needs to be made prior to any remuneration is rewarded this financial year.

Laverton Pool is a whole new level of absolute madness. The perfect location to restore, add value with a new olympic size pool outside and free to all water park facilities in-between, like Riverwalk (www.myriverwalk.com.au) connecting to the existing playground makes far more sense than banking on millions in the form of government funding, selling assets and borrowing exurbanite amounts of money, especially in this economic climate, is simple an insult to all residents, especially those struggling form the COVID aftermath.

Our parks and recreation are what makes us a special place to be. Before throwing good after bad, let's start by keeping the up-keep on what we have and when once that is achieved and the time is right, let's talk about expanding, improving and high-end projects, now is just not the time, for us financially or socially responsible.

Requesting Funding	No
Budget requested	
Presenting to Council	No
Attachments	

**Hobsons Bay Planning Scheme Amendment C114hbay
Precinct 16 West, South Kingsville**

Correction to the Panel and Advisory Committee Report

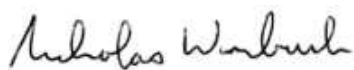
Planning and Environment Act 1987

8 April 2022

Planning and Environment Act 1987

Correction to the Panel and Advisory Committee Report pursuant to sections 25 and 151 of the PE Act
Hobsons Bay Planning Scheme Amendment C114hbay

8 April 2022



Nick Wimbush, Chair



Michael Ballock, Member



Peter Edwards, Member

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Overview

Amendment summary	
The Amendment	Hobsons Bay Planning Scheme Amendment C114hbay
Common name	
Brief description	The Amendment seeks to rezone approximately 5.3 hectares of land to enable its transition from past industrial use to future residential use as part of the implementation of the Hobsons Bay <i>Industrial Land Management Strategy</i> (2008)
Subject land	The Amendment applies to land in South Kingsville at: <ul style="list-style-type: none"> - 5-7 Sutton Street - 9-9A Sutton Street - 41-59 Stephenson Street.
The Proponent	Alceon Group No.67 Pty Ltd, owners of 9-9A Sutton Street
Planning Authority	Hobsons Bay City Council
Authorisation	Conditional authorisation A3615684, 25 June 2021
Exhibition	28 July to 8 September 2021
Submissions	34 submissions were received of which two supported or offered no objection and 32 objected or requested changes to the Amendment. <ul style="list-style-type: none"> - The full list of submitters is contained in Appendix B to this report.

Advisory Committee summary	
Advisory Committee	Amendment C114hbay – Proposed Northern and Central Development Plans
Purpose	To advise the Minister for Planning on the planning merits of the draft Northern and Central Development Plans exhibited with the Amendment.

Panel process	
The Panel	Originally appointed as a Panel (22 October 2021): Ms Sarah Carlisle (Chairperson), Mr Michael Ballock, Ms Natasha Reifschneider Reconstituted as a Panel (4 November 2021): Ms Sarah Carlisle (Chairperson), Mr Michael Ballock, Mr Nick Wimbush Reconstituted as a Panel (2 December 2021) and Advisory Committee (12 December 2021) as: Mr Nick Wimbush (Chairperson), Mr Michael Ballock, Mr Peter Edwards
Directions Hearing	Videoconference 8 November 2021
Panel Hearing	Videoconference 13, 14, 15, 16, 20, 21, 22 and 23 December 2021
Citation	Hobsons Bay Planning Scheme C114hbay [2022] PPV

Date of Panel Report	22 February 2022
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Date of Corrected Panel Report	8 April 2022
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1 Correction

This report is to be read in conjunction with the Hobsons Bay Planning Scheme Amendment C114hbay (Corrected) Panel and Advisory Committee Report dated 8 April 2022.

1.1 Issues raised

Planning Panels Victoria received an email from the Hobsons Bay City Council (Council) on Monday 21 March 2022, which is provided in Appendix A. In the email, Council raised the following issues:

- Issue 1

The recommendations included in the executive summary at pg. ii identify recommendations 1-2 are made by the Panel, that Council must consider under Section 27(1) of the Planning and Environment Act 1987 and recommendations 3-7 are made by the Advisory Committee.

Within the body of the report however recommendation 3 (Pg 33) and 6 (Pg. 50) are suggested to be recommendations made by the Panel.

- Issue 2

Whether recommendation 6 is made by the Panel or Advisory Committee, we seek clarity on the position of the Panel on this matter.

We note recommendation 6 seeks to provide 'more detail about access to the land and contact, if any, to the land to the north (DPO2) to show how access to the southern precinct (Able industries site)'

*This recommendation however appears to be in conflict with the panels conclusion at **Pg40** that states:*

Resolution of future pedestrian or vehicle connection should occur in a timely fashion to ensure an optimal outcome can be realised, but the Panel notes that this can occur outside of the Amendment process

1.2 Panel and Advisory Committee Response

Issue 1

- Recommendation 3 countenances changes to the Development Plan Overlay Schedule and Draft Development Plans and therefore is a recommendation from the Panel AND Advisory Committee
- Recommendation 6 relates to the Development Plan Overlay Schedule so is a recommendation of the Panel only.

Issue 2

- There is no inconsistency. The Panel's view is that the issue should be addressed through the Amendment (as per the recommendation), but also notes that this is a matter that could be addressed outside the Amendment if it cannot be resolved as part of Amendment C114hbay.

1.3 Revisions

Having considered the above, the Panel considers that the Panel Report dated 22 February 2022 should be changed to clarify the introductory wording for recommendations as follows. None of these change the intent or substance of the recommendations themselves.

Based on the reasons set out in this Report the Panel and Advisory Committee (as indicated below) make the following recommendations.

The Panel recommends:

- 1. Adopt Hobsons Bay Planning Scheme Amendment C114hbay as exhibited and replace the Development Plan Overlay Schedule 2 with the Panel preferred version as shown in Appendix E to this report.**
- 2. The Hobsons Bay City Council recommend the Minister for Planning issue the planning permits below as exhibited following the approval of Amendment C114hbay:**
 - a) **planning permit PA1943532 for subdivision of 9A Sutton Street, South Kingsville**
 - b) **planning permit PA1943533 for subdivision of 41-59 Stephenson Street, South Kingsville.**

The Panel and Advisory Committee recommend:

- 3. Consult the Department of Transport to ascertain if the 432 Bus Route should be amended to utilise the East-West access road and Sutton Street to access Blackshaws Road using the proposed traffic signals. If the change is supported the Development Plan Overlay Schedule 2 and development plans may need to be modified accordingly.**

The Advisory Committee recommends:

- 4. Treat uncontrolled cross intersections (excluding laneways) with traffic management and:**
 - a) **Amend the development plan(s) to show these intersections requiring traffic management**
 - b) **Resolve this issue during detailed design.**
- 5. Remove the redundant footpath from the railway reserve between Stephenson Street and the pedestrian rail crossing from the Northern Sub-Precinct Development Plan**

The Panel recommends:

- 6. With respect to the land at 5-7 Sutton Street South Kingsville:**
 - a) **Amend the Framework Plan in the Development Plan Overlay Schedule as included in the Panel Preferred version in Appendix E:**
 - **to include the land in the colour depicting the 2-3 storey areas**
 - **to provide more detail about access to the land and the connection, if any, to the land to the north.**

The Advisory Committee recommends:

- 7. Modify the Northern Sub-precinct Development Plan to ensure the South Melbourne – Brooklyn High Pressure Gas Pipeline is referenced consistent with the Somerton – Altona Joint Venture pipeline.**

The Panel and Advisory Committee has also corrected the Conclusions and recommendation section of Chapter 4.3.1 (iv) on page 33 that reads *'The Panel recommends:'* to read *'The Panel and Advisory Committee recommends:'*

The Panel has prepared the Hobsons Bay Planning Scheme Amendment C114hbay (Corrected) Panel and Advisory Committee Report dated 8 April 2022 that incorporates these changes.

1.4 Notice to Submitters

As the Hobsons Bay Planning Scheme Amendment C114hbay Panel and Advisory Committee Report dated 22 February 2022 has been released to the Public, Council should write to all submitters and advise them of the Hobsons Bay Planning Scheme Amendment C114hbay (Corrected) Panel and Advisory Committee Report dated 8 April 2022.

Appendix A Email from Hobsons Bay City Council

We write in relation to the Panel and Advisory Committee Report dated 22 February 2022 prepared for Amendment C114hbay (Precinct 16 West). We have identified some discrepancies and potential errors in the report that we would appreciate if you could review with Panel members.

Confirmation of whether recommendations made by Panel or Committee

The recommendations included in the executive summary at pg. ii identify recommendations 1-2 are made by the Panel, that Council must consider under Section 27(1) of the Planning and Environment Act 1987 and recommendations 3-7 are made by the Advisory Committee.

Within the body of the report however recommendation 3 (Pg 33) and 6 (Pg. 50) are suggested to be recommendations made by the Panel.

Clarity on recommendation 6

In addition to seeking clarity on whether recommendation 6 is made by the Panel or Advisory Committee, we seek clarity on the position of the Panel on this matter.

We note recommendation 6 seeks to provide 'more detail about access to the land and contact, if any, to the land to the north (DPO2) to show how access to the southern precinct (Able industries site)'

This recommendation however appears to be in conflict with the panels conclusion at Pg40 that states:

Resolution of future pedestrian or vehicle connection should occur in a timely fashion to ensure an optimal outcome can be realised, but the Panel notes that this can occur outside of the Amendment process

We understand that any corrections to the report will need to be circulated to relevant submitters. If you have any questions or would like to discuss please don't hesitate to contact me.

Regards

Jessica Leane

*Coordinator Strategic Planning
Strategy, Economy and Sustainability
Hobsons Bay City Council*

**Hobsons Bay Planning Scheme Amendment C114hbay
Precinct 16 West, South Kingsville**

Corrected Panel and Advisory Committee Report

Planning and Environment Act 1987

8 April 2022

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority may also recommend to the Minister that a permit that applies to the adopted Amendment be granted. The Minister may grant or refuse the permit subject to certain restrictions. [sections 96G and 96I of the PE Act]

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

To advise the Minister for Planning on the form and content of the two draft Development Plans exhibited with the Amendment.

Planning and Environment Act 1987

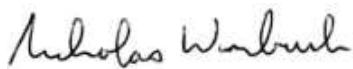
Panel Report under section 25 and 97E of the PE Act

Advisory Committee Report under section 151 of the PE Act

Hobsons Bay Planning Scheme Amendment C114hbay

Precinct 16 West, South Kingsville

8 April 2022



Nick Wimbush, Chair



Michael Ballock, Member



Peter Edwards, Member

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Glossary and abbreviations

BADS	Better Apartment Design Standards
Council	Hobsons Bay City Council
DELWP	Department of Environment, Land, Water and Planning
DDO10	Design and Development Overlay (Schedule 10)
DoS	Degree of Saturation
DoT	Department of Transport
DPO2	Development Plan Overlay (Schedule 2)
EAO	Environmental Audit Overlay
EPA	Environment Protection Authority
ESD	Environmentally Sustainable Design
GRZ(#)	General Residential Zone (Schedule Number)
HO	Heritage Overlay
ILMS	Hobsons Bay Industrial Land Management Strategy 2008
IN3Z	Industrial 3 Zone
LAMP	Local Area Movement Plan
MPS	Municipal Planning Strategy
MSS	Municipal Strategic Statement
NRZ	Neighbourhood Residential Zone
ODP	Outline Development Plan
PE Act	<i>Planning and Environment Act 1987</i>
PPF	Planning Policy Framework
RGZ2	Residential Growth Zone (Schedule 2)
SBO	Special Building Overlay
SMC	Spotswood Maintenance Centre
SRA	Strategic Redevelopment Area
The Proponent	Alceon Group No. 67 Pty Ltd
VCAT	Victorian Civil and Administrative Tribunal
VPP	Victoria Planning Provisions

Overview

Amendment summary	
The Amendment	Hobsons Bay Planning Scheme Amendment C114hbay
Common name	Precinct 16 West, South Kingsville
Brief description	The Amendment seeks to rezone approximately 5.3 hectares of land to enable its transition from past industrial use to future residential use as part of the implementation of the Hobsons Bay <i>Industrial Land Management Strategy</i> (2008)
Subject land	The Amendment applies to land in South Kingsville at: <ul style="list-style-type: none"> - 5-7 Sutton Street - 9-9A Sutton Street - 41-59 Stephenson Street.
The Proponent	Alceon Group No.67 Pty Ltd, owners of 9-9A Sutton Street
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Purpose	To advise the Minister for Planning on the planning merits of the draft Northern and Central Development Plans exhibited with the Amendment.

Panel process	
The Panel	Originally appointed as a Panel (22 October 2021): Ms Sarah Carlisle (Chairperson), Mr Michael Ballock, Ms Natasha Reifschneider Reconstituted as a Panel (4 November 2021): Ms Sarah Carlisle (Chairperson), Mr Michael Ballock, Mr Nick Wimbush Reconstituted as a Panel (2 December 2021) and Advisory Committee (12 December 2021) as: Mr Nick Wimbush (Chairperson), Mr Michael Ballock, Mr Peter Edwards
Directions Hearing	Videoconference 8 November 2021
Panel Hearing	Videoconference 13, 14, 15, 16, 20, 21, 22 and 23 December 2021

Site inspections	Accompanied inspection of the Able Industries Factory and site at 5-7 Sutton Street, South Kingsville on 9 December 2021. Unaccompanied inspection of broader site and surrounds on the same day.
Parties to the Hearing	Included in Appendix C to this report
Citation	Hobsons Bay Planning Scheme C114hbay [2022] PPV
Date of this report	8 April 2022

Executive summary

Hobsons Bay Planning Scheme Amendment C114hbay (the Amendment) seeks to change the zoning of a 5.2 hectare area in South Kingsville known as Precinct 16 West to enable its transition from an industrial past to a residential future consistent with Hobsons Bay City Council's long term and strategically supported approach to the area.

The Amendment also seeks to implement a planning framework that will ensure the rezoning and development occurs in a well-planned and orderly manner. To ensure there is a clear vision of what development outcomes might be, draft development plans for the northern two thirds of the site were exhibited with the Amendment; the southern third continues as industrial use.

Two subdivision planning permit applications were included with the Amendment to ensure alignment between title boundaries and the proposed zones.

Exhibition of the Amendment attracted 34 submissions which fell into two broad camps, being developer and agency submissions focused on how the development might occur and seeking to 'tweak' the controls to achieve particular outcomes. The exception in the group was the owner of the Southern Sub-precinct which sought a significantly different, and more intense, development outcome, which the Panel did not support due to the lack of strategic work to justify this position.

The second large group of submissions was from local residents. These submitters had a range of concerns related to traffic congestion, amenity and lack of open space, and concerns that the proposed development's environmental outcomes would not be consistent with community expectations.

The Panel, which was also appointed as an Advisory Committee (Committee) to consider the draft development plans exhibited with the Amendment, considers that the Amendment has clear strategic support, and is a logical continuation of a long term transition project in parts of Hobsons Bay from industrial uses to residential.

One of the key issues, that of new residents co-existing with industrial uses and the rail line to the north, was extensively considered in the precinct to the east (Precinct 16 East), and many of the lessons learned there have been applied to this Amendment.

In general, the Panel strongly supports the Amendment. It notes the resident's concerns regarding some issues but is satisfied that all these matters have been satisfactorily addressed within the framework of the planning scheme and policy.

The recommendations the Panel makes generally go to issues of detail. There was significant work through the Panel process on the Development Plan Overlay Schedule 2, leading to a refined and more effective control in the Panel's view.

In its role as an Advisory Committee, the Committee considers that subject to a number of recommendations, the draft development plans have considerable merit and form a sound framework to take to the next planning phase.

Recommendations

Based on the reasons set out in this Report the Panel and Advisory Committee (as indicated below) make the following recommendations.

The Panel recommends:

- 1. Adopt Hobsons Bay Planning Scheme Amendment C114hbay as exhibited and replace the Development Plan Overlay Schedule 2 with the Panel preferred version as shown in Appendix E to this report.**
- 2. The Hobsons Bay City Council recommend the Minister for Planning issue the following planning permits as exhibited, following the approval of Amendment C114hbay:**
 - a) Planning Permit PA1943532 for subdivision of 9A Sutton Street, South Kingsville**
 - b) Planning Permit PA1943533 for subdivision of 41-59 Stephenson Street, South Kingsville.**

The Panel and Advisory Committee recommend:

- 3. Consult the Department of Transport to ascertain if the 432 Bus Route should be amended to utilise the East-West access road and Sutton Street to access Blackshaws Road using the proposed traffic signals. If the change is supported, the Development Plan Overlay Schedule 2 and development plans may need to be modified accordingly.**

The Advisory Committee recommends:

- 4. Treat uncontrolled cross intersections (excluding laneways) with traffic management and:**
 - a) Amend the development plan(s) to show these intersections requiring traffic management**
 - b) Resolve this issue during detailed design.**
- 5. Remove the redundant footpath from the railway reserve between Stephenson Street and the pedestrian rail crossing from the Northern Sub-Precinct Development Plan**

The Panel recommends:

- 6. With respect to the land at 5-7 Sutton Street, South Kingsville:**
 - a) Amend the Framework Plan in the Development Plan Overlay Schedule as included the Panel Preferred version in Appendix E:**
 - to include the land in the colour depicting the 2-3 storey areas**
 - to provide more detail about access to the land and the connection, if any, to the land to the north.**

The Advisory Committee recommends:

- 7. Modify the Northern Sub-precinct Development Plan to ensure the South Melbourne – Brooklyn High Pressure Gas Pipeline is referenced to be consistent with the Somerton – Altona Joint Venture pipeline.**

1 Introduction

1.1 The Amendment

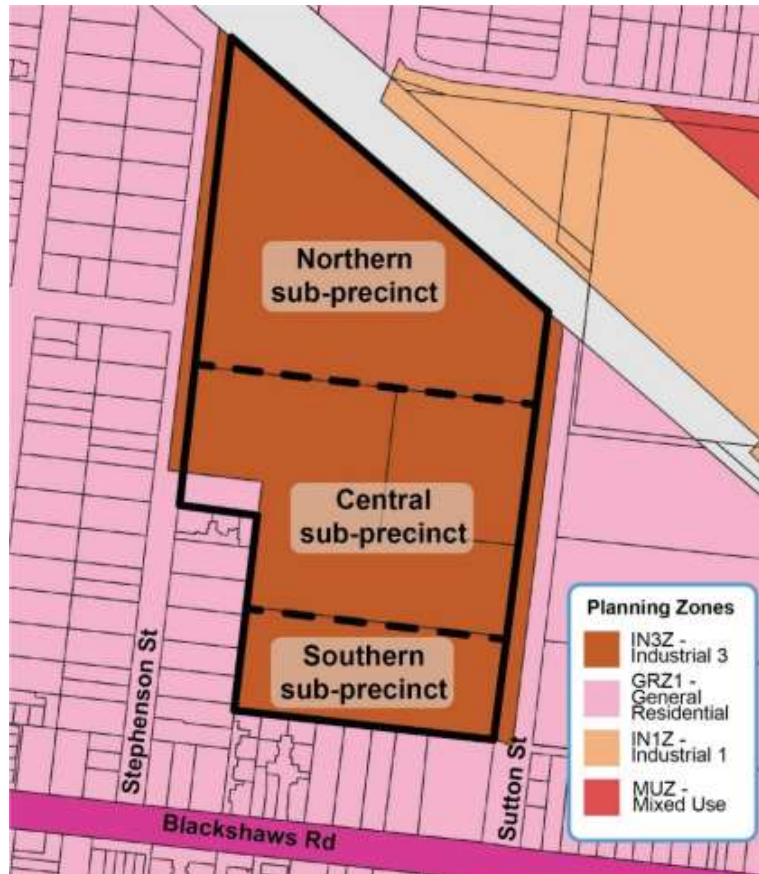
(i) The subject land

The Amendment applies to land in South Kingsville at:

- 5-7 Sutton Street
- 9-9A Sutton Street
- 41-59 Stephenson Street.

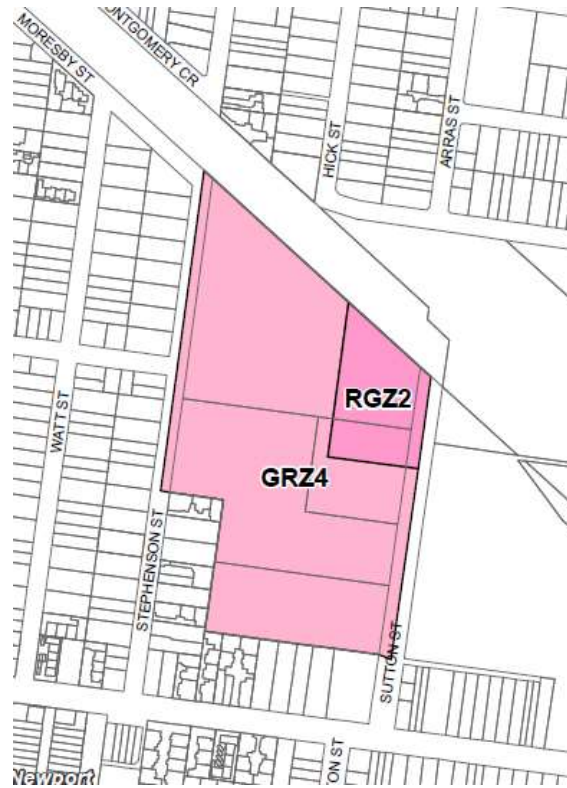
The land is in the City of Hobsons Bay (Council) and is approximately 5.2 hectares. The existing and proposed zoning are shown in Figures 1 and 2 respectively.

Figure 1 Existing zoning¹



¹ From Document 16.

Figure 2 Proposed zoning²



The land comprises part of Precinct 16 in the *Hobsons Bay Industrial Land Management Strategy – June 2008* (ILMS) and is known as Precinct 16 West (the Precinct).

Able Industries Pty Ltd operates a metal fabrication business on the land identified in Figure 1 as the Southern Sub-precinct. The balance of site is mostly vacant with some abandoned industrial buildings on the Central Sub-precinct.

(ii) Amendment description

The Amendment will transition an area of existing and former industrial land in South Kingsville to a residential future. The Amendment will make the following changes to the planning scheme:³

- rezone the land within the Precinct from part Industrial 3 Zone (IN3Z) and part General Residential Zone Scheduled 1 (GRZ1) to part General Residential Zone Schedule 4 (GRZ4) and part Residential Growth Zone Schedule 2 (RGZ2)
- apply Development Plan Overlay Schedule 2 (DPO2) to the Precinct
- amend the Environmental Audit Overlay (EAO) by applying it to the remainder of the Precinct not already covered by an EAO
- remove Heritage Overlay 274 (HO274) at 41-59 Stephenson Street, South Kingsville
- inserts a new entry in the Schedule to Clause 53.01 requiring 5 per cent of the land (or cash equivalent as relevant) to be contributed as public open space at subdivision.

² From exhibited Amendment documentation.

³ Document 16.

(iii) Authorisation

The Amendment authorisation included several conditions. An outline of the conditions and Council’s response was included in its Part A submission.⁴ The Panel is satisfied that the conditions of authorisation have been complied with.

(iv) Planning permits

Two subdivision planning permits were applied for under section 96A of the *Planning and Environment Act 1987* (PE Act). The applications are to align title boundaries with the proposed zones, being PA194532 for 9A Sutton Street and PA1943533 for 41-59 Stephenson Street.

(v) Draft development plans

Two draft development plans for the Northern Sub-precinct and Central Sub-precinct (see Figure 3 and Figure 4) were prepared and exhibited with the Amendment. The draft development plans are not formally part of the Amendment but were prepared and exhibited to provide an indication to the community of the likely built form under the proposed planning controls.

As the draft development plans are not part of the Amendment and therefore not technically before the Panel, the Minister for Planning appointed the same Panel as an Advisory Committee to advise on their suitability.

The two draft development plans are shown in Figures 3 and 4.

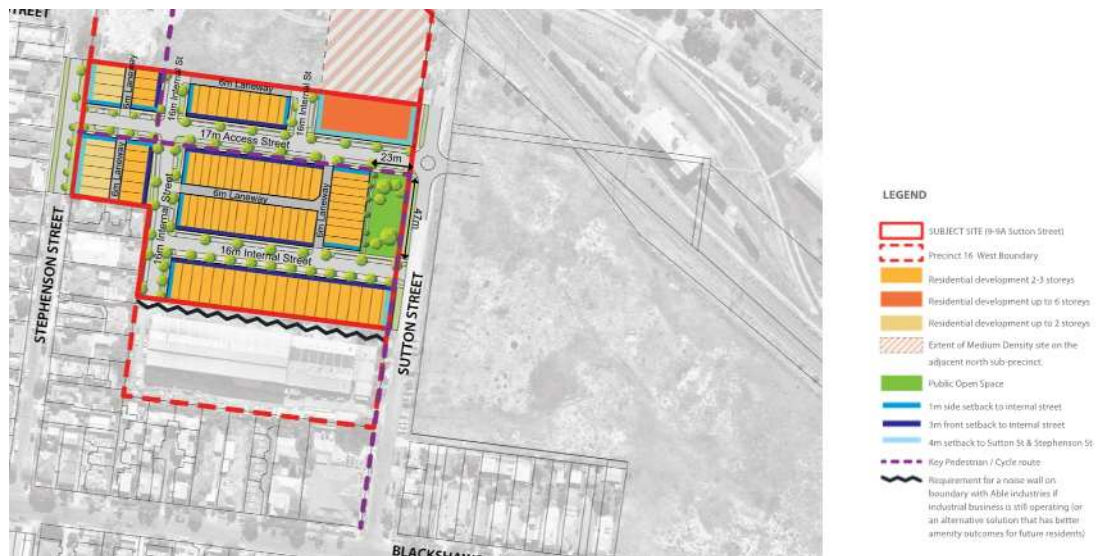
Figure 3 Extract from Draft Northern Sub-precinct Development Plan⁵



⁴ Document 16, Table 3, page 12.

⁵ Figure 8 from Draft Development Plan prepared by Tract, March 2021.

Figure 4 Extract from Draft Central Sub-precinct Development Plan⁶



1.2 Summary of issues raised in submissions

From the 34 submissions to the Amendment, Council identified the following issues:⁷

- proposed building heights both too high and too low
- proposed minimum building setbacks for new dwellings
- impact of increased densities on traffic congestion, parking and existing infrastructure and community facilities
- lack of public transport options and active transport links
- signalisation of the intersection of Sutton Street and Blackshaws Road
- impact on the environment, biodiversity and contribution to the heat island effect
- requirements for Water Sensitive Urban Design and Environmentally Sustainable Design (ESD) outcomes
- infrastructure, open space and affordable housing contributions including the appropriateness of the Infrastructure Contribution Strategy
- amenity impacts from existing industry, the freight line and the Spotswood Maintenance Centre
- the draft Development Plan Overlay provisions that seek to mitigate noise and other amenity impacts considering the new *Environment Protection Act 2017*
- impacts on major pipeline infrastructure
- impact on the industrial use at 5-5 Sutton Street while still operating
- existing use rights relating to 5-7 Sutton Street, South Kingsville.

⁶ Figure 9 from Draft Development Plan prepared by Hollerich Town Planning, March 2021.

⁷ Document 16, para 217.

1.3 The Panel and Advisory Committee's approach

(i) Different roles

The Panel has been appointed to consider submissions to the exhibited planning scheme amendment. The Committee has been appointed to provide advice to the Minister for Planning on the draft development plans. In this report it is made clear in recommendations whether it is a recommendation of the Panel or Committee.

(ii) Integrated decision making

Clause 71.02-3 (Integrated decision making) in the planning scheme contains the essential consideration in planning; that of net community benefit. The clause requires planning authorities and responsible authorities to:

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

The Panel has considered all the material before it including exhibited documents, submissions, expert evidence and observations from its site inspection. All the issues from the above material have been considered, even if every submission is not explicitly mentioned in this report.

(iii) Issues dealt with in detail in this report

This Report deals with the issues under the following headings:

- Planning context
- Noise and vibration
- Traffic
- Urban design and site planning
- Other issues
 - Pipeline protection
 - Economics and Able Industries
 - Environmental performance
- Draft development plans.

(iv) Issues not dealt with further

The following issues the Panel considers do not require further analysis in the report.

Air quality

The EPA raised issues around air quality and the Spotswood Maintenance Centre (SMC) in their submission.⁸

In response Alceon Group No. 67 Pty Ltd (the Proponent) commissioned SLR Consulting to review the air quality in the area and the likely impact on the Amendment site. SLR concluded in their advice dated 20 September 2021 that the SMC was not a constraint on rezoning the site:⁹

⁸ Submission 28.

⁹ SLR post exhibition correspondence dated 20 September 2021.

SLR found that the site and SMC LTC situation warranted a Level 1 Assessment according to publication 1883, for which it was concluded that the risk of adverse odour amenity from the site is low.

Furthermore, due to the relative location of the site and the SMC LTC and the prevailing wind directions, SLR consider the site to potentially have a lower risk of adverse odour amenity than the surrounding sensitive land uses including the adjoining Newport Village.

No evidence was called on air quality and the Panel is satisfied that the risk of adverse events at SMC (emissions from diesel-electric locomotives) affecting the Amendment site is low.

Site contamination

The Amendment area has a long history of industrial use and management of any residual contamination is recognised in the ILMS. The EAO already applies to a strip of land along Stephenson Street. The Amendment will apply the EAO to the remainder of the site.

The EAO will require a certificate of audit or a statement of audit be issued before any sensitive use can occur on the site.

There were no objecting submissions to the application of the EAO and several submissions supported it including the Environment Protection Authority (EPA), VicTrack and Mr Scarpari¹⁰.

The Panel supports this element of the Amendment.

Heritage Overlay

The Heritage Overlay (HO274) applies to part of the land in the north of the Amendment area. A permit to demolish the buildings covered by HO274 was issued (PA1122480) and the heritage built form has been demolished.

One submitter, Mr Scarpari submitted that the HO should be retained, and the area kept as parkland with suitable reference to its industrial history.

The Panel has viewed the Statement of Significance on the Victorian Heritage Database and the heritage significance was related to the factory complex which has now been removed. The Panel makes no comment on the issuing of the permit or the demolition but accepts that in the circumstances the HO should be removed.

Stormwater

The northern sub-precinct is partially affected by overland flows and localised flooding and is subject to the Special Building Overlay. These issues can be readily addressed at the detailed design stage and form part of a Stormwater Drainage Strategy to the satisfaction of Melbourne Water and Council. It is noted that the principal technique to address localised flooding would involve raising floor levels approximately 500 to 600 millimetres above the existing ground level at the northern end of the precinct.

The Panel notes that Melbourne Water is supportive of the Amendment and would provide permit conditions as part the Statutory referral process.

The Panel considers no change to the Amendment is required for stormwater.

¹⁰ Submission 22.

Biodiversity

An ecology report to consider frogs was provided post exhibition; *Ecological Advice 5-7, 9 and 9A Sutton Street and 41-49 Stephenson Street, South Kingsville, Victoria*, 29 September 2021. The report found the Common Eastern Froglet is on the site, but it is one of the most common frog species around Melbourne and across South East Australia.

Submitter Mr Tohill also noted the presence of frogs along the wetlands on the rail line and how the locals appreciate their presence.¹¹

An arboriculture report *Arboricultural Report 9 Sutton Street and 41-50 Stephenson Street South Kingsville*, 30 September 2021 was also prepared.

There were no species or individuals of conservation concern identified in the reports which is consistent with the Panel's observations of the site which is highly degraded. The local presence of wildlife such as the Common Eastern Froglet is noted, but does not weigh against the general approval of the Amendment. Other issues around environmental performance are addressed in Chapter 6.

Planning permits

As described in section 1.1(iv) two planning permits for subdivision were applied for under section 96A of the PE Act to align title boundaries with the proposed zone boundaries in the Amendment.

No objections to the applications were received. In its submission Mobil requested that a requirement for a Safety Management Study be included in the planning permit conditions¹². The Committee does not consider this necessary as the permits allow for boundary changes, not a change of use. The substantive issues around pipelines are included in section 6.1.

The Committee has reviewed the draft planning permits and considers they are acceptable and 'good housekeeping' in the context of the Amendment. Under section 96I of the PE Act the permits are granted by the Minister on the recommendation of the Planning Authority.

The Panel recommends:

The Hobsons Bay City Council recommend the Minister for Planning issue the following planning permits as exhibited, following the approval of Amendment C114hbay:

- a) Planning Permit PA1943532 for subdivision of 9A Sutton Street, South Kingsville**
- b) Planning Permit PA1943533 for subdivision of 41-59 Stephenson Street, South Kingsville.**

¹¹ Submission 5.

¹² Submission 24.

2 Planning context

2.1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

Victorian planning objectives

The Amendment will assist in implementing State policy objectives set out in section 4 of the PE 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): The Amendment 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): The Amendment 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. The buildings within Heritage Overlay 274 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 Spotswood Maintenance Centre (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
- objective (f): The Amendment will facilitate redevelopment of Precinct 16 West for residential infill purposes in accordance with State and local planning policies
- objective (f)(a): Measures regarding a 10 per cent affordable housing provision or equivalent contribution have been incorporated into Schedule 2 to the Development Plan Overlay
- objective (g): The Amendment 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.

Clause 11 (Settlement)

The Amendment supports Clause 11 by:

- providing a framework plan into the draft DPO2 that ensures coordinated development despite fragmentation of landownership
- rezoning industrial land for residential purposes in the vicinity of Newport and Spotswood Activity Centres

- providing, in the development plan, for diverse types of housing for the site and the municipality.

Clause 13 (Environmental risks)

The Amendment supports Clause 13 by:

- the application of the EAO to land within Precinct 16 West, as well as the requirement for a site remediation
- the proposed DPO2 including requirements similar to DDO10 applied at Precinct 16 East to ensure noise attenuation is appropriately addressed at the development plan and planning permit stage.

Clause 15 (Built environment and heritage)

The Amendment supports Clause 15 by:

- requiring future development must respond to the existing character identified as Garden Suburban in the revised Neighbourhood Character Study 2019
- the draft DPO2 provisions requiring an appropriate transition in height across the site that considers existing residential areas.

Clause 16 (Housing)

The Amendment supports Clause 16 by:

- seeking to locate a mix of housing types within the established residential area to reduce pressure on the fringe areas
- providing affordable housing to ensure equity for low and moderate household incomes as outlined in Clause 16.01-4S.

Clause 17 (Economic Development)

The Amendment supports Clause 17 by:

- rezoning of underutilised industrial land to support a more viable long term use as defined in the ILMS is consistent with Clause 17.

Clause 18 (Transport)

The Amendment supports Clause 18 by:

- proposing access by all walking, cycling, public transport and private vehicles to respond to Clause 18
- improved pedestrian connections on Blackshaws Road and across the railway line to the north of the site to promote active transport options
- signalisation of Sutton Street and Blackshaws Road to ensure safe movements from the development onto the arterial road network for all modes of transport.

Clause 19 (Infrastructure)

The Amendment supports Clause 19 by:

- proposing a 16 metre road reserve in the Northern Sub-precinct Development Plan for the townhouses and 5 metre setback for the six storey development to comply with requirement of the *Pipelines Act 2005*
- including an area of a public open space centrally located within the site. This is to be connected via pedestrian and cycle links to other areas of open space and provide access to open space within a walkable catchment of 400 metres

- using s173 agreements¹³ to manage the provision of infrastructure required to support the rezoning of the land for residential development and ensure that infrastructure is appropriately funded and delivered in a timely and equitable manner to meet Clause 19.03-2S.

Clause 21 (the Municipal Strategic Statement)

The Amendment supports the MSS by:

- promoting the redevelopment of the Precinct 16 West Strategic Redevelopment Area (SRA) (21.02 - Hobsons Bay key issues and strategic vision)
- proposing residential development and not out of centre retail or commercial uses that would detract from established activity centres (21.03 – Settlement)
- proposing an area of a public open space centrally located within the site and connected via pedestrian and cyclist links to improve access to open space within a walkable catchment of 400 metres and within the South Kingsville Spotswood (21.04 - Open Space)
- specifying appropriate landscape and building setbacks to be considered in future planning permit assessments (21.06 - Built Environment and Heritage)
- facilitating provision of diverse housing types to better cater for community needs
- encouraging a mix of townhouses and apartment style dwellings to provide a range of housing typologies
- requiring a 10 per cent affordable housing contribution (21.07 – Housing)
- managing the transition of the SRA to a more viable use as defined in the ILMS (21.08 - Economic Development)
- providing access to the site by all modes of transport including, walking, cycling, public transport and private vehicles
- delivering new pedestrian pathways on both sides of internal roads and a shared path on the east-west road through the precinct (21.09 - Transport and Mobility)
- ensuring that required infrastructure such as drainage, road infrastructure including pedestrian and bike paths, are developed to support the development at appropriate stages (21.10 – Infrastructure).

Clause 22 (Local planning policies)

The Amendment supports local planning policies by:

- ensuring heritage areas and places of Hobsons Bay are conserved and enhanced and to ensure their cultural value is not diminished (22.01 - Heritage Policy)
- achieving the vision set out in the ILMS by facilitating the complete redevelopment of Precinct 16 SRA (22.02 - Industry)
- including a requirement for an Ecologically Sustainable Development Strategy to be submitted with the development plan. (22.03 - Environmentally Sustainable Development).

¹³ Section 173 under the *Planning and Environment Act 1987*.

2.2 Other relevant planning strategies and policies

(i) Plan Melbourne

Plan Melbourne 2017-2050 sets out strategic directions to guide Melbourne's development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved. Outcomes that are particularly relevant to the Amendment are set out in Table 1.

Table 1 Relevant parts of Plan Melbourne

Outcome	Directions	Policies
2. Melbourne provides housing choice in locations close to jobs and services	2.1 Manage the supply of new housing in the right locations to meet population growth and create a sustainable city	2.1.1 Maintain a permanent urban growth boundary around Melbourne to create a more consolidated, sustainable city 2.1.2 Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport
	2.4 Provide greater choice and diversity of housing	2.4.1 Support streamlined approval processes in defined locations 2.4.2 Facilitate the remediation of contaminated and, particularly on sites in developed areas of Melbourne with potential for residential development
3. Melbourne has an integrated transport system that connects people to jobs and services and goods to market	3.3 Improve local travel options to support 20-minute neighbourhoods	3.3.1 Create pedestrian-friendly neighbourhoods
4. Melbourne is a distinctive and liveable city with quality design and amenity	4.3 Achieve and promote design excellence	4.3.1 Promote urban design excellence in every aspect of the build environment
5. Melbourne is a city of inclusive, vibrant and healthy neighbourhoods	5.1 Create a city of 20-minute neighbourhoods	5.1.1 Create mixed-use neighbourhoods at varying densities
		5.1.2 Support a network of vibrant neighbourhood activity centres

Outcome	Directions	Policies
	5.2 Create neighbourhoods that support safe communities and healthy lifestyles	5.2.1 Improve neighbourhoods to enable walking and cycling as a part of daily life
	5.4 Deliver local parks and green neighbourhoods in collaboration with communities	5.4.1 Develop a network of accessible, high quality, local open spaces 5.4.2 Support community gardens and productive streetscapes

(ii) Other relevant policies

Along with the State and Local Planning Policy Frameworks Council submitted that there are several other policies that it considered as part of the amendment process including:

- Hobsons Bay 2030 Community Vision and Council Plan 2017-2021
- Housing Strategy 2019
- Affordable Housing Policy Statement
- Neighbourhood Character Study 2019
- Open Space Strategy 2018
- Urban Forest Strategy 2020
- Play Space Strategy 2013-23
- Community Greenhouse Strategy 2013-30
- Living Hobsons Bay: Integrated Water Management Plan 2014-19
- Integrated Transport Plan 2017-30
- Spotswood and South Kingsville Local Area Movement Plan (LAMPs).

2.3 Planning scheme provisions

(i) Zones

Part of the land is in proposed to be subject to the GRZ4. The purposes of the Zone include:

- 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 high quality streetscapes with tree-lined streets and landscaped front gardens
- To ensure development responds to existing industrial uses by incorporating amenity protection measures that display a high level of architectural resolution even if temporary in nature

To implement these purposes the GRZ4 seeks space for at least one canopy tree to each front setback. The GRZ allows for a default maximum building height of 11 metres and 3 storeys but includes the following exemption at Clause 32.08-10 where a building replaces an immediately pre-existing building, and the new building does not exceed the building height or contain a greater number of storeys than the pre-existing building.

Part of the land is proposed to be subject to the RGZ2. The purposes of the Zone include:

- 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.

Additional decision guidelines have been included to address amenity, acoustic attenuation and visual impact of taller development on adjacent built form.

(ii) Overlays

Environmental Audit Overlay

The land is subject to the EAO. The purpose of the Overlay includes:

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

Development Plan Overlay

The land is subject to the Development Plan Overlay. The purposes of the Overlay include:

- 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.

The objectives of the exhibited DPO2 are:

To create a residential area that is responsive to its context and provides a transition in character at its interfaces with existing adjoining residential areas and industrial operations.

To encourage sustainable urban renewal and increased housing affordability, diversity and density within the site.

To create varied, engaging and high quality architectural forms, landscaped environment and sustainable movement links.

To ensure residential development provides a reasonable level of amenity for future occupiers of the site, including but not limited to protecting future residents from the adverse impacts of industrial and traffic noise, odour, dust, vibration and the visual impact of the railway line and industrial development.

To protect the operations of the state and nationally significant Spotswood Locomotive Maintenance Centre from any potentially adverse effects of residential encroachment.

DPO2 requires any permit issued to include noise attenuation and vibration measures, unless otherwise agreed by the responsible authority. The requirements for the development plan deal with:

- built form and layout
- access and transport
- use transition
- open space and landscape
- site remediation
- affordable housing

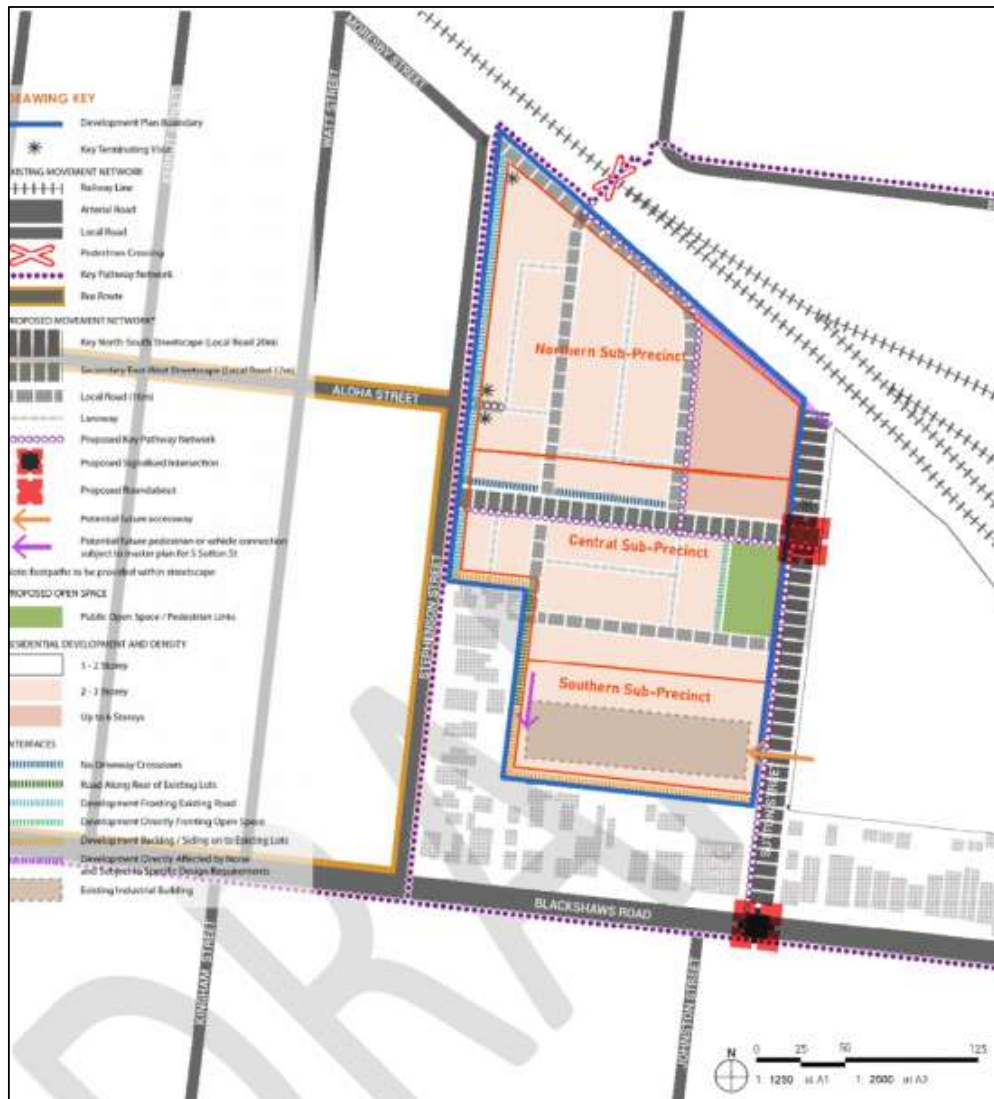
- acoustic and vibration impacts
- environmentally sustainable development strategy
- stormwater
- major pipeline infrastructure
- staging.

The exhibited requirements for a development plan include the following vision:

- The site will become a sustainable residential community, integrated with Precinct 16 East and complementing the broader existing residential neighbourhood.
- The site will be redeveloped to provide a predominantly medium to higher density residential development, providing homes for a diversity of households including affordable housing and incorporating public open space and sustainable movement links.
- The development will implement innovative ESD features, providing opportunities for best practice in environmental management.
- The development will protect the ongoing operation of industrial land use and infrastructure, incorporating residential amenity protection measures that display a high level of architectural resolution, even if temporary in nature.
- The stages of the development will be managed to minimise amenity impacts to new residents until industrial uses on the site are discontinued.

The framework plan included in the exhibited DPO2 is shown below in Figure 5.

Figure 5 DPO2 Precinct 16 West Framework Plan



(iii) Other provisions

Relevant particular provisions

The land is subject to Clause 53.01 Public Open Space Contribution and Subdivision. The Amendment proposes to update the Clause 53.01 schedule to provide for a 5 per cent public open space contribution.

2.4 Amendment VC148

Amendment VC148 was gazetted on 31 July 2018, after the Amendment was exhibited. VC148 made substantial changes to the structure and content of the planning policy framework, as well as other provisions in the Planning Scheme. Council should review the Amendment documentation carefully prior to adoption to ensure that they are consistent with the changes introduced by Amendment VC148.

2.5 Ministerial Directions and Practice Notes

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46). That discussion is not repeated here.

Ministerial Direction No. 1 – Potentially contaminated land

The Amendment satisfies Ministerial Direction 1 as it proposes to apply the EAO to the remainder of the Precinct to ensure that the necessary site remediation works have occurred before any sensitive land uses commence.

Ministerial Direction No. 9 – Metropolitan Strategy

The Amendment is affected by Ministerial Direction 9 – Metropolitan Planning Strategy. *Plan Melbourne 2017 – 2050: Metropolitan Planning Strategy* identifies several outcomes, objectives and directions to shape Melbourne’s growth and protect its best assets in the future. The Amendment is consistent with the relevant directions listed in the Metropolitan Planning Strategy:

Ministerial Direction No.11 – Strategic assessment of amendments

A strategic assessment of the amendment has been undertaken as part of the preparation of an Explanatory Report.

Ministerial Direction No. 15 – The planning scheme amendment process

The Amendment has been prepared with consideration for the timeframes in which the amendment process must be undertaken.

Ministerial Direction No. 19 – The preparation and content of amendments that may significantly impact the environment, amenity and human health

In preparation of this Amendment the Council has sought the views of EPA who identified the following human health and amenity considerations for this site:

- offsite impacts from the Spotswood Maintenance Centre (SMC) and freight railway line
- potentially contaminated land
- potential offsite impacts from the existing industrial use at 5-7 Sutton Street.

2.6 Conclusion and recommendation

For the reasons set out in the following chapters, the Panel concludes that the Amendment is supported by, and implements, the relevant sections of the PPF, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

The Panel recommends:

Adopt Hobsons Bay Planning Scheme Amendment C114hbay as exhibited and replace the Development Plan Overlay Schedule 2 with the Panel preferred version as shown in Appendix E to this report.

3 Noise and vibration

3.1 The issues

There are significant noise sources in the area, the most notable being the rail line on the northern boundary of the Amendment area and the heavy rail maintenance workshop known as the SMC. Noise from these sources and the need for suitable planning and design of residential development was extensively addressed in Hobsons Bay Amendment C82 for Precinct 16 East and the subsequent VCAT cases.

Able Industries Pty Ltd (Able Industries) in the Southern Sub-precinct wish to continue their industrial use for an unspecified time in accordance with existing use rights under Clause 63 of the planning scheme. It is probable that residential development in the Central Sub-precinct will approach the northern boundary of the Able Industries site in the next few years with the potential for noise complaints from new residents.

The issue is:

- whether the proposed noise and vibration controls in the DPO2 are appropriate and adequate to ensure acceptable amenity outcomes for residents.

3.2 Evidence and submissions

The EPA did not appear at the Hearing but provided a submission during exhibition and then a further submission post exhibition.¹⁴ EPA raised several issues of which noise and vibration was arguably the most significant. Key themes in the submission tabled by Council at the Hearing were:

- the need to consider the new legislative context under the *Environment Protection Act 2017* (EP Act)¹⁵
- the preference to use the Better Apartment Design Standards (BADS) for apartment and residence design for achieving acceptable amenity outcomes for future residents
- the withdrawal of the Australian standard for vibration and the need to reference alternative contemporary standards
- the need to protect existing industrial uses by ensuring building design can attenuate noise in new residences to a suitable level.

EPA provided a comprehensive set of DPO wording for the *Conditions and requirements for permits* to address these matters above.¹⁶

Expert evidence on noise and vibration was called as follows:

- Mr Christophe Delaire (Marshall Day Acoustics Pty Ltd) acting on behalf of the Proponent (9 and 9A Sutton Street)¹⁷

¹⁴ Submission 28 and Document 4 respectively.

¹⁵ For example the noise assessment was undertaken under the old regime and would need to be updated, a fact acknowledged by Mr Antonopoulos.

¹⁶ In Document 4.

¹⁷ By agreement Mr Delaire was not called to give evidence at the Hearing as there were no significant areas of disagreement between the experts in noise.

- Mr Nicholas Peters (Renzo Tonin & Associates (Vic) Pty Ltd) acting on behalf of Brymart Pty Ltd (5 Sutton Street)¹⁸
- Mr Jim Antonopoulos (SLR Consulting Australia Pty Ltd) acting on behalf of the Proponent (9 and 9A Sutton Street) and Newport Apartments (Vic) Pty Ltd (41-59 Stephenson Street).

Under the Panel's direction the experts met prior to the Hearing and provided a statement from the meeting. There were no material disagreements amongst the experts in relation to the rezoning.

Key points of agreement included, in summary:¹⁹

Able Industries

- Able Industries has noise obligations to existing residents under the *Environment Protection Act 2017* (EP Act)
- some noise engineering measures could assist all interfaces, including to the south and west
- The onus is not on Able Industries to protect new dwelling to the north but it may be in its interest to do so
- the best approach to controlling noise should be a coordinated effort by all affected landowners considering all treatments (at source, at boundary and at new dwellings).

EPA targets for residential development and industrial noise

- DPO2 nominates Better Apartment Design Standards (BADS) based 8h and 16h average noise levels but does not specifically consider compliance with the Noise Protocol²⁰
- DPO2 may not protect residents from unreasonable noise from industry – but is reasonable to protect amenity for cumulative noise from all sources
- better internal amenity targets should be considered which are more consistent with the Noise Protocol - this is consistent with approaches undertaken in other Councils (eg. City of Yarra)
- L_{max} criteria only considered rail and truck pass-bys – this should be expanded to include industrial noise
- noise and vibration testing should be undertaken in consultation with industry when a permit is applied for to establish representative conditions for the assessment.

The experts in the meeting agreed on a range of other matters including:

- train airborne noise
- vibration criteria
- ground borne noise.

Consistent with the approach taken in DDO10 in Precinct 16 East, the experts also considered a s173 agreement under the PE Act should be signed to alert new residents of existing industrial activity in the area.

The three experts drafted an agreed set of conditions for noise in DPO2.²¹ With some relatively minor exceptions these generally follow the drafting requested by EPA. One notable exception is

¹⁸ Note Brymart Pty Ltd is the landowner of 5-7 Sutton Street. The occupier of the land is Able Industries, an engineering firm. Their interests were in accordance in the Hearing and relevant experts and advocates represented both entities.

¹⁹ Document 37, page 2.

²⁰ 1826.4 *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*, EPA, 20 May 2021.

²¹ Appendix A to Document 37.

the removal of an L_{max} ²² for 'truck pass-by' noise and its replacement with and L_{max} for noise from existing industry, i.e. Able Industries and SMC.

Mr Antonopoulos and Mr Peters gave acoustic evidence at the Hearing which was consistent with the agreed statement.

Under questioning from Newport Properties, Mr Antonopoulos confirmed that if the noise levels from the north and SMC were less than previously predicted, due to compliance works on that site, then the design solutions for noise along the northern boundary may not need to be as conservative as originally envisaged.

He also confirmed in response to questions from Brymart that:

- the DPO2 as provided by the experts 'covers the field' in terms of noise requirements
- to his knowledge Able Industries currently complies with noise regulations
- he has not specially assessed the draft development plans against the DPO2
- the experts support the s173 approach to notifying new residents.

Council questioned Mr Antonopoulos about the EPA low frequency noise guidelines and whether they should be referenced in the DPO2 or further considered.²³ Mr Antonopoulos was of the view that they are assessment guidelines not a standard to be met and that the outcomes for the Amendment area with the approach in the DPO2 will be better than for existing development, including for low frequency noise.

Mr Peters in responding to questions on this issue from Council also considered that while reference to the low frequency assessment guidelines could be added into the assessment of noise from surrounding industries, in practical terms this would be difficult; and may unreasonably constrain surrounding industries.

In his evidence Mr Peters reiterated he was satisfied that noise mitigation measures are available on the boundary between Able Industries and the Central Sub-precinct. This could be treatment on residences, at source on the Able Industries site or in the form of barriers, but the responsibility for implementation clearly lies with the approaching residential development. He also reiterated that it would make sense to coordinate any mitigation measures with Able Industries.

Newport Apartments in their submission noted the position of Mr Antonopoulos that if the noise environment has changed for the better due to measures implemented at SMC, then there may be changes possible such as openable windows and minimising the use of acoustic barriers. Newport Apartments did not specifically seek changes to the DPO2 for the above; submitting that the controls are flexible enough to achieve such outcomes.²⁴

Brymart provided extensive submissions on the agent of change principle, submitting that the Proponent is responsible for any noise attenuation on the northern side of the Able Industries site.²⁵ It also supported the s173 agreement to advise future residents of existing industry.

Vega One Pty Ltd (Vega), submitted that any noise assessment or modelling must include existing constraints on industry. For example, they submitted SMC already has significant constraints on its operation through planning permit conditions and the general provisions of the EP Act; these

²² A maximum sound level at a point in time rather than an average sound level.

²³ EPA Publication 1996 *Noise guidelines: Assessing low frequency noise*, June 2021.

²⁴ Document 87, para 53 onwards.

²⁵ Document 94, para 4.11 onwards.

should be included to acknowledge that the industry is not operating now or in future in an unregulated noise environment. They provided suggested wording for DPO2.²⁶

A number of individual submitters commented on noise. For example, Mr Tohill who lives north of the railway line, was concerned that acoustic barriers and buildings south of the rail line may reflect noise north into existing residential properties.²⁷

Mr Milanese who attended the Hearing was concerned about how the at-grade pedestrian crossing (at the corner of Hick and Birmingham Streets) could function in conjunction with acoustic barriers on the south side of the railway.²⁸

Council in its closing submission:²⁹

- reiterated its concern about low frequency noise
- submitted that the evidence of Mr Antonopoulos identified that due to attenuation at SMC a lower level of acoustic attenuation may be necessary on the northern boundary and should be confirmed by a new noise assessment
- sought a new acoustic report to address the above in the DPO2
- submitted that further acoustic work is needed to address issues around how pedestrian and cycle access at-grade on the existing crossing near Hick Street and Birmingham Street can be maintained without compromising the effectiveness of acoustic protection measures.

3.3 Discussion

It is clear that the Panel's role is not to approve a particular design for the development adjacent to the northern rail line or the boundary on the northern side of the Able Industries site; rather it is to ensure that the decision making framework through the DPO2 will ensure future residents are not subject to unacceptable industrial noise.

Through the submissions received, the expert meeting and the Hearing discussions, the Panel considers a high degree of agreement between property owners and Council has been reached about the specific wording proposed in the DPO2 schedule; and this in turn is generally the wording put forward by EPA.

The Panel considers this wording should address the critical issues, being protection of the new residents' amenity to an acceptable standard, and recognition of the existing industrial activities in the area.

The Panel has reviewed the suggested changes to the DPO2 and has provided its preferred wording in Appendix E.

The Panel comments on some specific aspects below.

(i) Low frequency noise

The Panel notes Council's concern regarding low frequency noise, and some industry in the area will be generating low frequency noise given its nature. The Panel also notes the EPA submission

²⁶ Document 86. Vega One is developing in Precinct 17 north of the SMC.

²⁷ Submission 5.

²⁸ Submission 20.

²⁹ Document 99, para 79 onwards.

included reference to low frequency noise in passing but did not specifically recommend it be addressed in the requirements it put forward for DPO2.

At this point in time the Panel does not consider there is enough evidence to warrant specific investigation or set limits on low frequency noise through the planning controls. If in future there are significant issues associated with low frequency noise and noting there are already many existing residents in the area, then these can be addressed through the EP Act and regulations.

(ii) Noise assessment

The Panel notes the noise assessment was undertaken in November 2019, over two years ago and prior to the introduction of the new EP Act. Given the new legislation, suggested changes to operational requirements at SMC³⁰, and the submissions regarding a possible 'opening' in the noise barriers at the at-grade pedestrian crossing and reflected noise to the north, the Panel considers an update to the noise and vibration assessment would be prudent.

This is particularly the case if it is likely that reduced noise mitigation along the northern boundary is possible; this would need to be carefully justified. The Panel has provided suggested wording in the DPO2 in Appendix E.

The text suggested by Vega to reference SEPP N-1 (no longer applicable) and a specific planning permit is noted and the issue is also addressed in the Panel's suggested wording in Appendix E.

(iii) Section 173 agreement

Although it was undertaken for Precinct 16 East, the use of a s173 agreement for notification of an existing land use is not preferred as a planning mechanism. If the planning controls on development and regulation of industry are appropriate, then it should not be required. An agreement would not remove any rights for new residents to take action under, for example, the EP Act or Public Health and Wellbeing Act. The Panel does not support its inclusion in DPO2 in this instance.

3.4 Conclusion

The Panel concludes:

- Industrial noise affecting residential use on the Amendment site should be able to be mitigated in residences to an acceptable level while ensuring existing industrial uses are protected.

The Panel has recommended the DPO2 as shown in Appendix E be adopted with the Amendment which addresses noise and vibration.

³⁰ Noting SMC were not present in the Hearing.

4 Traffic

Traffic matters were relatively uncontested with an emphasis on the detail and timing of works, in particular, the Blackshaws Road/Sutton Street proposed traffic signals. There was significant community concern that the surrounding road network, including, Blackshaws Road, would be unable to accommodate development traffic leading to more congestion and safety issues. This issue was further compounded with other nearby precincts to be developed resulting in increased traffic.

Three parties called traffic evidence:

- Council – Ms Dunstan from Traffix Group
- The Proponent – Ms Marshall from Ratio Consultants
- Brymart (Able Industries) – Mr Fairlie from Ratio Consultants.

The Panel found the experts' agreed statement³¹ useful in refining and distilling the traffic issues – essentially there was broad consensus across a range of issues.

However, the Panel was cognisant that each expert viewed the issues and development through a particular lens. Ms Dunstan had more of an overall strategic assessment, Ms Marshall, more focused on the development plan and Mr Fairlie, ensuring the safe and continued access for Able Industries as residential development surrounds their site.

4.1 Traffic impact on surrounding road network

4.1.1 The issue

Can the surrounding road network accommodate the proposed development traffic?

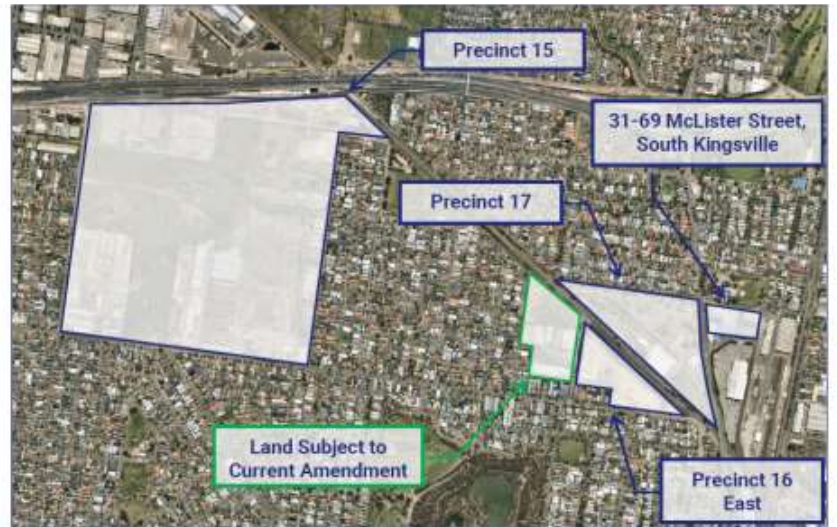
4.1.2 Evidence and submissions

Traffic congestion and safety were key themes in submissions, with many residents already concerned with existing traffic conditions. They felt that adding more traffic from new development(s) would further worsen road conditions and compromise safety.

Ms Dunstan's evidence was that the traffic impact of the rezoning, as well as current and proposed/approved developments in the area, can be accommodated by the road network; provided that Blackshaws Road/Sutton Street intersection is upgraded to traffic signals. She provided a detailed and rigorous assessment based on several factors including:

- determining base line traffic growth on Blackshaws Road from existing traffic data sources
- assuming a total of 650 dwelling, noting that a lower limit of 490 dwellings is likely due to other site limitations
- superimposing future traffic from nearby major developments (refer to Figure 6).

³¹ Document 36.

Figure 6 Surrounding development sites³²

Her analysis demonstrated that Blackshaws Road/Sutton Street would require signalisation to meet capacity requirements and that the traffic signals would also create breaks in the traffic stream to assist nearby residents to enter and exit their driveways. She noted that Blackshaws Road is an arterial road, managed by the Department of Transport (DoT), and as such would be expected to carry higher traffic volumes.

Ms Marshall and Mr Fairlie reached a similar conclusion regarding the ultimate need for traffic signals, albeit using different growth factors and traffic distributions.

DoT submitted that traffic signals should be installed from a safety perspective (preferably in stage 1) and that numerical warrants for traffic signals are met.

Council submitted that the Precinct 16 West would accommodate a lower limit of 490 dwellings due to urban design outcomes. In the immediate area, Council's Draft LAMP identifies and prioritises Blackshaws Road and Melbourne Road for vehicle traffic and Birmingham, Stephenson, and Aloha Streets as a route for bicyclists³³. However, Blackshaws Road also forms part of the Principal Bicycle Network³⁴. Council submitted that the LAMP considers a broader range of issues and opportunities to improve walking and cycling which are envisaged to have consequential flow on affects reducing traffic and parking demand across the broader road network.

Vega (developers for Precinct 17 at 571 – 589 Melbourne Road, Spotswood) submitted that up-to-date and accurate traffic information should be used to ensure an informed decision is made. They noted that the GTA Traffic Impact Assessment report assumed approximately 200 dwellings [GTA consultants assumed a yield of 285 dwellings]³⁵ on the Precinct 17 site when in fact the ultimate development is in the order of 736 dwellings, 189 hotel rooms and other commercial uses resulting in additional traffic across the road network.³⁶

³² Document 20, p24.

³³ Draft LAMP paper figure 2 p10.

³⁴ Document 20, Section 3.4 Bicycle infrastructure p 21.

³⁵ Document 20, Precinct 17 para 62 where she identifies GTA Consultants assumed a yield of 285 dwellings.

³⁶ The Panel notes that Ms Dunstan's traffic assessment assumed Precinct 17 accommodating 736 dwellings, 189 apartments as part of a residential hotel, and associated commercial uses (Document 20, Precinct 17 para 62-63).

(i) Discussion

The Committee acknowledges resident concern that the planned and future development, including this amendment, will result in increased traffic along Blackshaws Road and the surrounding road network. However, the Committee accepts the findings of the traffic experts that the additional traffic can be accommodated, subject to the signalisation of Blackshaws Road/Sutton Street intersection.

Further, DoT, as the road manager for Blackshaws Road, has not opposed the Amendment.

The Committee appreciates that traffic flows will increase on the surrounding road network as major developments are completed and new residents move in – this is to be expected. The fundamental issue is does Blackshaws Road have sufficient, or spare capacity to absorb traffic without leading to significant congestion or safety issues?

Ms Dunstan, and the other traffic experts all reach similar findings that the Blackshaws Road can accommodate additional traffic subject to traffic signals being installed at Sutton Street. The Committee accepts that these signals will generally enhance safety, particularly for pedestrians crossing Blackshaws Road, whilst efficiently accommodating traffic movements. Further, the traffic signals will provide breaks in the traffic stream to assist residents to enter and exit their properties.

4.1.3 Conclusion

The Panel concludes:

- the Amendment’s traffic impact, as well as current and proposed/approved developments in the area, can be accommodated by the road network provided Blackshaws Road/Sutton Street intersection is upgraded to traffic signals.

4.2 Blackshaws Road/Sutton Street – proposed intersection works

4.2.1 Context

Parties were generally settled on the proposed intersection works at Blackshaws Road/Sutton Street; concern principally rested on the timing (or trigger) as to when this intersection should be signalised (Stage 2); the triggers for Stages 1 and 3 were not contested. The three stages proposed³⁷ are:

Stage 1 – Interim - unsignalised

The interim scenario consists of a stop sign controlled intersection (same as existing). It provides a dedicated right turn lane on Blackshaws Road and localised widening on east side Sutton Street with a painted centre median.

These works shift traffic exiting Sutton Street east to allow B-Doubles to safely enter without crossing into the opposing traffic lane on Sutton Street or Blackshaws Road.

Proposed Trigger: prior to the issue of Statement of Compliance for 50th lot.

³⁷ Document 58 provides concept plans for each stage. For further detail, Mr Fairlie’s evidence Appendices B and C also provides concept plans and B-Double swept paths (Document 32).

Stage 2 – Pre-ultimate - signalised

The pre-ultimate scenario is a signalised intersection – it has the same configuration as the interim solution. This is considered to improve safety and convenience for vehicles departing Sutton Street onto Blackshaws Road as well as providing a safe and controlled pedestrian crossing across Blackshaws Road (B-Doubles can continue to safely access Sutton Street and Able Industries).

Proposed Trigger: prior to the issue of Statement of Compliance for 150th lot.

Stage 3 – Ultimate - signalised

The ultimate scenario remains a signalised intersection but no longer accommodates B-Double movements. The painted median in Sutton Street is removed to provide separate left and right turn lanes, further enhancing traffic capacity for vehicles exiting Sutton Street.

Proposed Trigger: Able Industries have ceased operations on-site.

4.2.2 The issues

The issues are:

- what is the appropriate trigger/timing for Blackshaws Road/Sutton Street Stage 2 works (Pre-ultimate signalised intersection)?
- proposed intersection works impacts on neighbouring properties.

4.2.3 Evidence and submissions

(i) Stage 2: Pre-ultimate signal trigger

As discussed in 4.1, the traffic experts agreed that Blackshaws Road/Sutton Street would ultimately require signalisation to meet capacity requirements but each expert used different assumptions, growth factors and traffic distributions in their analysis as to when traffic signals would be required (refer to Table 2).

Table 2 Stage 2: Pre-ultimate signalisation trigger

Source	Suggested trigger
Exhibited	150 lots
DoT	Preferably Stage 1 From safety perspective and assisting pedestrians crossing Blackshaws Road
Ms Dunstan	Required prior to Precinct 16 West development – signalisation would be required ‘fairly early’
Ms Marshall	Not required until 5-7 Sutton Street is developed (expected to add 150 dwellings)
Mr Fairlie	500 lots and minimum of 6 years (based in part, on Blackshaws Road traffic growth)

Ms Dunstan noted that Traffix Group’s earlier work identified that the appropriate signalisation trigger would be when 150 to 260 dwellings were completed within Precinct 16 West, but the lower figure of 150 dwellings was adopted due to the uncertainty about timing of other developments within the area. Subsequently, after undertaking a more rigorous assessment utilising a different set of assumptions, Ms Dunstan identified that the signals would be required fairly early in the development of the site “noting that all of the major development sites nearby are at different stages of development, with development moving at different speeds.” Accordingly determining the point at which traffic signals are required is dependent on a number of variables outside of Council’s control and cannot be determined with robust accuracy.

Ms Marshall's evidence was that Sutton Street 'interim' configuration (not signalised) would be satisfactory, experiencing a Degree of Saturation (DoS)³⁸ over 1.0 during the AM peak but in the PM peak, the intersection operates under 'very good' conditions (DoS of 0.69). She noted that there are many locations on the surrounding road network which experience congested conditions with DoS approaching or over 1.0.

Mr Fairlie identified that signalising Blackshaws Road/Sutton Street would essentially be required due to ongoing traffic growth along Blackshaws Road, however much of Precinct 16 West could be developed without the need for signals.

The traffic expert meeting agreed that the timing for signal installation should be determined at the application stages – this assessment should also consider intersection performance, pedestrians and road safety.

Council requested Sutton Street and Blackshaws Road be signalised to ensure safe movements for all transport modes from the development onto the arterial road network. Council and DoT supported traffic signals at Sutton Street as opposed to Stephenson Road, in part, due to shops being directly opposite Stephenson Road.

Council submitted that signal timing be unambiguously stated (prior to the occupation of the 150th lot) in DPO2 noting:

- there cannot be any explicit reference to the infrastructure funding and delivery strategy (prepared by Mr De Silva)
- s173 agreements have not been signed by the three landowners
- landowners continue to have an opportunity to demonstrate that the traffic signals are not required earlier than the 150th residential lot becoming occupied.

Council was concerned that if no trigger for the traffic signals was provided may result in the risk that signal works may not be delivered, creating a potential ultimate development outcome which would be unsafe.

The Proponent submitted that the timing for the signals should be determined by Council at the permit stage and there was no need to forecast [when the signals would be required in DPO2]. Newport Apartments submitted the timing for the pre-ultimate signals should be determined through a traffic assessment and no trigger should be specified. Brymart and Vega were essentially comfortable with Council's wording around this issue.

Council urged the Committee to accept Ms Dunstan's evidence that the signals will be required very early in the development phase post-gazettal of the Amendment, which conveniently aligns with the timing for providing the traffic signals underpinning Mr DeSilva's infrastructure delivery and apportionment strategy.

DoT submitted that traffic signals should be installed from a safety perspective (preferably in stage 1) and that numerical warrants for traffic signals are met.

(ii) Impacts

Nearby residents were concerned with the proposal for traffic signals at Blackshaws Road/Sutton Street for a range of reasons including:

³⁸ DoS of an intersection measures the demand relative to the total capacity. A DoS of 1 means an intersection is at its theoretical capacity.

- loss of on-street parking
- noise associated
 - with vehicles braking and accelerating
 - pedestrian crossing audible guidance and warning system.

Ms Dunstan acknowledged that a small amount of on-street parking is required to be removed to signalise Blackshaws Road/Sutton Street intersection. The loss of parking is necessary to improve traffic flow along Blackshaws Road and to provide appropriate access into Sutton Street.

Council acknowledges resident concern, in particular, with the loss of on-street parking, but submitted that the improved safety and functioning of the road delivers a net community benefit and relevantly, all experts agreed that the signalised intersection will result in an opportunity for a safe pedestrian crossing on Blackshaws Road. Officers noted that DoT could potentially 'turn down' the audio beaconing on the traffic signals for pedestrians to minimise disruption to residents.

4.2.4 Discussion

(i) Triggers

The pre-ultimate signalised intersection trigger was a contested issue amongst parties with evidence ranging from traffic signals should be installed, 'fairly early' to Precinct 16 West being filled with its residential population and beyond.

The Panel supports Council's *Proposed Trigger: prior to the issue of Statement of Compliance for 150th lot* for the pre-ultimate signalised intersection to be installed with an overarching assessment process for signal installation timing to be reviewed (and potentially installed prior to the 150th lot) at the application stages as discussed below.

A major hurdle in determining the signal timing is clearly articulated by Ms Dunstan in that "*all of the major development sites nearby are at different stages of development, with development moving at different speeds*" making it difficult to determine how much additional traffic, and when it is contributing to surrounding road network. On a theoretical level, the Panel agrees with the expert meeting that timing for signal installation should be determined at the application stages, taking into consideration a range of factors including intersection performance, pedestrian considerations and road safety.

There is fundamentally no issue with the traffic signals being installed early or on time, but too late would create safety and congestion issues, particularly for pedestrians, and motorists exiting Sutton Street. Ms Marshall and Mr Fairlie's assessments (which only considered full development of some of the nearby major development sites), identified that traffic signals should be installed towards the end of when Precinct 16 West reaches full development or as suggested by Mr Fairlie potentially a further six years later due to anticipated Blackshaws Road traffic growth.

The lower the DoS, the better the quality of traffic service. In practice, it is generally accepted that desirable DoS is 0.80 for unsignalised intersections.³⁹ Ms Marshall acknowledges that her analysis exceeds this in the AM peak period. The Panel believes a more precautionary approach should be taken; whilst other locations may experience poor traffic service with congested intersections

³⁹ Austroads Guide to Traffic Management Part 3: Transport Study and Analysis Methods Section 4.2.4 DoS.

operating at or near full capacity this should not be used as the benchmark for a new development and their associated intersection arrangements.

Ms Dunstan has conservatively assumed, all surrounding major developments have been built out and contributing traffic onto the road network– clearly this is not the case in the immediate future, and potentially, Precinct 15 with some 3,000 residential dwellings could take several years to reach its final stage of development and associated peak traffic generation. The Panel notes that the landowners for Precinct 16 West would like to start development within 6 months and potentially be finished within two years.

The Panel believes that installing the traffic signals ‘fairly early’ as suggested by Ms Dunstan and subsequently endorsed by Council may be potentially too early on capacity grounds. The nearby major development sites, in particular, Precinct 15 would still be being built and not contributing significant amount of traffic onto Blackshaws Road. Deferring the traffic signal to the later stages of Precinct 16 West Development may be appropriate, in particular, to address the higher congestion levels (identified by Ms Marshall’s analysis) – higher congestion can lead to motorists choosing inappropriate gaps in the traffic flow leading to potential safety issues.

In relation to safety, the Panel is cognisant that DoT identified that the traffic signals should be installed in Stage 1, in part, to enhance safety. This is consistent with current practice of the safe system principle of reducing the likelihood of crashes and placing a greater emphasis on prevention. However, safety benefits will be realised with the interim solution prior to additional benefits of Blackshaws Road/Sutton Street signalisation.

The Panel supports Council’s concerns that a trigger for the traffic signal works should be included in DPO2 to ensure certainty and clarity for all parties. Whilst other parties suggested that the timing for the traffic signals should be determined by a traffic assessment. Potentially this may result in a perverse outcome where traffic flow on Blackshaws Road remains low (as Precinct 15 is still being built and not reached full capacity) and it may be argued, at that time, that traffic signals are not required regardless that three independent traffic experts, as part of this Amendment, agree that traffic signals will be required.

On balance, the Panel adopts Council’s proposed trigger of 150 lots for Precinct 16 West as:

- Precinct 16 West is anticipated to be fully developed within 2 years such as there is a potentially a relatively small period of time between 150th lot and full development being finalised
- Blackshaws Road traffic volumes are unlikely to significantly increase in the short term as nearby major development sites will not be built out and contributing significant traffic onto the road network
- it provides certainty that traffic signals are to be installed
- the proposed signals provide an immediate:
 - safe crossing for pedestrians
 - enhanced safety for all other road users.

(ii) Other triggers

The Panel explored the other triggers for the interim and ultimate solutions with Mr Fairlie. In relation to the interim solution, as construction starts in Precinct 16 West; larger construction vehicles may utilise Sutton Street and encroach into oncoming traffic lanes when entering and exiting Sutton Street, similar to the issues experienced by Able Industries. Potentially the interim

solution may be required prior to construction commencing – this should be explored as part of the developers’ construction/traffic management plan.

Similarly, once Able Industries leave and ultimately develop their site, they may also require similar access arrangements to facilitate their construction activities and as such, deferring the ultimate signalised arrangement may also be appropriate. As such, the proposed trigger *Able Industries have ceased operations on-site* should be modified to include *or a traffic management plan for their site identifies that pre-ultimate intersection configuration is not required to facilitate construction access*.

Parties should be cognisant of these issues moving forward but the Panel acknowledges that they are generally beyond the scope of the Amendment.

Further, it is noted that Precinct 16 East was tasked with providing a signalised pedestrian crossing for Blackshaws Road⁴⁰, however, depending on timing and staging of works within Precinct 16, the pedestrian crossing could become redundant very quickly. The pedestrian signals could also be designed to assist motorists to exit Sutton Street by providing breaks in the Blackshaws Road traffic stream⁴¹; providing further time before signalising Blackshaws Road/Sutton Street intersection. The Panel encourages parties to ensure the optimal and efficient delivery of major infrastructure works occurs.

(iii) Impacts

The Panel acknowledges that there will be an impost on nearby residents but accepts that there will be a net community benefit with the proposed Blackshaws Road/Sutton Street signalisation. Key benefits include:

- a safe pedestrian crossing across Blackshaws Road
- improved safety for all road users, particularly when Precinct 16 will ultimately accommodate around 900 to 1,000 residential dwellings.

Nearby to the proposed traffic signals, residents and their visitors will be required to find on-street parking further away, however site inspections confirm available parking in nearby side streets and further along Blackshaws Road. Unfortunately, vehicle noise associated with braking and accelerating away from the traffic signals may be problematic for some residents, but this is not uncommon on arterial roads or where residential properties are at or near existing traffic signals. Potentially there may be scope for the pedestrian crossing audible signals to be ‘turned down’ during night time, but this can be resolved through consultation with Guide Dogs Australia and Vision Australia, associations for vision impaired and low vision pedestrians, during detail design of the traffic signals.

4.2.5 Conclusions

The Panel concludes:

- The pre-ultimate signalised scenario trigger should be *prior to the issue of Statement of Compliance for 150th lot* with an overarching assessment process for signal installation timing to be reviewed (and potentially installed prior to the 150th lot) at the application stages.

⁴⁰ Document 30 Mr De Silva’s evidence para. 56 page 15.

⁴¹ Side road activated traffic signals.

- The ultimate signalised scenario trigger should be modified to *Able Industries have ceased operations on-site or a traffic management plan for their site identifies that pre-ultimate intersection configuration is not required to facilitate construction access.*
- DPO2 should include triggers for all three traffic management scenarios for the Blackshaws Road/Sutton Street intersection.
- The proposed Blackshaws Road/Sutton Street signalisation will result in a net community benefit acknowledging there will be an impost on nearby residents.

The Panel has included suitable wording in Appendix E.

4.3 Development plan layout

4.3.1 Potential bus route

(i) The issue

Should the existing bus route be extended through Precinct 16 West and utilise the proposed traffic signals to assist when turning right out onto Blackshaws Road?

(ii) Evidence and submissions

The 432 bus route meanders through the local street network providing connections to Yarraville Station and Newport Station via Altona Gate shopping centre.

On reviewing the development plan and being cognisant of increased traffic along Blackshaws Road, the Panel wished to explore if there was merit in extending the 432 bus route into Precinct 16 West (refer to Figure 7) to:

- take advantage of the proposed traffic signals at Blackshaws Road/Sutton Street to assist buses turning right out onto Blackshaws Road
- greater customer service – buses travel through increased residential density areas.

This matter came about, in part due Ms Marshall identifying that buses should not travel through the precinct; which conflicts with the DPO2 Vision Statement:

- The site will be redeveloped to provide a predominantly medium to higher density residential development, providing homes for a diversity of households including affordable housing and incorporating public open space and **sustainable movement links** [Panel emphasis].

Figure 7 Bus route – possible extension⁴²



DoT did not raise issues with the proposed vision statement and the only reference to public transport was in relation to existing bus stops on Aloha and Stephenson Street which do not have bus shelters and are not *Disability Discrimination Act 1992* compliant. DoT want future planning applications to review status of these stops and recommend updating key departure stops with shelters and DDA compliance – a note within the development plan for this to occur is requested.

The DPO2 Access and Transport requirements final dot point was included by Council to ensure that there is consideration given to the wider public transport context:

- Measures to ensure development does not compromise the delivery of future public transport including new bus routes.

However, Ms Marshall in her opinion recommended that this dot point should be removed as:

- the proposed internal road network has not been nominated as bus capable
- the road width does not satisfy the current standards for a new bus route (7 metre carriageway, currently proposed at 6.5 metre wide)
- the Framework Plan has already reduced the likelihood of a potential bus route and as such it is a redundant requirement that cannot be met.

And following on, the proposed roundabout at Sutton Street/East-West access road would not need to be designed to accommodate buses.

The Proponent submitted that the opportunity for a bus route through the precinct has been effectively ‘designed out’ by adopting narrower road reserves.

Ms Dunstan and Mr Fairlie, could see merit in buses travelling through the precinct and utilising the proposed Blackshaws Road traffic signals providing an easier and safer route. Ms Dunstan evidence was that this level of development (associated with the Amendment) did not necessitate additional public transport routes as much of Precinct 16 was within 400 metres of a bus stop.

⁴² Document 20, p20.

The expert meeting's findings agreed it is important to support future public transport but noted a bus route is not proposed through the site and would have implications on the east-west road link cross section and roundabout design.

Council in closing identified that a bus route could feasibly be accommodated through the Amendment land (proposed roundabout modified and widened splays to allow buses) if this were to be nominated by DoT as a future bus route.

(iii) Discussion

The Panel was not swayed by Ms Marshall's evidence and believe that DoT should be consulted to ascertain if extending bus route 432 into Precinct 16 West should be accommodated at some time in the future.

It is self-evident that traffic along Blackshaws Road will increase and utilising traffic signals to perform right turns onto Blackshaws Road, an arterial road, provides a safer and easier manoeuvre for bus operators rather than endeavouring to select a gap in the traffic stream. Further, higher numbers of residents will live within the precinct and providing a bus service 'to their door' is seen as sound and appropriate transport planning.

The Panel appreciates the concern that wider road reservations and carriageways may be required to satisfy contemporary standards. The existing bus route traverses a number of local streets where parking may occur on both sides of the road (for example, Aloha Street, and Stephenson Street) providing a single lane for two-way traffic – the proposed bus route extension would add approximately 400 metres of two x 3.25 metres roadway for through traffic (albeit slightly narrower than the 3.5 metres for bus routes suggested by the traffic experts) plus separate parking lanes and/or indented parking; a significant improvement over existing conditions on nearby streets. Pragmatically, the Panel considers that the development's proposed road cross sections would be satisfactory when considered against the broader operating conditions of the surrounding local street network and would not require widening.

Similarly, the proposed roundabout could readily be designed to accommodate bus traffic with widened splays as noted by Council.

We are at the planning stage, where design requirements can be incorporated into detailed design to accommodate buses and more generally align with the vision of incorporating sustainable transport links. Once constructed, it is far more difficult and expensive to retrofit to achieve a solution. This begs the question, if the vision was to ensure sustainable transport links could be provided, how did we end up with a plan that potentially no longer supported this vision statement?

Providing public transport is DoT's remit – it is appropriate to consult with them to ascertain if the bus service would/should be extended into Precinct 16 West and utilise the proposed traffic signals at Blackshaws Road/Sutton Street.

Should DoT support this change (notably no change to the proposed road cross sections), the development plan(s) and supporting documents should be updated accordingly. This should occur prior to finalising the Amendment. If DoT requires road widening, further consultation with parties would be required.

(iv) Conclusions and recommendation

The Panel concludes:

- extending the bus service into Precinct 16 West has merit
- the development’s proposed road cross sections would be satisfactory when considered against the broader operating conditions of the surrounding local street network
- the proposed roundabout could readily be designed to accommodate bus traffic with widened splays
- Council should consult with DoT to ascertain their views prior to finalising the Amendment.

The Panel and Advisory Committee recommends:

Consult the Department of Transport to ascertain if the 432 Bus Route should be amended to utilise the East-West access road and Sutton Street to access Blackshaws Road using the proposed traffic signals. If the change is supported, the Development Plan Overlay Schedule 2 and development plans may need to be modified accordingly.

4.3.2 Vehicle crossings

(i) The issues

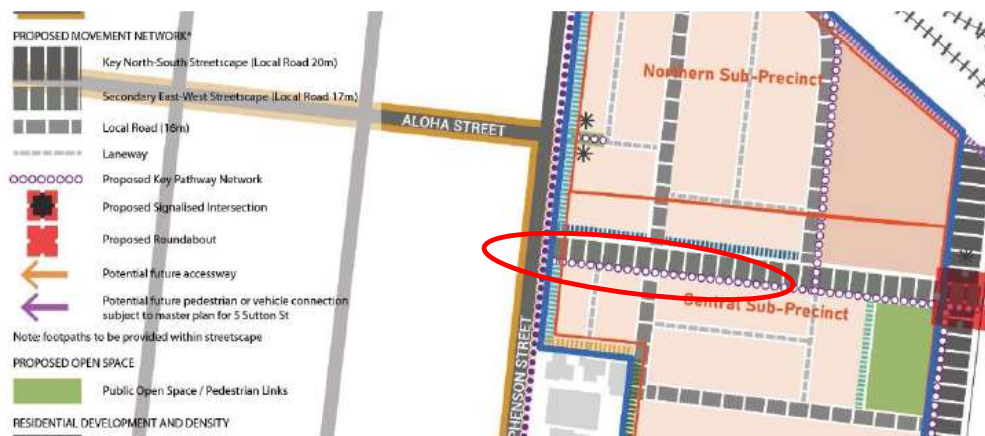
Should the development plan be amended to allow vehicle crossings to be introduced on the East West access street.

Urban design issues are discussed in Chapter 5.

(ii) Evidence and submissions

The Proponent submitted that banning vehicle crossings along the north side of the east west access road as shown in Figure 8 (highlighted with red oval) is not reasonably required and will have implications for the delivery of housing stock. Providing vehicle crossings onto the East West access road would provide a better housing product in line with customer demand.

Figure 8 Precinct 16 West Framework Plan (extract)⁴³



The traffic expert meeting noted that Ms Marshall believed that this requirement was overly prohibitive and access should be determined during detail design. Ms Dunstan did not support

⁴³ Document 80, p5.

direct access noting that these frontages form part of the key pathway network and direct access can be avoided with the development providing rear and side road access. However, it was generally agreed that this ultimately an urban design issue.

Ms Marshall, during questioning, identified that indented parking provides greater road capacity and less 'side friction' with passing traffic. She noted that the GTA assessment identified that the east west access road would ultimately carry around 1,000 to 1,500 vehicles per day which is the equivalent of a standard local residential street whereas a road with indented parking could be expected to accommodate 3,000 to 7,000 vehicles per day. She identified that 92.5 square metres of additional nature strip would be created with the conversion of indented to parallel parking taking into consideration the land set aside to provide new vehicle crossings into these properties. Removal of the rear laneway would also contribute to less hard standing areas.

Ms Marshall identified that there were no traffic issues associated with removing the rear [east-west] laneway on the north side of the access road.

Council submitted that the banning of cross overs was appropriate for both urban design and traffic reasons accepting Ms Dunstan's evidence that when planning for a new community the aim should be to limit conflict points between cars and pedestrians and provide rear vehicle access – consistent with the approach taken at the macro level within the framework plan which includes rear laneways for access across most of the precinct.

(iii) Discussion

The Panel concurs with the traffic experts that this is fundamentally an urban design issue (further discussed in Chapter 5) with traffic being subservient in this case.

In relation to traffic, of particular note was that the East-West access road is anticipated to carry relatively little traffic and would be consistent with traffic volumes experienced on a local road or lower order road. Further the proposed key pathway is located on the southern side, where higher pedestrian numbers are likely to be experienced.

In terms of vehicles entering and exiting driveways and 'side friction' associated with parallel parking, these movements and issues occur on the majority of local roads and are another potential 'tool' to encourage all motorists to travel appropriately and more safely.

Having said that, the broad principles identified by Ms Dunstan and incorporated throughout the framework plan to minimise conflict points between vehicles and pedestrians is sound, however as the expert meeting agreed, this is ultimately an urban design issue for this particular location.

(iv) Conclusion

The Panel concludes:

- there is no overwhelming traffic grounds as to why vehicle crossings could not be introduced on the north side of the East West access street.

4.3.3 Proposed uncontrolled cross intersections

(i) The issues

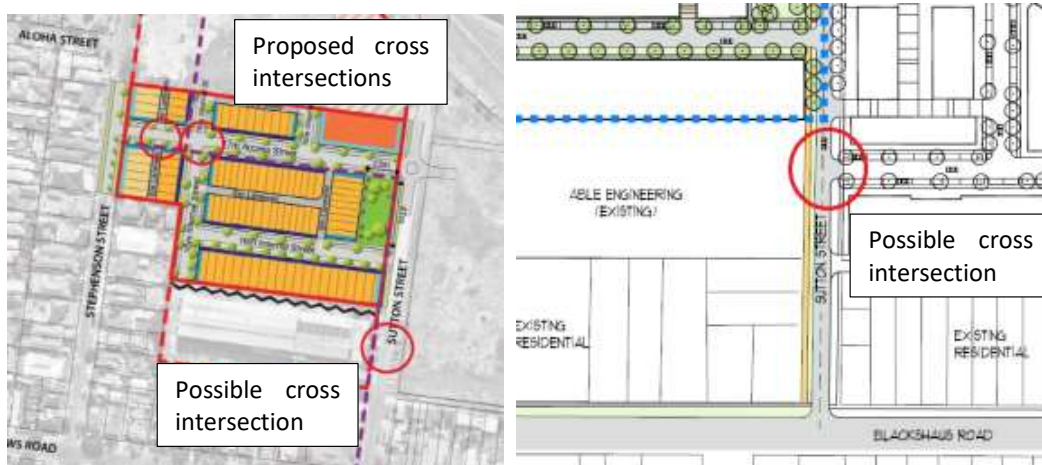
Are the uncontrolled cross intersections shown on the development plan appropriate from a road safety perspective?

(ii) Evidence and submissions

The Committee noted that there were a number of cross intersections shown on the Central Sub - precinct development plan (refer to Figure 9) which potentially create an unsafe environment for road users. Standard traffic engineering practice is to avoid cross intersections where possible, or install traffic management to enhance safety.

Of note, the traffic expert meeting agreed that the proposed roundabout at Sutton Street/East West access road cross intersection was appropriate.

Figure 9 Development Plan Central - Cross intersections⁴⁴



On questions from the Panel, the traffic experts advised that cross intersections could be treated with threshold treatments (different pavement to notify motorists on the lower order side streets they were approaching an intersection). Ms Dunstan advised that there would be very little ‘cross traffic’ as the majority of motorists would be turning left or right at these locations to head into or out of the precinct. The laneways would carry very little traffic and are unlikely to require specific treatment. Mr Fairlie noted that ideally the cross intersections should be treated with roundabouts or converted to two staggered T intersections.

(iii) Discussion

Road safety plays an important role in providing a safer environment for residents and the broader community. The Committee accepts the findings of the traffic engineers that these cross intersections should be treated to enhance safety, however the exact treatment and management of these locations can be resolved during detail design. The Committee supports Ms Dunstan’s view that the laneways are unlikely to require specific treatment.

As such, the development plans should be amended to show these intersections requiring traffic management.

Whilst a development plan for the Able Industries site has not been prepared, the Committee is cognisant that potentially another cross intersection could occur at Sutton Street. Careful consideration of how Able Industries site is ultimately developed and associated access arrangements will need to consider this issue.

⁴⁴ Document 55 Hollerich Town Planning, Central Sub-Precinct Development Plan March 2021.

(iv) Conclusion and recommendation

The Committee concludes:

- The uncontrolled cross intersections (excluding laneways) should be treated with traffic management and this can be resolved during detail design.

The Committee recommends:

Treat uncontrolled cross intersections (excluding laneways) with traffic management and:

- a) Amend the development plan(s) to show these intersections requiring traffic management**
- b) Resolve this issue during detailed design.**

4.3.4 Railway pedestrian crossing

(i) The issue

Is the existing railway pedestrian crossing satisfactory?

(ii) Evidence and submissions

Submitter 20 (Mr Milanese) and others in the community submitted that a grade separated pedestrian crossing should replace the existing crossing at the railway line at the north end of the site. This would remove delays for pedestrians and encourage walking and cycling.

Other submissions flagged issues with lighting and the crossing not being DDA compliant.

Ms Dunstan supported the upgrading of the existing level crossing to ensure DDA compliance and align with Council’s LAMP but noted that the Amendment would not trigger the requirement for the upgrade. She did not consider that a pedestrian bridge is required, as this is predominately a freight line and unlikely to impact pedestrians. Further, widening of the path (up to and across the railway line) would not be required as footpath capacity is unlikely to be exceeded.

Ms Marshall identified the relatively narrow footpath and how it was currently not suitable for cyclists as shown Figure 10.

Figure 10 Pedestrian rail crossing adjacent to site⁴⁵



⁴⁵ Document 26, p16.

DoT supported the realignment of the railway pedestrian crossing and that the existing path between Stephenson Street and pedestrian railway crossing be removed, and the rail corridor reinstated and fenced to DoT’s satisfaction. It supported updating the development plan accordingly.

Council submitted that VicTrack as manager of railway land and infrastructure advised that upgrading the crossing was not required as it already includes automated gates – a key safety feature.

Council in closing acknowledged the importance of the east-west pedestrian movements and submitted that the Northern Sub-precinct Development Plan and report should include more detail on how the gap in the northern acoustic barriers (refer to Figure 11) would be managed to ensure:

- safe and visible pedestrian and cycle access to the at-grade rail crossing
- appropriate noise attenuation due to the gap in the acoustic fence.

Figure 11 Development Plan Northern sub precinct – Pedestrian link and acoustic fencing⁴⁶



(iii) Discussion

The Committee accepts Ms Dunstan’s and VicTrack assessment that the existing railway pedestrian crossing arrangement is appropriate but upgrading to be DDA compliant and improved lighting are worthwhile initiatives, in particular, considering the importance of the east-west pedestrian (and bicycle link) at this location. However, it is acknowledged that much of this work is outside the scope of the Amendment as noted by Ms Dunstan.

Removing the footpath from the railway reserve and utilising the new roadways and footpaths within Precinct 16 West for pedestrians and bicyclist is supported.

In relation to how to treat the break in the acoustic fence, to provide pedestrian access to the railway crossing, is essentially a detail design issue that will require careful thought and analysis to ensure an appropriate and safe environment is created. Part of this analysis will require noise modelling to determine how best to manage the gap – potentially staggering and overlapping, or

⁴⁶ Extract from Northern Sub-precinct Development Plan.

providing additional length of acoustic fencing to shield the residential development from noise will be required – possibly transparent materials may be required to ensure passive surveillance. Essentially these details can be resolved during detail design.

The Amendment documentation should be modified to include:

- the DoT requirement for the redundant footpath between Stephenson Street and the railway pedestrian crossing to be removed from the railway reserve
- a pedestrian and cycling thoroughfare to railway crossing and associated gap in the acoustic fence, to ensure appropriate safety and noise control outcomes can be resolved during detailed design.

The Committee notes that the Central sub-precinct development plan's Figure 15 refers to the railway pedestrian crossing as an '*existing pedestrian bridge over rail line*' which may have led to some community confusion.

(iv) Conclusions and recommendation

The Committee concludes:

- The existing railway pedestrian crossing arrangement is appropriate but should be upgraded to include lighting and be DDA compliant. However, these works are outside of the Amendment scope.
- The redundant footpath between Stephenson Street and the railway pedestrian crossing should be removed from the railway reserve and noted accordingly on the development plan; its function will be replaced by the new links within the Northern Sub-precinct Development Plan.
- The pedestrian and cycling thoroughfare to railway crossing and associated gap in the acoustic fence, to ensure appropriate safety and noise control outcomes, needs to be resolved, as discussed in Chapter 3.

The Committee recommends:

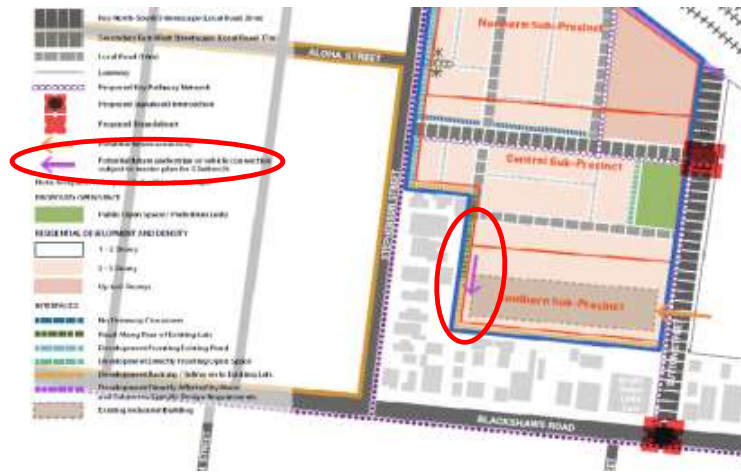
Remove the redundant footpath from the railway reserve between Stephenson Street and the pedestrian rail crossing from the Northern Sub-precinct Development Plan

4.3.5 Southern Sub-precinct – potential pedestrian or vehicle connection

(i) The issue

Should the potential future pedestrian or vehicle connection subject to masterplan for 5-7 Sutton Street [Able Industries/Brymart site] remain in the Framework Plan (refer to Figure 12).

Figure 12 Framework Plan - Potential pedestrian or vehicle link



(ii) Evidence and submissions

Brymart submitted that to maintain flexibility, it would be premature to show roads and the potential future pedestrian and vehicle connection into their site as it would unnecessarily restrict outcomes.

Mr Biles preliminary feasibility study for Brymart shows pedestrian and vehicle access from Sutton Street⁴⁷ and Mr Fairlie advised that, having undertaken a preliminary review of the proposed traffic signals operations, that Sutton Street should be able to accommodate traffic from any future and more intense development of this site.

The Proponent (neighbour to the north) had no issues with Brymart’s position.

Council more generally did not support Brymart Industries proposal for more intense development of their site.

(iii) Discussion

The Panel can sympathise with Brymart in wishing to maintain maximum flexibility moving forward as Able Industries do not intend to leave for some time, and have not undertaken the same level of detailed work as other parties.

The Framework Plan clearly shows a fine grade permeable road network throughout the precinct and providing a potential pedestrian or vehicle link is consistent with this philosophy. The Panel can see some benefit to the Able Industries site as it provides pedestrians with a direct link to the railway pedestrian crossing north of the site. There is less apparent benefit for vehicular traffic.

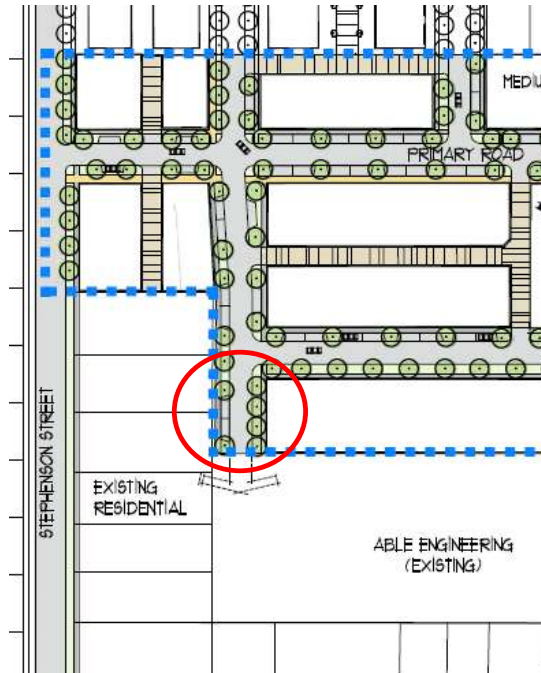
Providing this link is dependent on the outcomes of the master planning for the Able Industries site. This is yet to occur, and as such, it would be premature to remove the notation at this time.

This matter does however require further consideration and agreement by parties. If a pedestrian or vehicle link is ultimately not required, then presumably the proposed road stub into the north west corner of the Able Industries site becomes redundant (refer to Figure 13) and could be developed. Resolution of this matter should occur in a timely fashion to ensure an optimal

⁴⁷ Document 34 Mr Biles evidence Appendix C Apartment Feasibility Study.

outcome can be realised, but the Panel notes that this can occur outside of the Amendment process. A potential way forward may be to undertake a ‘mini master planning’ and workshop exercise around site access to see if this matter could be resolved.

Figure 13 Potentially redundant road stub⁴⁸



(iv) Conclusions

The Panel concludes:

- The potential future pedestrian or vehicle connection subject to masterplan for 5-7 Sutton Street [Brymart site] remain in the Framework Plan.
- Resolution of future pedestrian or vehicle connection should occur in a timely fashion to ensure an optimal outcome can be realised, but the Panel notes that this can occur outside of the Amendment process.

4.4 Able Industries (Brymart) site access

4.4.1 The issue

Able Industries would like to continue operations into the foreseeable future, and it is important that access and safety are maintained in a manner which recognises the competing residential and industrial use needs. Able Industries currently receive around two to three B-Double deliveries a week.

The issue is can B-Doubles safely enter and exit:

- Blackshaws Road from Sutton Street
- The Able Industries site with the proposed road cross section.

⁴⁸ From Site Plan – Development Plan Central Sub-Precinct.

4.4.2 Evidence and submissions

Mr Fairlie identified that the proposed interim and pre-ultimate access arrangements (as discussed in Section 4.2) provided safe access for B-Doubles to enter and exit Sutton Street from Blackshaws Road, ensuring that B-Doubles would not be required to cross into the opposing traffic lane on Sutton Street or Blackshaws Road. He noted that B-Doubles exiting Sutton Street should only turn right onto Blackshaws Road and could utilise Millers Road to the west to access Westgate Freeway and the broader road network.

In relation to B-Doubles entering the exiting the site, Mr Fairlie recommended that some Able Industries staff are trained in traffic management to control pedestrians and vehicles movements during these times, potentially two to three times per week, and desirably in off-peak conditions.

He identified minor widening of the existing vehicle crossing and gates to facilitate easier access and minimise encroachment; however, the east side of Sutton Street would require No Stopping signage⁴⁹, and he agreed that this could be augmented with (yellow) line marking.

Council was generally comfortable with the suggested arrangements, in particular:

- as footpaths could be installed along both side of Sutton Street
- B-Doubles would not encroach over Sutton Street eastern footpath when exiting or entering their site
- the proposed Sutton Street cross section could be implemented without modifications.

4.4.3 Discussion

It is important the Able Industries can continue to operate as residential development encroaches around their business. The Panel is satisfied that the proposed suite of works, including the interim and pre-ultimate intersection configuration, and Mr Fairlie's suggested access modifications should provide a safe environment for all road users.

The timing for when Able Industries should modify their crossover and utilise traffic controllers was not discussed during the Hearing. Practically, this may occur as part of the Sutton Street Stage 1 reconstruction works. However, it would be dependent on when pedestrian and traffic volumes have increased, principally associated with residential development within Precinct 16 East or West.

These issues are detail design and operational issues and are outside the Amendment process.

4.4.4 Conclusions

The Panel concludes:

- There are no traffic engineering grounds as to why Able Industries cannot continue to operate as residential development encroaches towards their site.
- The proposed suite of works including the interim and pre-ultimate intersection configuration, site access modifications, and Able Industries providing traffic controllers to manage pedestrian and vehicle traffic when large vehicles are accessing their site should provide a safe environment for all road users.

⁴⁹ Document 98 Mr Fairlie swept path analysis.

5 Urban design and site planning

5.1 Development Plan Overlay Schedule 2

5.1.1 The issue

The issue is whether the DPO2 is the appropriate tool to guide Precinct 16 West future development.

5.1.2 Evidence and submissions

Council submitted that the land, which is the subject of the Amendment, has been identified in the Hobsons Bay ILMS as surplus to the economic need for industrial use in Hobsons Bay and is appropriate for residential uses. Council consequently designated the land as a strategic redevelopment site.

Council added:

The ILMS nominates a range of considerations to be carefully integrated and balanced in planning for the Land's transition from industrial to residential land use. Those considerations include meeting the physical and social infrastructure needs of future users of the land and the broader community, responding to risks associated with pipeline infrastructure and land contamination on site and managing constraints as arise from existing land uses neighbouring and adjacent to the land, both industrial and residential.

It observed that the Amendment had the general support of the landowners with the exception of Brymart (5-7 Sutton Street). In addition, the Council sought to facilitate discussions between the three owners of the land and relevant agencies to ensure that *"the rezoning of the Land was approached in a coordinated, strategic and fair manner."*

Mr De Silva gave evidence for Council that the rezoning of the land had been foreshadowed for some time and is an outcome supported by the ILMS. He informed the Panel that he had been engaged to prepare an outline development plan to achieve a coordinated outcome. The outline development plan (ODP) he prepared became the Precinct 16 West Framework Plan in DPO2. His evidence was:

In this context, it is very important to recognise that whilst the Hobsons Bay City Council is the Planning Authority for the Amendment, in terms of the key inputs that have informed preparation of the Amendment and enabled the combined planning permit applications to be prepared (being the Precinct 16 West Framework Plan and the Informal Infrastructure Funding Framework) the City has adopted a proactive, 'facilitative' approach with the aim of achieving not only a good planning outcome but also a co-ordinated, equitable and practical approach toward funding and delivery of infrastructure (primarily the upgrade of Sutton Street).

Mr De Silva advised that he was not involved in preparing the planning controls including the DPO2. His evidence outlined the consultative approach taken in the ODP preparation. He agreed that not all issues were resolved by this process but the ODP provided a clear land use and transport framework. His evidence was that a key strength of the ODP was that it enabled each precinct to be developed independently.

He added:

Importantly, the role of the Precinct 16 West Framework Plan was to identify a preferred local street network including an indicative laneway network, shared public open space, overall density and height direction, streetscape controls including locations where vehicle cross overs are not allowed in order to maintain the continuity of street tree plantings and to

maintain the continuity of the built form, to show important pedestrian connections, proposed intersection types and potential access points for the Southern sub-precinct.

I am of the opinion that preparation of the Outline Development Plan which informed preparation of the Precinct 16 West Framework Plan and the Precinct 16 West Infrastructure Delivery and Apportionment Strategy were exhaustive, highly consultative processes that have provided guidance and equitable and practical outcomes that are of benefit to the precinct as a whole.

Mr Barnes planning evidence for Council was that the use of the DPO over the land is consistent *“with the planning intent of the control”* and the approach recommended by the C82 Panel, which dealt with Precinct 16 East. He considered the DPO the appropriate tool to apply because:

- there is a need to coordinate development between three separate ownerships
- it provides sufficient comfort for the community about the future development of the land
- it provides certainty for developers and simplifies the approval process
- it provides an opportunity to include conditions for planning permits
- there is an opportunity for Council to provide additional requirements on a strategic redevelopment site.

His assessment of the DPO was:

I note that most of the requirements are subjective rather than measurable. Most relate to what I would consider to be good planning and design principles that are appropriate to apply to most developments.

He recommended that in Clause 4.0 under ‘Built form and layout’ typical dwelling layouts for standard lot sizes should be provided throughout each sub-precinct because it *“is difficult to assess the ability of lots accommodate varied housing types without indicative dwelling layouts being provided.”*

Mr Barnes’ evidence was that the Framework Plan provided for an appropriate development outcome on the land with respect to the policy framework, the location of the land and the process undertaken by Council and the landowners. He observed that little detail is shown on the plan in relation to 5-7 Sutton Street and recommended greater detail be included to provide certainty to adjoining landowners.

The Proponent submitted that its issues with the DPO2 were drafting matters aimed at achieving greater flexibility.

Mr Milner’s planning evidence for the Proponent similarly supported the DPO2 and he concluded that:

... the DPO2 schedule has been written in the preferred strategic policy performance responsive manner rather than mandating requirements and provides an appropriate level of flexibility and rights of independent review if agreement cannot be reached on matters of detail.

He identified some points of difference with the DPO2 drafting however which are discussed in more detail in the following sections.

Newport Apartments submitted that the Amendment had *“strong support”*, was strategically justified and that:

With the exception of more minor matters of detail, the opinions of the technical experts have converged and resolved the key amenity issues for the DPO2.

It added that there was no dispute over whether the Amendment had made appropriate use of the VPP tools or the appropriateness of their content.

Mr Glossop's evidence for Newport Apartments was:

In general, I consider that the DPO is an appropriate tool to apply to the precinct to achieve an integrated and master planned outcome. It is my experience that this tool is regularly applied within this context and can provide a robust mechanism for facilitating development in a coordinated and integrated manner.

His evidence was that the DPO and development plan provided sufficient guidance to address the following requirements which were:

- The interface with and transition to residential development, particularly on the western side of Stephenson Street.
- The interface with and management of amenity impacts arising from the Spotswood Maintenance Facility.
- The interface with and management of amenity impacts arising from the existing industry at 5-7 Sutton Street.
- The protection of and management of amenity impacts arising from the pipelines that run adjacent to the northern boundary of the land.
- The remediation of the site as a result of any potential contamination.
- The provision of environmentally sustainable design and affordable housing measures.
- The management of traffic impacts.

He observed that the various authorities and pipeline operators have raised the need for the development plan requirements in relation to major pipeline infrastructure to be strengthened.

He added:

I understand that this is the usual practice for significant development involving sensitive uses within a measurement length of a pipeline and I support the requirement being reworded to reflect this.

Mr Glossop recommended modifying the requirements of the schedule to the DPO to require the preparation of a Safety Management Study and a resolution of whether notice is required to the pipeline operators and Energy Safe Victoria of any applications. Council agreed with this change.

Brymart submitted that the DPO2 should be amended to require acoustic treatment of any sensitive uses in proximity to its property at 5-7 Sutton Street. In addition, it should include a condition requiring a s173 Agreement to notify future landowners of the use of this site.

Brymart recommended rezoning its site to a Residential Growth Zone to enable a development of six to eight storeys on its land, essentially to cover its costs to relocate its industrial use to another site.

Mr Biles evidence was that the DPO2 is not an effective control to support the existing use on the Brymart land. He added:

To this end, the issue that presents itself is the capacity for this rezoning to manage the successful transition of Able Industries. It is clear that the built form outcome being offered by the Framework Plan incorporated into the DPO2 will come at a cost to Able Industries and their ability to relocate.

His evidence was that the DPO2, in effect, becomes the instrument to give effect to the relocation of Able Industries and transitioning the Brymart land to residential. His evidence was for this relocation to happen a development of six to eight storeys would be needed. Consequently, he recommended rezoning the land to a Residential Growth Zone.

During the Hearing amended versions of the exhibited DPO2 were provided to the Panel by Council, the Proponent and Newport Apartments. Other parties also recommended changes to

the DPO2. In anticipation of this situation, on 9 November 2021 the Panel issued its Directions which included the following:

47. Council must circulate its final preferred versions of the Amendment, draft permits and draft Development Plans ('Part C versions') by Friday, 24 December 2021. The Part C versions must be in MS Word, and must be tracked against the Day 1 versions.
48. Any party seeking to provide without prejudice tracked changes to Council's Part C versions, must circulate them by 12 noon on Friday, 14 January 2022.

On 23 December 2021 Council provided its final version of the DPO2.⁵⁰ On 14 January 2022 Vega, Brymart and Newport Apartments provided versions which proposed changes to the Council's final version.⁵¹ The Proponent provided its preferred DPO2 as part of its submission to the Panel.⁵²

Council's amended DPO2 included a number of changes to the conditions and requirements for permits dealing with noise attenuation. These were discussed in Chapter 0 above. A further change proposed to the conditions to apply for permits for development which effectively required the delivery of the signalised intersection on the corner of Sutton Street and Blackshaws Road prior to the approval of the statement of compliance for the 150th lot in Precinct 16 West. This has been discussed in Chapter 4.2.

Other Council changes included:

- clarification that the Traffic Impact Assessment should have regard to Precinct 16 East, Precinct 15, Precinct 17 and 31-69 McLister Street, South Kingsville and the Westgate Tunnel
- reference to the EPA publication 1826.4 *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, Publication 1826 (Noise Protocol)* in the acoustic and vibration report
- a requirement to engage with relevant authorities and stakeholders in assessing any impact on pipeline infrastructure
- a requirement for a report on the impact on infrastructure of staging the development
- a number of minor changes to correct errors or improve clarity.

The Proponent submitted that it opposed the reference to the EPA publication 1826.4. In addition, it proposed, in its version of the DPO2 the following changes to the Framework Plan:

- delete the laneway along the boundary with the northern sub-precinct
- delete the marking for 'No Driveway Crossovers' for the south side of superlot 1 or provide as a note 'Driveway crossovers are permitted along the north side of the Secondary East-West Streetscape for the section between the two local roads'.

The Proponent submitted that "*5 per cent of dwellings provided as affordable housing is a fair and reasonable contribution, provided Clause 6.1.1(b) is reworded to require only the value of the discount that would be provided if dwellings had been accepted*". It proposed rewording the affordable housing provision to:

Measures to facilitate the provision of affordable housing.

⁵⁰ Document 102.

⁵¹ Documents 105, 106 and 107.

⁵² Document 84.

Newport Apartments sought removal of the reference to approval of the statement of compliance for the 150th lot as the trigger for the delivery of the signalised intersection on the corner of Sutton Street and Blackshaws Road.

With respect to affordable housing Newport Apartments recommended rewriting the provision to:
Measures to encourage that an affordable housing contribution is provided.

It supported removing 'and according to their requirements' which Council had proposed adding to the report requirements in Clause 4.0 under the heading 'Major pipeline infrastructure'.

Vega proposed changing the affordable housing requirement to 4 per cent in line. It also suggested deleting the text '(subject to those activities being reasonable with regard to environmental noise obligations at existing sensitive uses)' which Council proposed to add into the noise conditions in Clause 3.0, and suggested its own more specific text related to SEPP N-1 and existing planning permits.⁵³

Brymart sought an additional condition in Clause 3:0 requiring a s173 agreement with the following text on any contract of sale:

This land includes industrial land at 5-7 Sutton Street, South Kingsville and is in close proximity to the State and nationally significant Spotswood Locomotive Maintenance Centre located to the north east. Consequentially, the land may be affected by noise or other amenity impacts associated with the operations and activities conducted in those areas.

Brymart also proposed the following changes:

- reference to B-Double truck movements in the traffic analysis and transitional arrangements
- removal of the notice and review exemption for a development plan prepared for 5-7 Sutton Street
- removal of the reference to the EPA publication 1826.4
- removal of the proposed future pedestrian access in the Southern Sub-Precinct of the Framework Plan.

5.1.3 Discussion

There was general agreement amongst the parties and their experts that the DPO2 is the appropriate tool to guide the future development of the Land. The discussion over matters dealing with noise and vibration and traffic and access have been discussed in Chapters 0 and 4 of this report respectively.

There was some dispute over some of the content of the DPO2 mainly to do with setbacks and access, that the controls that should apply to the property at 5-7 Sutton Street and affordable housing. These matters are discussed in more detail below.

The Panel accepts the evidence of most of the experts that the DPO2 is the appropriate tool to guide the future development of the land. The Panel acknowledges that the Council's version of the DPO2 has evolved over the course of the Amendment and a number of changes have been made in response to submissions and the evidence of experts, particularly in relation to noise and vibration. For this reason, the Panel has used the Council's final version of the DPO2⁵⁴ as the basis for its assessment of the provisions.

⁵³ As discussed in Chapter 3.

⁵⁴ Document 102.

The Panel agrees with the submission of Newport Apartments that the differences in approach to the DPO2 are, for the most part, minor in nature. However, some of the changes have the potential for a significant impact. Consequently, these issues have been discussed separately in the preceding and following sections.

5.1.4 Conclusion

The Panel concludes:

- the DPO2 is the appropriate tool to guide the future development of Precinct 16 West.

5.2 5-7 Sutton Street, South Kingsville

5.2.1 The issue

The issue is whether the provisions of the DPO2 that apply to the land at 5-7 Sutton Street South Kingsville are appropriate.

5.2.2 Evidence and submissions

Council submitted that the Amendment provided for a range of building heights. It acknowledged that the location is not one that would normally strategically support six storey development. However, six storey development was seen as appropriate because of the need for acoustic measures to mitigate noise from the SMC. This approach was consistent with the development approved on the east side of Sutton Street and the building heights graduate from the six storey component to a mix of two and three storeys as shown in Figure 5 (the Framework Plan in DPO2).

Council added that development interfacing with Stephenson Street was limited to two storeys with front setbacks to respond to the *“lower scale and form of the existing residential environment on the west side of Stephenson Street.”* It informed the Panel that there is a *“carefully planned future urban framework presented within the DPO2”* which was supported by all the experts.

It stated:

The range, and transition, of heights will suitably allow for the delivery of significant housing change envisaged by Council’s Housing Strategy 2019 while responding to context.

Council submitted that the case put by Brymart was that the heights proposed for the southern sub-precinct were too low. It paraphrased Brymart’s proposal as a:

... wish to win an incentive in financial terms of an order that is said to comprise the basis to facilitate Able (Brymart) relocating their business operations to other premises.

Council stated its view as:

... Council does not consider any increase to the heights identified in Amendment for the southern sub-precinct as in any way warranted.

Mr Barnes evidence was that because of the nature of the surrounding area, a residential development two to three storeys was *“generally appropriate”* for the Land. He added that the proposed six storey building in the north east corner of the Land was inconsistent with the residential development proposed and its only justification was to act as a noise barrier to the SMC. He stated:

Whilst the apartment development will provide housing diversity and choice within the subject site, housing of that height and density is not proposed due to the intrinsic strategic location attributes of the land. This was confirmed by the Tribunal in relation to appeal regarding Precinct 16 East, in which the Tribunal commented on the lack of strategic justification for higher density housing within that precinct.

His evidence was that higher densities would not be strategically justified given planning policy and the locational context of the land. He added that the land at 5-7 Sutton was different to other parcels in two ways:

- It contains an existing industrial use in a building that is 15.4 high (at its highest point), that is intended to continue to operate.
- It has immediate abutments to one and two storey residential development and a child care centre (car park), along both its southern boundary and its western boundary.

He informed the Panel that any change to the controls exhibited for the Brymart land would have the following implications:

- the Amendment would need to be re-exhibited
- the building form for the Central Sub-precinct would need to be revised
- a four storey or higher development would likely be made of apartments not the town house typology proposed for the land
- the Amendment and draft development plans have been prepared on the basis of a two to three storey height limit
- it would allow heights and densities that lack strategic justification.

He considered the Framework Plan would provide for an appropriate development outcome but, with respect to 5-7 Sutton Street, he observed the colour applied to the land in the Framework Plan was not associated with a building height in the legend. He recommended that 5-7 Sutton Street be included in the 2-3 storey building height colour in the Framework Plan.

He also observed that the Framework Plan showed little detail in relation to 5-7 Sutton Street. He recommended that greater detail was needed to provide certainty to adjoining landowners. The matters to be addressed were:

- the type of residential development (apartment or townhouse)
- the location and type of access roads
- integration with the development of the Central Sub-precinct
- connections (pedestrian and vehicular) with the land to the north.

Brymart informed the Panel that site occupier, Able Industries, was an internationally significant metal fabrication business with a wide range of clients including the Australian Defence Force. It submitted that its outstanding issues were:

- protection for Able Industries' ongoing operations
- flexibility for higher density development of its land
- adequate infrastructure to support higher density
- changes to the amendment documents.

Brymart submitted that Able Industries, under Clause 63.01, has existing use rights for the site use and it *"does not intend to relocate or cease operations at the Subject Site in the foreseeable future."* It added that Clause 53.10 requires a 500 metre buffer from residential land. However existing dwellings, as well as those enabled by the Amendment, do not meet this requirement.

It submitted that the most appropriate mechanism for dealing with this matter was to implement the recommendations of the acoustics expert meeting which were:

- acoustic attenuation at the future sensitive use
- a condition in the DPO2 requiring the registration of a s173 Agreement (prior to a certificate of completion or similar) to inform the future sensitive uses of the existing use.

Brymart submitted that the Amendment in its current form is an underdevelopment of the site. In addition, the “*commercial reality*” was that, under the proposed controls, Able Industries would incur a significant loss if required to relocate. It proposed rezoning the land to RGZ and concluded:

... that the proposed controls over the Subject Site are too restrictive given the Subject Site's characteristics and the timeframe in which the Subject Site is likely to be redeveloped for a non-industrial use, and represents an underdevelopment of the Amendment Land, and more particularly the Subject Site.

Mr Biles' evidence was that the Amendment would have a negative impact on Able Industries which needed to be considered in the context of net community benefit and sustainable development consistent with the principles of Ministerial Direction 11. His evidence was:

I consider the relocation of Able Industries to be a key issue that needs to be resolved before planning provisions are introduced that recommend / encourage the relocation of the industry and the 'transition' of the area from industrial to more intensive residential use / development.

He questioned whether the proposed zone and DPO2 were the appropriate tools to manage the transition of the site. He informed the Panel that modelling demonstrated that a “*6-8 storey building could be successfully introduced on to this large site and interact with neighbours in a respectful manner if carefully designed.*” The increase in yield would raise the value of the land and drive the process of transition. This type of development would require either the RGZ or MUZ to be applied to the land. He proposed a DDO to manage building setbacks and design matters. He concluded that the Amendment did not provide a fair outcome for an existing and viable business.

Newport Apartments submitted that it did not support any action which would delay the progress of the Amendment.

A number of submissions including those from Mr Summers, Ms Puopolo and Mr Moscato⁵⁵ expressed concern over the level of development proposed by the Amendment. These submissions identified the proposed six storey building height was out of character with the area and likely to cause traffic and parking problems. They also expressed concern about the proposed development being too intense to allow for the provision of canopy trees.

5.2.3 Discussion

The Panel acknowledges the potential issue of noise and vibration, particularly in the case of the Brymart land where it is proposed that new residential development will occur on its northern boundary. These matters have been dealt with in Chapter 3 of this report.

In the Panel's view, the site at 5-7 Sutton Street could support more intensive development. The main issues would be access to and from the site and the eventual signalisation of the Sutton Street and Blackshaws Road intersection and the interface with the existing and proposed dwellings. The Panel accepts that the trigger for the signalisation of the intersection proposed by Council and discussed in Chapter 4 is appropriate and could equally apply to the redevelopment of the Brymart land.

However, because the land can be development at a higher density does not address the issue of whether it should be developed for a higher density. Brymart argued that any uplift in value by the proposed rezoning of the land would be more than cancelled by the cost of relocating Able

⁵⁵ Submissions 3, 13 and 2 respectively.

Industries. In its view this was an unfair outcome. Council argued that there is no strategic justification for higher densities. Indeed, Mr Barnes view was that there was no strategic justification for a six storey building in the north east corner. The Panel was persuaded by Mr Barnes's evidence and agrees that, given the location of the land and the absence of any transport node or activity centre in the general area, the GRZ is the appropriate zone for the land.

Ministerial Direction 11 requires that changes to the Planning Scheme require strategic justification and how it implements State and local planning policies. In this respect, Mr Barnes' evidence was persuasive, and the Panel agrees that the Amendment, which has developed over a considerable time, has its origins firmly based in planning policy.

A feature of the DPO2 is that it removes third party notice and appeal provisions. In effect, the exhibition of the Amendment is then the opportunity for the community to provide its comments. A number of submissions expressed concern about the proposed height of development where the proposal for 5-7 Sutton Street was 2-3 storeys and not the 6-8 proposed by Brymart.

In the Panel's view, Brymart's proposal would transform the Amendment and the community have not been afforded the opportunity to assess such a proposal and would be excluded from doing so by the DPO provisions. Even if the Panel were of a mind to support the proposed height increase it would have to be re-exhibited. Given the time that has been invested in getting the Amendment to this point, in the Panel's opinion this would result in an unreasonable delay to this Amendment. Further significant changes to the controls on the Brymart land would need to be considered as part of a separate amendment.

Brymart suggested splitting the Amendment to allow changes proposed for its site to be separately exhibited. However, in the Panel's view this approach does not address the fundamental issue of the lack of strategic justification for higher density on the site.

The Panel agrees with Mr Barnes' suggestions, that the Brymart land should be included in the 2-3 storey colour in the Framework Plan and that more detail about the integration of the Southern and Central Sub-precincts should be included.

5.2.4 Conclusions and recommendation

The Panel concludes with respect to 5-7 Sutton Street, South Kingsville:

- The provisions of the DPO2 are appropriate.
- The General Residential Zone is the appropriate zone for the land.
- The land should be included in the 2-3 storey colour in the Framework Plan.
- The DPO2 Framework Plan should include more detail about the integration of the land with the Central Sub-precinct.

The Panel recommends:

With respect to the land at 5-7 Sutton Street, South Kingsville:

- a) **Amend the Framework Plan in the Development Plan Overlay Schedule as included the Panel Preferred version in Appendix E:**
 - **to include the land in the colour depicting the 2-3 storey areas**
 - **to provide more detail about access to the land and the connection, if any, to the land to the north.**

5.3 Urban design and setbacks

5.3.1 The issues

The issues are:

- whether the DPO2 provisions in relation to the East West Access Road through the Central Sub-precinct are appropriate
- whether the DPO requirements for front setbacks are appropriate.

5.3.2 Evidence and submissions

The Proponent identified that the DPO2 Framework Plan included a notation specifying no driveways on the southern side of the East West Access Road through the Central Sub-precinct. This was opposed because it would impact its preferred housing design by requiring vehicle access from a rear lane resulting in three storey dwellings or a loss of yield. The Proponent's preference was for front access directly from the road which would facilitate two level dwellings with architectural treatment to reduce the prominence of garages.

Mr Milner's supplementary evidence was that there was merit in the "small variation" sought. He added:

The opportunity to provide a different housing product with a greater open space, a more generous lot and the benefits of a northern orientation should be viewed as a positive liveability outcome.

His evidence was that sufficient space would be available for the planting of canopy trees and crossovers were a feature of Stephenson Street and "part of the character and functionality of the locality." He added that the front setback requirement of three metres could be reduced to two metres to enable opportunities for landscaping with street planting in the spaces between indented bays. In support of his evidence, Mr Milner provided indicative plans showing a typical layout.

Council submitted:

In urban design terms, Council is striving to ensure that the neighbourhood will comprise of 'streets for people' (and by extension, streets that are focussed on pedestrian safety and amenity, not designed to achieve vehicle needs ahead of other forms of traffic).

Council informed the Panel that the DPO2 allowed for alternative design solutions as part of the permit application process and that it agreed with Mr Barnes that the development plans should include references to proposed lot layouts.

Council submitted that the plans relied on by Mr Milner were prepared for a different site and have a different context. It added that at the amendment stage the anticipated lot yield is not fixed and there is no specific target to be achieved and that:

The rezoning of the Amendment land will lead to substantial change. The ambition of the Housing Strategy to encourage increase housing supply and densities in SRAs will be realised. There is no sense in which it can be said that the need to increase housing numbers and change should be achieved at the expense of other proper planning and urban design goals.

Council submitted that it regards the lot layout in the Development Plan as indicative and the requirement for a 3 metre setback was to allow more planting in this area to achieve the "urban design benefit to the public realm and the achievement of the goals of Council's Urban Forest

Strategy.” It added that a 2 metre setback would not provide sufficient space to plant or maintain a tree.

5.3.3 Discussion

The DPO2 provides the framework for the more detailed development plans. Whilst Clause 4.0 ‘Requirements for a development plan’ states that the development plan “*must be prepared for the site to the satisfaction of the responsible authority*” so as to achieve the Vision and “*be generally in accordance with the Precinct 16 West Framework Plan Clause 5.0 to the satisfaction of the responsible authority.*”

The Panel anticipates that the ‘satisfaction of the responsible authority’ will be achieved by Council approving a development plan. Nevertheless, a degree of flexibility is provided by the words ‘generally in accordance with’ and, in the Panel’s view, this is the intent of the Overlay. It provides guidance through the DPO2 which then allows landowners to respond through the preparation of a development plan.

Mr Milner acknowledged this in his response to questions confirming the Panel’s view that the changes he proposed could all be approved under the exhibited DPO2.

The Panel accepts Council’s submission that there are sound urban design reasons for resisting the changes proposed by the Proponent. With respect to the front/rear access and indented parking the traffic merits have been discussed above. However, in the Panel’s view, front access would result in a streetscape dominated crossovers and garages which would be a poor urban design outcome. For this reason, the Panel does not agree to removing the notation on the Framework Plan, particularly in what is a vacant brownfield development site.

The Panel also supports Council’s rationale for retaining a three metre front setback because it enables more significant planting to occur other than in the public realm. The Panel notes that providing indented parking is a requirement of the Central Sub-precinct Development Plan and supports its retention for the potential benefit to the public realm.

The Panel does not support Mr Barnes’ evidence that the DPO2 should include standard lot sizes for the sub-precincts. In the Panel’s view this would make the Schedule too prescriptive and not provided the flexibility normally found on a DPO.

5.3.4 Conclusions

The Panel concludes:

- The DPO2 provisions in relation to the east west access road through the Central Sub-precinct are appropriate.
- The DPO2 requirements for front setbacks are appropriate.
- The Committee supports the retention of the three metre front setback.

5.4 Affordable housing

5.4.1 Background

Clause 4.0 of the DPO2 contains the following provision under the heading Affordable Housing:

Measures to encourage that an affordable housing contribution is provided equivalent to 10 per cent of the total number of dwellings to be developed in each sub-precinct.

5.4.2 The issue

The issue is whether the DPO2 requirement for a 10 per cent affordable housing contribution is justified.

5.4.3 Evidence and submissions

Council referred the Panel to Directions 2.3 and 2.4 of Plan Melbourne which seek to facilitate the supply of social and affordable housing and Clause 16.01-2S of the Planning Scheme which has the objective:

To deliver more affordable housing closer to jobs, transport and services

Council also referred the Panel to its 2016 Affordable Housing Policy Statement. This statement includes the following provision for strategic redevelopment areas and strategic redevelopment sites:

Council will:

Seek 10 per cent non-market affordable housing (as per the previous iteration of this policy statement) until a revised trigger is in place

Capture the betterment uplift of zoning changes, amended planning controls (e.g. building heights), or significant public infrastructure investments (e.g. road or rail changes)

Be incorporated in planning overlays, Section 173 Agreements, and or planning conditions.

Council provided the Panel with recent examples of affordable housing contributions that ranged from 5 to 10 per cent provided in recent development approvals. Council noted that Precinct 15, as part of Amendment C88hbay, provided *“5 per cent constructed and offered for sale to a registered agency at a discount of 25 per cent to the market value.”* Council acknowledged that this was less than the 10 per cent sought as part of this Amendment but was offset by provision of a community facility and unencumbered public open space.

Council advised that it had established the Hobsons Bay Affordable Housing Trust and had endorsed Housing Choices Australia as the Trustee. It added:

In Council’s submission, there is ample policy support to justify a requirement on the Owners to deliver affordable housing at the upper end of the spectrum of affordable housing contributions attained by Council at strategic redevelopment sites in recent years.

The position advocated for by Council in relation to this Amendment is not 10% built and delivered, but 10% built and delivered at a discount to market value.

Council invited the Panel to comment of the wording of the DPO2 and the s173 agreement in relation to affordable housing.

Mr Barnes’s evidence was that there is strong policy support for a requirement to provide affordable housing as part of any redevelopment. He added that there is *“strong precedent to require affordable housing to be provided by way of a Section 173 Agreement.”* He observed that the policy has not been incorporated into the planning scheme and concluded:

In relation to the proportion of affordable housing required to be provided, it is up to Council to justify the proportion sought in relation to Precinct 16 West.

The Proponent submitted that in discussions with Council clause 6.1.1(b) of the affordable housing draft s173 agreement was amended to clarify the amount of the contribution to be made. Council

provided this amended agreement as its day three version.⁵⁶ As a consequence, the Proponent advised that only the following two matters remained unresolved with respect to affordable housing:

- the percentage of dwellings to be provided as affordable housing: Council seeks a contribution of 10 per cent, whereas the Proponent considers 5 per cent is appropriate
- the fact that there ought to be separate s173 agreements for each landowner – such that the contribution of one landowner is not tied to the contribution of any other landowner.

The Proponent submitted that there is no provision in the planning scheme that requires an affordable housing contribution. It added that there is nothing in the DPO2 that explains that the contribution is a discount on dwellings rather than the gifting of constructed dwellings. In addition, there is no evidence that supports a 10 per cent contribution rate and:

Quite to the contrary, Council's proposed 10 per cent contribution is not supported by the expert evidence they have called.

The Proponent stated that the 10 per cent contribution was an aspirational target which Council have not sought to include in the planning scheme. It concluded:

Nevertheless, Alceon does not object to a further requirement for an additional affordable housing requirement, but considers 5 per cent of dwellings provided as affordable housing is a fair and reasonable contribution, provided Clause 6.1.1(b) is reworded to require only the value of the discount that would be provided if dwellings had been accepted, as detailed above.

Mr Milner's evidence was that a 5 per cent contribution to affordable housing was typical in his experience.

Newport Apartments submitted that it was opposed to any mandatory requirement for an affordable housing contribution because it lacked a strategic basis and there is no lawful mechanism in place to implement such a scheme. It added that, in the absence of such a framework, any implementation of affordable housing should be based on negotiation and agreement.

Newport Apartments set out the contributions in the following strategic redevelopment areas:

- Precincts 15 - 5 per cent contribution based on a 25 per cent discount
- Precinct 16 East - 5 per cent contribution based on a 25 per cent discount
- Precinct 17 - 0 per cent contribution.

It observed that the draft s173 agreement was not part of the documents exhibited with the amendment documentation. It submitted:

As previously stated, NAV is not opposed to making an affordable housing contribution on the same terms as was agreed for Precinct 16 East.

Mr Glossop's evidence was that Amendment C131hbay proposed to implement the Affordable Housing Policy Statement by making it a background document in the Planning Policy Framework. He added that the C131hbay Panel observed that further strategic work would be required if Council wished to pursue affordable housing through the planning process and the Panel recommended the following:

At Clause 74.02 (Further strategic work) include "Implement into the Planning Scheme a framework for addressing affordable housing."

⁵⁶ Document 79.

Mr Glossop stated:

In the absence of clear, State government direction, many planning authorities like Hobsons Bay have adopted policy statements and have sought to direct more affordable housing outcomes through various measures, including policy, the use of the Development Plan Overlay and tailored zones and schedules that require either mandatory or discretionary outcomes.

His evidence was that he agreed with the concerns expressed by the C131hbay Panel that a municipal wide framework is required and additional strategic work is needed to justify that framework. As a consequence, he did not consider the 10 per cent requirement justified.

Vega submitted that the 10 per cent should be on the basis of an uplift in value as a result of the Amendment and this needed to be clarified. It added if this position is not clarified, Council could adopt 10 per cent as its default position.

5.4.4 Discussion

The Panel, like the parties, does not dispute the need for affordable housing to be part of the redevelopment. The Panel notes that one of the objectives of the PE Act is to “*facilitate the provision of affordable housing in Victoria*” and s173 allows an agreement to provide for affordable housing. Nevertheless, neither the Planning Scheme nor the PE Act specify a quantum or methodology for calculating the provision of affordable housing. In effect this is left to be negotiated by the parties and then formalised by an agreement.

The Panel accepts the submissions of the Proponent and Newport Apartments that the Council’s Affordable Housing Policy has not been incorporated into the Planning Scheme and therefore has not been subject to the examination and assessment that an amendment would require. As a consequence, there has been no strategic justification of the proposed 10 per cent requirement. In addition, a 10 per cent requirement appears to be a significant increase over what has been agreed in other strategic redevelopment sites.

The Panel notes that both the Proponent and Newport Apartments, in their written submissions, have confirmed their support for a 5 per cent affordable housing contribution based on housing built and delivered at a 25 per cent discount to market value. In the Panel’s view this is a useful base for Council and the landowners to commence negotiations and eventually reach an agreement that can be embodied in a s173 agreement.

The Panel supports the position of both the Proponent and Newport Apartments that the contribution rate in the DPO should be specified as 5 per cent, but as a minimum and the wording of the requirement should be amended to clarify that this contribution applies to a 25 percent discount to the market value. The Panel also agrees that there should be an agreement for each landowner. The Panel is not persuaded by the submissions of the Proponent and Newport Apartments that the changes proposed to the wording of the affordable housing requirement by removing reference to a percentage rate is appropriate. In the Panel’s view the percentage should be specified as 5 per cent given that both parties have submitted that this is a reasonable quantum. In addition the percentage should be specified as a minimum to allow Council to negotiate a different rate.

The Panel observes that the draft s173 agreement has been amended to deal with the concerns of the Proponent, other than the 10 per cent. However, Newport Apartments have proposed further changes. Other than agreeing that the changes proposed by Council to Document 79 are appropriate, the Panel makes no further comment on the agreements. In the Panel’s view the

format of the agreements should be discussed and negotiated between the parties and eventually agreed and it is not the role of the Panel to predefine what should be included in the agreement.

5.4.5 Conclusions

The Panel concludes:

- The provision of affordable housing should be a requirement of the DPO2.
- The requirement of 10 per cent lacks strategic justification.
- The provision of affordable housing is subject to agreement between the landowners and Council.
- A requirement of 5 per cent is consistent with the requirements of other strategic redevelopment areas.
- The DPO2 requirement for the provision affordable housing should be clear that it applies to a 25 per cent discount to the market value.

The Panel has recommended new text under the heading Affordable housing in Clause 4.0 of the Panel Preferred version of Schedule 2 to the Development Plan Overlay as shown in Appendix E.

6 Other issues

6.1 Pipeline protection

6.1.1 The issue

The issue is whether the Amendment and draft development plans adequately account for the need to protect existing hydrocarbon pipelines and new residents in the area.

6.1.2 Evidence and submissions

A number of agencies and pipeline operators/owners made submissions to the Amendment and Mobil attended the Hearing.⁵⁷ These submissions were not objections to the Amendment but sought to ensure that pipelines in the area along the northern boundary and Stephenson Street are acknowledged and planned for during the transition of the site from industrial to residential use.

Energy Safe Victoria (ESV) identified the pipelines as:

- Somerton Pipeline (PL-118) owned by Mobil Aviation (JUHI) runs in the railway easement north of Precinct 15 & 16.
- BP has an abandoned pipeline running along the Blackshaws Road.
- PL19 owned by AusNet Services runs along Stephenson St and Blackshaws Road next to proposed precinct.
- APA VTS PL108 along Moresby Street and Birmingham Street also passes behind the site.

ESV submitted that the DPO2 should include PL19 above which Council accepted.

APA Group provided a comprehensive submission noting the regulatory framework around pipeline protection through the Pipelines Act 2005. They outlined a number of issues and submitted, in summary, that the following changes should be made to the Development Plan:⁵⁸

- the South Melbourne – Brooklyn high pressure gas pipeline should be included on the Development Plan
- the development plan should specify a 3 metre minimum setback from the above pipeline.

And the following changes be made to DPO2:

- Include the above pipeline in the schedule and include requirements for a risk assessment and implementation of its recommendations.

In addition to the revised text in Clause 4.0 of the DPO2 (discussed further below), Mobil submitted there should be a higher degree of detail in DPO2 covering, in summary:⁵⁹

- details of construction management
- details of protective design measures

⁵⁷ See Energy Safe Victoria Submission 9, Mobil submission 24, APA Group Submission 31, VicTrack Submission 32.

⁵⁸ Submission 31, page 4.

⁵⁹ Document 19.

- specifying no 'sensitive uses' as defined in the Australian Standard AS2885.6:2018 (*Pipelines - Gas and liquid petroleum Pipeline safety management*) within 200 metres of the Somerton pipeline
- a landscaping plan for the northern boundary to ensure landscaping and tree species do not impact the pipelines.

Council submitted that wording had been developed which accounted for most of the issues raised by the above submitters.⁶⁰ The final wording as proposed in Clause 4.0 of DPO2 was:⁶¹

Major pipeline infrastructure.

A report that outlines the impact of the proposed development of that sub-precinct of the site adjacent to pipeline infrastructure both during construction and post-construction on the Somerton to Altona, South Melbourne to Brooklyn and West Footscray to Williamstown Licensed Pipelines, in the context of a pipeline risk assessment, and any measures required to ensure the ongoing maintenance and operation of the pipeline.

This report must be prepared in conjunction with the relevant authorities and stakeholders and according to their requirements. The recommendations of this risk assessment are to be incorporated into any final development plan approval.

Council considered that the additional detailed requirements sought by Mobil were unnecessary, as they were addressed in legislation or elsewhere in the DPO and development plans.

As mentioned in section 5.1.2 Newport Properties sought to remove '*and according to their requirements*' from the above schedule wording.

6.1.3 Discussion

The Panel notes that the development adjacent to pipelines issue has been addressed thoroughly in Precinct 16 East and the approach taken here is broadly similar. The Panel considers the changes to the *Major pipeline infrastructure* part of the DPO2 schedule are important and coupled with the separate legislative and regulatory regime should ensure any risk is managed to an acceptable level.

The Panel does not consider the additional detail requested by Mobil is necessary as most of these elements are either covered in the revised Major pipeline infrastructure text or elsewhere in the DPO, as well as in the requirements of the *Pipelines Act 2005*.

The Panel also does not accept the deletion requested by Newport Properties; it considers the requirements of the regulatory agencies and pipeline owners/operators are critical to this issue.

The Panel supports the inclusion of, and consistent reference to, the South Melbourne – Brooklyn high pressure gas pipeline in the Northern Sub-precinct Development Plan and has recommended accordingly below.

6.1.4 Conclusions and recommendation

The Panel concludes:

- The risk to pipelines and future residents can be managed to an acceptable level.
- Revised wording is required as submitted by Council following further discussion with pipeline owners, operators and regulators.

⁶⁰ Noting that in section 5.1.2 the planning experts agreed that further wording was required around the pipeline issue.

⁶¹ Document 102.

The Panel has included the agreed wording to DPO2 in Appendix E.

The Committee recommends:

Modify the Northern Sub-precinct Development Plan to ensure the South Melbourne – Brooklyn High Pressure Gas Pipeline is referenced to be consistent with the Somerton – Altona Joint Venture pipeline.

6.2 Economics and Able Industries

6.2.1 The issue

The issue is whether the cost of relocating Able Industries is a relevant matter for the Panel.

6.2.2 Evidence and submissions

Brymart submitted that the amendment, in its current form, would place Able Industries at a disadvantage which acts as a significant deterrent to relocating its activities. It added:

...that the Panel should have due regard to the fact that not only does the Amendment in its current form represent an underdevelopment, but that the commercial reality of relocation is such that the current controls proposed by the Amendment are such that Able Industries would be at an astounding loss if it were required to relocate.

Ms Carstairs gave economic evidence for Brymart on the likely costs and financial returns associated with the following development scenarios:

Scenarios 1a and 1b

Acquiring and developing a like-for-like facility to that on the Site, on land to be acquired in Hobsons Bay (1a) or Wyndham (1b) to allow for the relocation of Brymart's existing tenants

Scenarios 2a and 2b

Undertaking a townhouse (2a) or apartment (2b) development on the Site in accordance with the planning controls contemplated by Amendment C114;

Scenarios 3a and 3b

Undertaking a 6-level (3a) or 8-level (3b) apartment development on the Site in accordance with alternative zoning to that contemplated by Amendment C114.

These scenarios were chosen to *“to identify the associated costs in relocating Brymart and development potential of the site under new planning control.”* She advised that scenarios 2 and 3 were based on indicative and planning scheme compliant plans prepared by Ratio Consultants.

Her evidence was that the cost for Able Industries to relocate to Wyndham (Scenario 1a) or elsewhere in Hobsons Bay (Scenario 1b) would be in the order of \$16.51 to \$16.95 million respectively. Scenarios 2 and 3 then explored the more detailed cost estimates for the potential development options for the land at 5-7 Sutton Street where Brymart sold the land to a developer or where it elected to develop the land.

Her conclusions were:

Scenarios 2a and 2b identify that if Brymart were to sell the Site with the proposed Amendment C114 in place, a third-party developer would be likely to pay between \$4,500,000 and \$5,064,188 (to undertake a townhouse development) or \$3,000,000 and \$4,132,543 (to undertake an apartment development).

Accordingly, under Amendment C114, it is apparent that it would cost Brymart more to relocate to new premises than it would expect to receive under a sale of the Site.

Should planning controls provide for a higher yielding scheme (such as those contemplated by Scenarios 3a and 3b), it would still likely cost Brymart more to relocate to new premises than it would expect to receive under a sale of the Site.

On the other hand, were Brymart to redevelop the Site as contemplated by Scenarios 3a or 3b, Brymart's returns under these scenarios would exceed the costs associated with relocating their tenants businesses to a new premises under both Scenarios 1a and 1b.

Council submitted that the development yield needed to render relocation of Able Industries feasible is a private economic matter and not relevant to the Panel's considerations. It referred to the Melbourne C207 Panel report and *Dustday Investments Pty Ltd v Minister for Planning [2015] VSC 101*. Council added that the approach required in PPN47 Strategic Assessment Guidelines is a consistent reference to the economic wellbeing of the community and not an individual landowner.

Council argued that the development feasibility provided by Ms Carstairs did not extend beyond 2021. It submitted that under cross examination Ms Carstairs agreed that circumstances may well change over time. Council added:

What is also clear from the extended consideration to the relevance of economic considerations at the Amendment stage in the report of the Melbourne C207 Panel is that whenever consideration is to be given to alleged adverse economic consequences of an amendment, the potential positive economic consequences also need to be considered, and that the exercise of considering the positives and the negatives cannot be confined to a short term view (i.e. the immediate consequence of a given rezoning or change to the controls applied to land by a scheme) but there also needs to be regard had to the long term positive and negative impacts as well.

6.2.3 Discussion

The Panel understands that the work undertaken by Ms Carstairs is based on a number of assumptions and estimates. For example, changes in the bedroom configuration of the dwellings and the yield can produce different results. This goes some way to explaining the different costs per dwelling in Ms Carstairs calculations, particularly in the two apartment configurations of scenario 3. However, the Panel acknowledges that these differences are an inevitable component of providing cost estimates for development options.

The Panel accepts Brymart's submission that Able Industries do not intend to relocate or cease operations at the site in the foreseeable future and acknowledges that the cost of relocating is significant. However, the site has continuing use rights and additional provisions have been included in the DPO2 to protect Able Industries' ability to continue to use the site.

Nevertheless, the Panel accepts the Council's submission that private short term economic circumstances are not a matter for consideration as part of the Amendment. The Panel is familiar with the Melbourne C207 Panel report, the Dustday Investments decision⁶² and a number of other Panel reports that deal with this matter. The Panel agrees with the view expressed by other panels that, with respect to section 12(2)(c) of the Act, the economic effects considered as part of an Amendment should be of a broader or community nature and not individual circumstances.

The Panel understands that the cost of relocation will significantly influence Able Industries' decision to move but it is one of a number of matters for consideration in such a decision. In the Panel's view it is not a sound or strategic justification for changing the planning controls proposed by the Amendment.

⁶² *Dustday Investments Pty Ltd v Minister for Planning [2015] VSC 101*.

6.2.4 Conclusion

The Panel concludes:

- the cost of relocating Able Industries is not a relevant matter for the Panel.

6.3 Environmental performance

6.3.1 The issues

A number of submissions went to the environmental performance of the Amendment and future development. Specific issues included:

- tree cover
- amount of open space
- Water Sensitive Urban Design (WSUD)
- Environmentally Sustainable Design (ESD).

The issue for the Panel is whether the measures in the Amendment are acceptable in the light of requirements in the planning scheme.

6.3.2 Evidence and submissions

Mr Barnes (submission 11) submitted on a range of environmental matters including the need for tree coverage to reduce the urban heat island effect and provide for biodiversity and ornamentation. He also submitted street lighting should be energy efficient and attractive.⁶³

Another submitter Mr Milanese appeared at the Hearing and articulated concerns about the need for more parks in the area. In his written submission he suggested among other things that development along the rail line could be limited to three stories and a park provided between development and rail line.⁶⁴

Ms Heggen submitted that more trees are needed in the proposal for many reasons including climate change resilience. She submitted the development should be, in summary:⁶⁵

- fostering 20 minute villages with public and private housing, art spaces, intergenerational living and promoting public over private transport
- sustainable with onsite wastewater treatment and renewable energy and battery storage.

She submitted the Council can provide leadership on these issues.

Mr Sauvarin submitted there was a need to provide up to 20 per cent open space for children to play, dog areas, space for trees and the resultant cooling from tree canopies.⁶⁶ He submitted the planning controls should encourage private tree planting and on roadsides by providing enough space and that there is already not enough open space in the area.

Submitters Mr Eden and Ms Starr were also concerned about sustainability. They submitted that development should integrate solar and renewable energy more effectively through a local micro-grid. They were also concerned about the amount of open space proposed and suggested that up

⁶³ Submission 11.

⁶⁴ Submission 20.

⁶⁵ Submission 01.

⁶⁶ Submission 19.

to 10 per cent should be provided to provide shade for an improved micro-climate and green space.⁶⁷

Council highlighted the environmental and sustainability requirements that development will need to meet in the planning scheme including zone requirements and those in the DPO itself. These include landscaping and high quality streetscape responses.⁶⁸

It submitted that the residential future for the land should result in more opportunities for planting and reducing the urban heat island effect in accordance with its *Urban Forest Strategy* than an industrial use with greater hardstand areas. Council noted that the land has very little remnant biodiversity values.

Council agreed with submitters that development of the site must include sustainability measures such as energy efficiency. It highlighted the clause in the DPO2 requiring and *Environmentally Sustainable Development Strategy* and a *Stormwater Management Strategy*.⁶⁹ It also submitted that applications under the new planning controls will need to address the policy considerations around sustainability.

Council submitted that the provision of open space is in accordance with the Planning Scheme:

The space is 5% of the size of the central sub-precinct element of the Land. The provision of space in this order is consistent with the ILMS, with Council's Open Space Strategy⁷⁰ and is equitable relative to public open space requirements made of other strategic redevelopment sites by Council in the northern areas of the municipality.

6.3.3 Discussion

The Panel notes the submissions in relation to the environmental performance of the new development and understands the concerns of submitters in relation to the need for increased tree cover and open space.

In a warming climate there is clearly a need for increased tree cover and much higher performance from our residential dwellings to ensure that communities will be resilient to temperature and weather shocks that are predicted to occur.

However, the Panel notes that the Amendment must be assessed against planning policy and the planning scheme. Reviewing the range of policies and the requirements of the DPO2 itself the Panel is satisfied that the Amendment and subsequent development can meet acceptable environmental standards while providing much needed housing.

The Panel also considers that the Amendment meets the requirements of the planning scheme in relation to open space. The Panel notes submissions regarding the need for more open space and does not disagree with them, but the provision of open space over and above planning scheme requirements cannot be forced by the Amendment.

It is also important to note that the site is transitioning from an industrial use, and much of the site is derelict now, to a residential use which will by its nature result in a much higher amenity outcome.

⁶⁷ Submission 26.

⁶⁸ Document 39, para 124 onwards.

⁶⁹ Document 39, para 140 onwards.

⁷⁰ The Panel is referred to the Part A submission at pages 36 to 37 for the full details.

6.3.4 Conclusion

The Panel concludes:

- The environmental sustainability and open space elements of the Amendment are acceptable.

7 Draft development plans

7.1.1 Background

As included in Appendix A, the Committee’s appointment as an Advisory Committee requires it to:

... advise on the planning merits of the Northern Sub Precinct and Central Sub Precinct Development Plans which were prepared in support of Amendment C114hbay to the Hobsons Bay Planning Scheme and the provisions of proposed schedule 2 to the Development Plan Overlay.

7.1.2 Discussion

With some relatively minor exceptions, the draft development plans were not challenged substantially by submitters. The exceptions tended to go to matters of details and discussion of most of these is included in the issue chapters in this report. The Committee makes the following recommendations elsewhere in this report on issues related to the Northern Sub Precinct Development Plan.

Table 3 Recommendations on development plan issues

Precinct	Recommendations
Northern Sub Precinct	<ul style="list-style-type: none"> - Consult the Department of Transport to ascertain if the 432 Bus Route should be amended to utilise the East-West access road and Sutton Street to access Blackshaws Road using the proposed traffic signals. If the change is supported, the Development Plan Overlay Schedule 2 and development plans may need to be modified accordingly. - Treat uncontrolled cross intersections (excluding laneways) with traffic management and: <ul style="list-style-type: none"> o Amend the development plan(s) to show these intersections requiring traffic management o Resolve this issue during detailed design. - Remove the redundant footpath from the railway reserve between Stephenson Street and the pedestrian rail crossing from the Northern Sub-Precinct Development Plan - Modify the Northern Sub-precinct Development Plan to ensure the South Melbourne – Brooklyn High Pressure Gas Pipeline is referenced to be consistent with the Somerton – Altona Joint Venture pipeline.

There were a number of other submissions on matters of details including:

- Crossovers and setbacks
- Internal spaces
- Obscure glazing.⁷¹

Whilst these matters of details took up some considerable time in the Hearing, the Committee considers, and this was acknowledged by parties and experts, that these are matters which can be satisfactorily addressed within the framework of the DPO and development plans. The Committee does not consider that they warrant changes to the exhibited draft development plans at this time.

⁷¹ These last two raised in particular in the supplementary evidence of Mr Milner, Document 81.

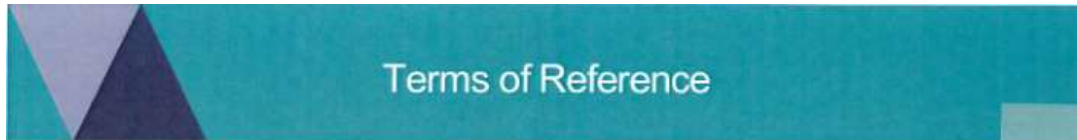
The Committee also notes that the documents are very lengthy and would benefit from a significant edit by a technical editor, a task the Committee has not attempted in the time available to it.

7.1.3 Conclusions

The Committee concludes:

- The Northern and Central Sub Precinct Development Plans have significant planning merit.
- Subject to changes recommended in this report and subsequent changes driven by changes in the DPO2, the Northern and Central Sub Precinct Development Plans should form the basis for a sound detailed planning framework for the two sub precincts.
- Both draft development plans would benefit from a significant 'policy neutral' edit to simplify them.

Appendix A Terms of Reference



Amendment C114hbay – Proposed Northern and Central Development Plans

Advisory Committee

Version: 27 October 2021

Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* to report, concurrently with a Planning Panel, on the planning merits of proposed Northern Sub Precinct and Central Sub Precinct Development Plans.

Name

The Advisory Committee is to be known as the 'Proposed Northern and Central Development Plan Advisory Committee'.

1. The Advisory Committee is to have members with the following skills:
 - a. Statutory and strategic planning,
 - b. Urban design

Purpose

2. The purpose of the Advisory Committee is to advise on the planning merits of the Northern Sub Precinct and Central Sub Precinct Development Plans which were prepared in support of Amendment C114hbay to the Hobsons Bay Planning Scheme and under the provisions of proposed schedule 2 to the Development Plan Overlay (Precinct 16 West).

Background

3. The CEO of Hobsons Bay City Council, under delegation of the Council (resolution of 14 April 2020) has requested that the Minister for Planning appoint an independent planning panel under Part 8 of the Act to consider all of the submissions received to Amendment C114hbay.
4. Hobsons Bay City Council has also requested that the Minister appoint an Advisory Committee pursuant to section 151 of the Act to complement the Panel hearing on Amendment C114hbay and advise on the appropriateness of the two Development Plans submitted in response to the draft Development Plan Overlay Schedule 2 (DPO2).
5. Amendment C114hbay applies to land at 5-7 Sutton Street (Southern Sub-Precinct), 9-9A Sutton Street (Central Sub Precinct) and 41-59 Stephenson Street (Northern Sub Precinct).
6. This land has been identified as industrial land with the potential for future residential development in the Hobsons Bay Industrial Land Management Strategy 2008. The land is within a larger precinct, with the eastern half of the precinct already rezoned to support residential development (with permit in place).
7. Amendment C114hbay seeks to transition the land from industrial to residential use. Specifically, Amendment C114hbay proposes the following changes:
 - a. Rezone land from Industrial 3 Zone (IN3Z) and part General Residential Zone to General Residential Zone - Schedule 4 (GRZ4) and Residential Growth Zone - Schedule 2 (RGZ2).
 - b. Apply a Development Plan Overlay - Schedule 2 (DPO2).
 - c. Apply an Environmental Audit Overlay (EAO) to areas not already covered by an EAO.
 - d. Remove Heritage Overlay HO274 from part of 41-59 Stephenson Street as a permit was granted for demolition of buildings in 2011 and the buildings have since been removed.

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- e. Amend Clause 53.01 to introduce a 5 per cent public open space contribution.
8. Two Development Plans have been submitted for the Northern Sub Precinct (prepared by Tract dated 26 March 2021) and the Central Sub Precinct (prepared by Hollerich Town Planning dated March 21). Hobsons Bay City Council is the responsible authority for determining to approve the Development Plans.
9. Two planning permits for subdivision have also been submitted with Amendment C114hbay to align title boundaries with the future proposed residential boundaries.
10. Hobsons Bay City Council received 34 submissions (32 objecting or seeking changes, two supportive or no changes) in response to the exhibition of Amendment C114hbay and Development Plans.
11. Hobsons Bay City Council has requested that the Panel and Advisory Committee operate concurrently with the dual role of hearing submissions in response to Amendment C114hbay and the Development Plans.
12. Working together, the Panel and Advisory Committee will provide interested parties who have made submissions that relate to Amendment C114hbay and/or the Development Plans an opportunity to have their views heard at a single forum.
13. The Advisory Committee will provide advice on the Development Plans to Hobsons Bay City Council in a single report.

Method

14. The Advisory Committee may apply to vary these Terms of Reference in any way it sees fit before submitting its report.
15. The Advisory Committee may inform itself in anyway it sees fit, but must consider:
 - a. Relevant documentation submitted with Amendment C114hbay and the Development Plans.
 - b. The objectives of the Act, *Plan Melbourne 2017-2050* and any relevant provisions in the Hobsons Bay Planning Scheme including those proposed under Amendment C114hbay.
16. The Advisory Committee is not expected to carry out any additional public notification or referral, but may do so if it considers it to be appropriate.
17. The Advisory Committee must consider all relevant submissions.
18. The Advisory Committee is expected to carry out a public hearing.
19. The Advisory Committee may conduct workshops or forums to explore design issues or other matters. Any workshops or forums will be a public process.
20. The following parties should be asked to present to the Advisory Committee:
 - a. Hobsons Bay City Council
 - b. The landowners and their representatives
 - c. Any person who made a submission regarding the Development Plans
21. The Advisory Committee may limit the time of parties appearing before it.
22. The Advisory Committee may prohibit or regulate cross-examination.

Submissions are public documents

23. The Advisory Committee must retain a library of any written submissions or other supporting documentation provided to it directly to it until a decision has been made on its report or five years has passed from the time of its appointment.

24. Any written submissions or other supporting documentation provided to the Advisory Committee must be available for public inspection until the submission of its report, unless the Advisory Committee specifically directs that the material is to remain 'in camera'.

Outcomes

25. The Advisory Committee must produce a written report for the Minister for Planning providing the following:
- An assessment of the planning merits of the Northern Sub Precinct Development Plan and Central Sub Precinct Development Plan against the Draft DPO2 provisions.
 - An evaluation of the proposed urban design response within the Development Plans including but not limited to the building setbacks, building heights, temporary acoustic measures, public realm quality and street network (refer also letter dated 26 March 2021 prepared by Hollerich Planning in relation to the Central Development Plan).
 - An assessment of submissions to the Advisory Committee.
 - Any other relevant matters raised in the course of the Advisory Committee Hearing.
 - A list of persons who made submissions considered by the Advisory Committee.
 - A list of persons to be consulted or heard.
26. The report is to be a single report prepared in conjunction with the Panel for Amendment C114hbay.

Timing

27. The Advisory Committee is required to complete its joint hearings with the Panel for Amendment C114hbay as soon as practicable once all parties have been advised and directions hearing held.
28. The Advisory Committee is required to submit its report in writing as soon as practicable but no later than 40 business days from the from the completion of its hearings.

Fee

29. The fee for the Advisory Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.
30. The costs of the Advisory Committee will be met by proponents of Amendment C114hbay and the Development Plans.



Richard Wynne MP
Minister for Planning

Date: 12/12/21

The following information does not form part the Terms of Reference.

Project Management

- 1 Administrative and operational support to the Committee will be provided by Daniela Antovska, Planner, of the Department of Environment, Land, Water and Planning, on 8508 0569 and daniela.antovska@delwp.vic.gov.au.
- 2 Day to day liaison for the Advisory Committee will be through Tom Milverton, Project Support Officer, of Planning Panels Victoria on 8508 2691 and tom.milverton@delwp.vic.gov.au.

Appendix B Submitters to the Amendment

No.	Submitter	No.	Submitter
1	Barbara Heggen	19	Matt Sauvarin
2	Charles Moscato	20	John Milanese
3	Daniel Summers	21	Adrian Han Yang Lee
4	Damian Fratric	22	Paul Scarpari
5	George Tothill	23	Matthew Tan
6	Rhonda Kaminski	24	Bradley Frick
7	Paul Edney	25	Sarah Thomas
8	Alex Panayi	26	Paul Eden
9	Anastasia Kontogiorgis	27	Leisa Davies
10	Adrian Bishop	28	Trisha Brice
11	Brenton Barnes	29	George Lattouf
12	Catherine Power	30	James Noy
13	Carmela Puopolo	31	Michael Mielczarek
14	Darren Sant	32	Kate Kraft
15	Julia Ius	33	Nick Bradley
16	Bruce MacKenzie	34	Cheng Wai Kwong
17	Tim Crawford	35	Energy Safe Victoria
18	Johnny Fernandez		

Appendix C Parties to the Hearing

Submitter	Represented by
Hobsons Bay City Council	<p>Adeline Lane of Jackson Lane Legal, who called expert evidence on:</p> <ul style="list-style-type: none"> - planning from Chris De Silva of Mesh Planning - planning from David Barnes of Hansen Partnership - traffic from Charmaine Dunstan of Traffix Group
Alceon Group No. 67 Pty Ltd	<p>Paul Chiappi and Carly Robertson of Counsel instructed by Norton Rose Fulbright, who called expert evidence on:</p> <ul style="list-style-type: none"> - acoustics from Jim Antonopoulos of SLR Consulting - planning from Rob Milner of Kinetica - traffic from Hilary Marshall of Ratio
Newport Apartments (Vic) Pty Ltd	<p>Andrew Natoli of Equipe Lawyers, who called expert evidence on:</p> <ul style="list-style-type: none"> - planning from John Glossop of Glossop Town Planning - acoustics from Jim Antonopoulos of SLR Consulting
Brymart Pty Ltd (and Able Industries)	<p>James Lofting of HWL Ebsworth Lawyers, who called expert evidence on:</p> <ul style="list-style-type: none"> - property economics from Emma Carstairs of Resin - urban planning / design from Tim Biles of Ratio - traffic from Russell Fairlie of Ratio - acoustics from Nicholas Peters of Renzo Tonin
Vega One Pty Ltd	Sarah Thomas of SJB Planning
Mobil Oil Australia Pty Ltd	Brad Frick
John Milanese	

Appendix D Document list

No.	Date	Description	Provided by
1	22 Oct 21	Directions Hearing Notification Letter	PPV
2	9 Nov 21	Directions and Timetable	PPV
3	12 Nov 21	Map of submitters and details <i>For Panel Only</i>	Hobsons Bay City Council
4	“	Addendum to the EPA Submission	“
5	“	Information received after exhibition - Arborist Final Report	“
6	“	Information received after exhibition – DoT response	“
7	“	Information received after exhibition - Melbourne Water response	“
8	“	Information received after exhibition - SLR letter dated 6 October in response to EPA submission	“
9	“	Information received after exhibition - Ecology and Habitat Assessment - Ecology and Heritage Partners	“
10	“	Information received after exhibition - Odour & Air Quality assessment prepared by SLR	“
11	“	Proposed post exhibition changes to Schedule 2 to DPO	“
12	“	Precinct 16 West - Landowner Map	“
13	15 Nov 21	Statement of position from Newport Apartments (Vic) Pty Ltd	Newport Apartments
14	22 Nov 21	Letter from Council to the Panel 22 Nov 21	Council
15	“	Late submission from Energy Safe Victoria	“
16	24 Nov 21	Council Part A Submission including attachments: <ul style="list-style-type: none"> a. Attachment 1 - PA1945411 Permit Approved Building A#2 b. Attachment 1 - PA1945441 Permit Approved Building B#2 c. Attachment 2 - Officer report d. Attachment 2 - Urban context and design response e. Attachment 3 - Masterplan f. Attachment 3 - Section 173 Agreement g. Attachment 4 - Permit Approval h. Attachment 5 - Amended Permit 30 April 2021 i. Attachment 5 - Architectural plans j. Attachment 5 - Original permit k. Attachment 6 - Submissions and Council response l. Attachment 7 - Affordable Housing Policy Statement 	Council

No.	Date	Description	Provided by
		2016	
		Attachment 7 - Section 173 Agreement - C114hbay - Affordable housing	
17	25 Nov 21	Email from PPV to Parties - Filing of expert evidence	PPV
18	"	Further Hearing details	"
19	29 Nov 21	Hearing submission	Mobil
20	"	Expert Witness Statement - Charmaine Dunstan - Traffic	Council
21	"	Expert Witness Statement - David Barnes - Planning	"
22	"	Letter from Proponent to Panel filing evidence	Alceon Group No 67 Pty Ltd
23	"	Expert Witness Statement - Jim Antonopoulos - Acoustics	"
24	"	Jim Antonopoulos - Proposed Schedule 2 to DPO Markup	"
25	"	Expert Witness Statement - Rob Milner - Planning	"
26	"	Expert Witness Statement - Hilary Marshall - Traffic	"
27	30 Nov 21	Expert Witness Statement - Christophe Delaire - Acoustics	Alceon Group No 67 Pty Ltd
28	1 Dec 21	Letter from Newport Apartments (Vic) Pty Ltd to Panel - Filing of Expert witness statements	Newport Apartments (Vic) Pty Ltd
29	"	Expert Witness Statement - John Glossop - Planning	"
30	"	Expert Witness Statement - Chris De Silva - Planning	Council
31	"	Expert Witness Statement - Nicholas Peters - Acoustics	Brymart Pty Ltd
32	"	Expert Witness Statement - Russell Fairlie - Traffic	"
33	"	Expert Witness Statement - Emma Carstairs - Economics	"
34	"	Expert Witness Statement - Tim Biles - Urban Design and Planning	"
35	6 Dec 21	Correspondence between Council and Energy Safe Victoria	Council
36	8 Dec 21	Statement of Facts & Outcomes of meeting of Traffic Experts	Alceon Group No 67 Pty Ltd
37	"	Notes of meeting of Acoustic Experts	"
38	"	Marked up version of proposed Schedule 2 to DPO by Acoustic Experts	Alceon Group No 67 Pty Ltd
39	10 Dec 21	Council Part B Submission	Council
40	"	Explanatory Report for s96A Exhibition - EAO changes	"
41	"	Instruction Sheet	"

No.	Date	Description	Provided by
42	“	Schedule 2 to Clause 32.08 General Residential Zone - Track changes	“
43	“	Schedule 2 to Clause 43.04 Development Pan Overlay - Track changes	“
44	“	Schedule to Clause 43.01 Heritage Overlay	“
45	“	Schedule to Clause 53.01 Public Open Space Contribution and Subdivision	“
46	“	Development Plan Overlay Schedule 2 Map	“
47	“	Environmental Audit Overlay Map	“
48	“	General Residential Zone and Residential Growth Zone Map	“
49	“	Heritage Overlay Map	“
50	“	Draft Memorandum of Understanding	“
51	“	Draft Section 173 Agreement - Central Sub-precinct	“
52	“	Draft Section 173 Agreement - Northern Sub-Precinct	“
53	“	Draft Section 173 Agreement - Southern Sub-Precinct	“
54	“	Draft Section 173 Agreement Affordable Housing - Track changes	“
55	“	Development Plan Central Sub-Precinct - Hollerich Town Planning March 2021	“
56	“	Development Plan Northern Sub-Precinct - Tract March 2021	“
57	“	Central sub-precinct ESD Report	“
58	“	Draft Signalised Intersection Signs - Sutton Street Blackshaws Road	“
59	“	Environmental Report - Environmental Assessment Service - September 2018	“
60	“	Infrastructure and Development Contribution Report – O’Neill Group - April 2021	“
61	“	Noise and Vibration Report - SLR - August 2020	“
62	“	Northern sub-precinct ESD Report	“
63	“	Planning Report - Hollerich Town Planning - May 2021	Council
64	“	Social Impact Assessment - Public Place - March 2019	“
65	“	Stormwater Drainage Strategy – O’Neill Group - June 2020	“
66	“	Traffic Impact Assessment - GTA - June 2020	“
67	“	Draft Planning Permit PA1943532	“
68	“	Draft Planning Permit PA1943533	“
69	“	Plan of subdivision 41-59 Stephenson Street	“

No.	Date	Description	Provided by
70	“	Plan of subdivision 9A Sutton Street	“
71	13 Dec 21	Figure 2 from Chris De Silva Expert Witness Statement - Draft Outline Development Plan (High resolution)	Council
72	“	Preston Place Neighbourhood Home 06 plan - 13 December 2021	Alceon Group No 67 Pty Ltd
73	“	Proposed Northern and Central Development Plans Advisory Committee - Terms of Reference	PPV
74	14 Dec 21	Hobsons Bay C88 Panel Report (PSA) [2018] PPV 11 (22 February 2018)	Council
75	“	Expert Witness Statement from SGS Economics and Planning for Hobsons Bay C88 Panel	“
76	“	Homes for Victorians Report- March 2017	“
77	15 Dec 21	Email from Council filing Day 3 versions of the Draft Schedule 2 to the DPO and Draft Section 173 Agreement	Council
78	“	Day 3 version of the draft Schedule 2 to the DPO	“
79	“	Day 3 version of the draft Section 173 agreement - Affordable housing	“
80	“	Outline of Submissions	Alceon Group No 67 Pty Ltd
81	“	Supplementary Evidence of Rob Milner	“
82	16 Dec 21	Definition of Sensitive Use	Mobil
83	“	Precinct 15 Altona North Comprehensive Development Plan August 2018 Gazetted	Council
84	“	Alceon proposed changes to DPO2 - 16 December 2021	Alceon Group No 67 Pty Ltd
85	“	Alceon proposed changes to Development Plan - 16 December 2021	“
86	17 Dec 21	Hearing Submission including attachments: <ul style="list-style-type: none"> a. Attachment 1 - Priority Projects Standing Advisory Committee Referral 9 Report (AC) [2021] PPV 16 (23 March 2021) b. Attachment 2 - SMC Planning Permit No. 6176 issued 13 Feb 1996 c. Attachment 3 - Amended pollution abatement notice OP-HOC-PAN-08 d. Attachment 4 - Proposed changes to Schedule 2 to DPO - Vega tracked changes 17 Dec 21 	Vega One Pty Ltd
87	19 Dec 21	Hearing Submission including attachments: <ul style="list-style-type: none"> a. Attachment 1 - Hobsons Bay C131hbay Panel Report (PSA) [2021] PPV 63 (9 August 2021) 	Newport Apartments Vic Pty Ltd

No.	Date	Description	Provided by
		b. Attachment 2 - Hobsons Bay C88 Panel Report(PSA) [2018] PPV 11 (22 February 2018)	
		c. Attachment 3 - Priority Projects Standing Advisory Committee Referral 9 Report (AC) [2021] PPV 16 (23 March 2021)	
		d. Attachment 4 - Green v Hobsons Bay CC (Includes Summary) [2013] VCAT 2091	
		e. Attachment 5 - Hobsons Bay City Council Planning Permit No, PA1736660	
88	20 Dec 21	Proposed Schedule 2 to DPO - John Glossop Track changes	Newport Apartments Vic Pty Ltd
89	"	John Glossop - Evidence picture slides	"
90	"	Tim Biles - Hearing Presentation - Urban Design and Planning	Brymart Pty Ltd
91	"	Draft DPO2 from Alceon Group - HWLE tracked changes	"
92	"	Draft DPO2 from John Glossop - HWLE tracked changes	"
93	21 Dec 21	Signed Planning Permit PA1900727 346-350 Macaulay Road, Kensington	Vega One Pty Ltd
94	22 Dec 21	Hearing submission	Brymart Pty Ltd
95	"	Council amended draft Section 173 Agreement - Northern Sub-Precinct (Track changes)	Council
96	"	Council amended Infrastructure Contributions Strategy (prepared by O'Neill Group)	"
97	"	Council amended Sutton Street Concept Design – Infrastructure Staging	"
98	"	Swept Path Diagram	Brymart Pty Ltd
99	23 Dec 21	Reply and closing submission	Council
100	"	Closing submission	Alceon Group No 67 Pty Ltd
101	"	Email from Council providing Part C documentation	Council
102	"	Tracked change Draft Schedule 2 to the DPO (DPO2)	"
103	"	Tracked change Schedule 4 to Clause 32.08 General Residential Zone (GRZ4)	"
104	"	Tracked change Northern sub-precinct - s173 agreement	"
105	14 Jan 22	Tracked change draft Schedule 2 to the DPO (DPO2)	Vega One Pty Ltd
106	"	Tracked change draft Schedule 2 to the DPO (DPO2)	Brymart Pty Ltd
107	"	Tracked change draft Schedule 2 to the DPO (DPO2)	Newport Apartments Vic Pty Ltd

Appendix E Panel preferred version of the Development Plan Overlay Schedule 2

SCHEDULE 2 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO2**

PRECINCT 16 WEST

1.0 Objectives

To create a residential area that is responsive to its context, including industrial operations and provides a transition in character at its interfaces with existing adjoining residential areas.

To encourage sustainable urban renewal and increased housing affordability, diversity and density within the site.

To create varied, engaging and high quality architectural forms, a landscaped environment and sustainable movement networks.

To ensure residential development provides a reasonable level of amenity for future occupiers of the site, including but not limited to protecting future residents from the adverse impacts of industrial and traffic noise, odour, dust, vibration and the visual impact of the railway line and industrial development.

To protect the operations of the state and nationally significant Spotswood Locomotive Maintenance Centre from potential adverse effects of residential encroachment.

2.0 Requirement before a permit is granted

A permit may be granted before a development plan has been approved for:

- Any buildings or works associated with the remediation of land in accordance with or for the purpose of obtaining a preliminary risk screen assessment statement stating that an environmental audit is not required or a Statement of Environmental Audit under the *Environment Protection Act 2017*.
- Subdivision.
- Creation, variation or removal of easements or restrictions.
- Any buildings and works associated with the existing operations at 5-7 Sutton Street.

Before granting a permit, the responsible authority must be satisfied that the permit will not prejudice the future use and integrated and orderly development of the site in accordance with the Development Plan requirements specified in this Schedule.

3.0 Conditions and requirements for permits

The following conditions and/or requirements apply to permits unless otherwise agreed in writing with the Responsible Authority:

- Any development that will accommodate residential or other noise sensitive uses must be designed and constructed to include noise attenuation measures. These noise attenuation measures must ensure that:
 - Combined external noise from industry, trains and road traffic impacting residential uses is attenuated to achieve the following noise levels:
 - Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.

- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

- Combined external noise from industry, trains and road traffic impacting sensitive uses other than residential uses or impacting areas of residential development other than bedrooms and living areas, is attenuated to achieve the median value of the range of recommended design sound levels of Australian Standard AS/NZ 2107:2016 (Acoustics – Recommended design sound level and reverberation times for building interiors).
These noise levels are to be measured internally at the expected occupancy position(s) in the space relevant to the noise of interest with doors and windows closed. The preferred positions are at least 1 m from the walls or other major reflecting surface, 1.2 m to 1.5 m above the floor and about 1.5 m from windows.
- Industrial noise received at new residential or other noise sensitive uses achieves internal noise levels assessed in accordance with the Noise Protocol (EPA Publication 1826.4) with the implementation of an indoor adjustment of 20 dB, while allowing for operable windows. These noise levels are to be measured internally at the expected occupancy position(s) in the space relevant to the noise of interest with doors and windows closed. The preferred positions are at least 1 m from the walls or other major reflecting surface, 1.2 m to 1.5 m above the floor and about 1.5 m from windows.
- The assessment of noise emanating from the Spotswood Maintenance Centre and Able Industries Engineering used to inform reasonably practicable noise mitigation measures must consider the status of compliance at the new sensitive use in relation to the Noise Protocol and also include a comprehensive assessment of the activities in consultation with Spotswood Maintenance Centre and Able Industries Engineering – both current and reasonably foreseen planned future activities (subject to those activities being compliant with environmental noise obligations at existing sensitive uses).
- Train airborne noise received at new residential or other noise sensitive uses is attenuated to achieve a noise level of 55 dBA, Lmax in bedrooms at night and a noise level of 60 dBA, Lmax in living areas. These noise levels are to be measured at the expected occupancy position(s) in the space relevant to the noise of interest with doors and windows closed. The preferred positions are at least 1 m from the walls or other major reflecting surface, 1.2 m to 1.5 m above the floor and about 1.5 m from windows. -The measurements should be undertaken using a ‘fast’ meter time weighting, and must be achieved for 95% of train pass-bys (i.e. 5%, 1 in 20 trains may exceed).
- Train ground borne noise received at new residential or other noise sensitive uses is attenuated to achieve a noise level of 35 dBA, Lmax, slow, in bedrooms and 40 dBA, Lmax, slow, in living areas. These noise levels are to be measured internally at the expected occupancy position(s) in the space relevant to the noise of interest with doors and windows closed. The preferred positions are at least 1 m from the walls or other major reflecting surface, 1.2 m to 1.5 m above the floor and about 1.5 m from windows. The measurements should be undertaken using a ‘slow’ meter time weighting, and must be achieved for 95% of train pass-bys (i.e. 5%, 1 in 20 trains may exceed). This assessment of train ground borne noise is only to be applied for new residential or other noise sensitive uses where train ground borne noise is the dominant source of noise (i.e. higher than the train airborne noise).
- Noise associated with Spotswood Maintenance Centre and Able Industries Engineering received at new residential or other noise sensitive uses is attenuated to achieve an internal maximum noise level of 55 dBA Lmax, in

bedrooms, during the night. These noise levels are to be measured internally at the expected occupancy position(s) in the space relevant to the noise of interest with doors and windows closed. The preferred positions are at least 1 m from the walls or other major reflecting surface, 1.2 m to 1.5 m above the floor and about 1.5 m from windows.

- Any development that will accommodate residential or other vibration-sensitive uses must be designed and constructed to include vibration attenuation measures. These vibration attenuation measures must ensure that train vibration received at new residential or other vibration-sensitive uses meet acceptable vibration levels in accordance with British Standards BS 6472-1:2008 or other industry accepted vibration assessment standards addressing human exposure.

The following conditions apply to permits for development:

- Prior to the occupation of any building, a report prepared by a suitably qualified acoustic and vibration consultant which certifies compliance with the noise and vibration criteria set out in clause 3.0 of Schedule 2 to the Development Plan Overlay must be provided to the satisfaction of the responsible authority.
- Any buildings and works required to achieve compliance with the noise and vibration criteria set out in clause 3.0 of the Schedule 2 to the Development Plan Overlay must be installed and maintained to the satisfaction of the Responsible Authority.
- Prior to the commencement of the development, the owner must submit to the satisfaction of the Head, Transport for Victoria and the Responsible Authority, a report prepared by a suitably qualified traffic engineer that provides an analysis of pedestrian and traffic movements at the intersection of Blackshaws Road and Sutton Street. The report must include:
 - Analysis of an appropriately prepared base conditions model, incorporating:
 - Recently collected existing traffic, bicycle and pedestrian volumes.
 - Traffic impacts of nearby development, including but not limited to development within Precinct 16 West, Precinct 16 East, Precinct 15, Precinct 17, and 31-69 McLister Street, Spotswood.
 - Consideration of the West Gate Tunnel works.
 - Traffic growth along Blackshaws Road until the implementation of the traffic signals.
 - B-Double movements to and from 5-7 Sutton Street.
 - Analysis of a post-development conditions model, reflecting the base conditions model and development traffic.
- Unless the traffic report demonstrates that traffic management and associated civil works are not required earlier to support the development and safe movements of pedestrians, cyclists and traffic the following works must be delivered to the satisfaction of the Head, Transport for Victoria and the Responsible Authority:
 - the interim intersection treatment at the corner of Sutton Street and Blackshaws Road including a dedicated right turn lane on Blackshaws Road and localised widening on east side Sutton Street with a painted centre median prior to the statement of compliance of the 50th residential lot within Precinct 16 West. (Generally in accordance with Traffic Group Plan Sutton Street South Kingsville Concept Plan – Interim Dwg No. G27836-01-01 Issue G)
 - the pre-ultimate intersection treatment including a signalised intersection at the corner of Sutton Street and Blackshaws Road with the interim configuration prior to the statement of compliance of the 150th residential lot within Precinct 16 West (Generally in accordance with Traffic Group Plan Sutton Street South Kingsville Concept Plan – Pre-ultimate Dwg No. G27836-01-03 Issue D)
 - the ultimate intersection treatment including separate right and left turn lanes exiting Sutton Street after the cessation of operations on-site at 5-7 Sutton Street Spotswood or a traffic management plan for the site identifies that pre-ultimate intersection configuration is not required to facilitate construction access. (Generally in accordance with Traffic Group Plan Sutton Street South Kingsville Concept Plan – Ultimate Dwg No. G27836-01-02 Issue D)

4.0 Requirements for development plan

--/-- A development plan, which may consist of plans and/or other documents, must be prepared for the site to the satisfaction of the responsible authority.

The development plan for the site or for any sub-precinct may be amended from time to time to the satisfaction of the responsible authority.

The development plan may be prepared in parts relative to the sub-precincts depicted on the Precinct 16 West Framework Plan if the responsible authority is satisfied that this will not prejudice the future use and integrated and orderly development of the site in accordance with the development plan requirements.

The development plan for the site or for any sub-precinct must achieve the following Vision for the site, and be generally in accordance with the Precinct 16 West Framework Plan at Clause 5.0 to the satisfaction of the responsible authority.

Vision

Precinct 16 West will:

- Become a sustainable residential community, integrated with Precinct 16 East and complementing the broader existing residential neighbourhood.
- Be redeveloped to provide a predominantly medium to higher density residential development, providing homes for a diversity of households including affordable housing and incorporating public open space and sustainable movement links.
- Implement innovative ESD features, providing opportunities for best practice in environmental management.
- Protect the ongoing operation of industrial land use and infrastructure, incorporating residential amenity protection measures that display a high level of architectural resolution, even if temporary in nature.
- Ensure stages of the development will be managed to minimise amenity impacts to new residents until industrial uses on the site are discontinued.

The development plan(s) must include the following requirements to the satisfaction of the responsible authority:

General

- A site analysis plan that identifies the key attributes of the site (or the sub-precinct), its context, the surrounding area and its relationship with adjoining land.
- An urban context and analysis response that contains a thorough assessment of the opportunities and constraints of the site (or the sub-precinct).
- A land use summary including an indicative number or density of dwellings for the site or the sub-precinct.

Built form and layout

- Concept plans or equivalent documents that describe the layout and development of the site or the sub-precinct including:
 - building heights;
 - street layout;
 - indicative location of public open space (if proposed);
 - the siting and orientation of built form;
 - variation to building forms across the site or sub-precinct;
 - waste collection and storage locations;
 - graduation of taller buildings with reference to analysis of shadow, visual amenity impacts and the character of the area;

- measures needed to ensure reasonable residential amenity is achieved given amenity impacts and emissions from non-residential uses;
- indicative architectural and building design details including materials, styles, elevations and cross sections;
- a maximum average site coverage of 85%;
- setbacks including but not limited to:
 - a minimum 4 metre setback from Sutton Street;
 - a minimum 3 metre setbacks on internal roads.

Design guidelines for the site (or sub-precinct) to ensure development will:

- Integrate with development in adjoining sub-precincts and respond to the character of established areas in particular the established character to the western side of Stephenson Street
- Provide appropriate internal amenity for new residents and protect the amenity of existing residents
- Provide for a diversity of dwelling types, as appropriate, to cater for a variety of housing needs
- Provide typical dwelling layouts for standard lot sizes proposed
- Include active frontages for lots that share an interface with a reserve or street to ensure a quality design, surveillance and permeable outcomes as appropriate
- Include sustainable design features to address water management, solar access and energy saving initiatives, to deliver lower living costs for future residents and aid in the reduction of energy and water consumption, the generation of waste and greenhouse emissions
- Ensure out buildings and service areas have minimal visibility from any public open space or street
- Include temporary acoustic measures where appropriate that are designed to a high standard and are not visually intrusive within the landscape
- Promote urban legibility and public access to and through the site
- Ensure new buildings are designed to distribute access to outlook and sunlight between built forms
- Demonstrate high quality and diverse built form outcomes that contribute to the built form character of the neighbourhood and its surrounds
- Ensure that building heights consider and respond to the over shadowing effects within the site
- Ensure that building heights provide an appropriate transition to site interfaces
- Ensure street level interface treatments contribute to high levels of pedestrian amenity and safety
- Provide acoustic design treatments that addresses the impact of existing and potential noise particularly from the Spotswood Maintenance Centre
- Collectively form a coherent and identifiable precinct
- Provide for safe and convenient vehicular and pedestrian access
- Minimise, where practical, the impact of vehicles on public space.

Access and transport

A Traffic Impact Assessment and car parking plan prepared by a suitably qualified engineering consultant that ensures the creation of a safe and efficient road network within and adjacent to the site. The Traffic Impact Assessment should include:

- The existing capacity of the surrounding road network having regard to a traffic base case that includes the impact of traffic from Precinct 16 East, Precinct 15, Precinct 17 and 31-69 McLister Street, South Kingsville and the Westgate Tunnel as well as pedestrian and road safety requirements;
- Existing roads, pedestrian, cyclist and vehicle access locations;
- An assessment of the impact of traffic and car parking generated by the use and development of the site;
- A summary of the internal road network (including street widths and general design) and its appropriateness when considered in relation to clause 56;
- Details of proposed car parking;
- The design of internal network to encourage cycling and pedestrians to travel through the site;
- How the impacts of new vehicle access points on pedestrian and bicycle priority routes will be reduced;
- Any proposed traffic management measures within the site or in the surrounding street network;
- Location and linkages to the public transport network;
- Any necessary transitional arrangements to ensure existing access rights are protected for the industrial operations at 5-7 Sutton Street, South Kingsville;
- No direct access from future dwellings to Stephenson Street;
- Proposed staging plan (if relevant);
- Measures to ensure development does not compromise the delivery of future public transport.

Use transition

Demonstrate measures to protect the ongoing industrial uses during transition of the site to residential use, including protection of existing access rights to 5-7 Sutton Street, South Kingsville while the industrial uses on this property continue. The development plan should include interim and ultimate arrangements in response to this issue with the interim arrangements demonstrating how the existing access from Sutton Street and via Blackshaws Road will be maintained.

Open space and landscape

A landscape report, which identifies:

- Key measures and objectives to ensure that a high quality public realm is achieved with details of proposed landscaping in streets and public open spaces;
- Links to existing and proposed open spaces;
- A landscape concept plan for public open space and roads, with indicative themes and planting schedules;
- Street and public open space cross sections to demonstrate an appropriate landscape outcome;
- Details of water sensitive design initiatives.

Site Remediation Strategy

A Site Remediation Strategy must be submitted with the Development Plan to the satisfaction of the responsible authority to address and make recommendations in relation to:

- Potential impacts of any land or ground water contamination on the proposed land use;

- The proposed pattern, siting and arrangement of land uses across the site or sub-precinct (including residential, public and community uses) and any particular design requirement the development may be subject to;
- Options and a preferred approach to the testing and clean up activities;
- An indicative site map showing locations across the site or sub-precinct of any identified contamination and any proposed clean up activities;
- A schedule of proposed clean up activities;
- Expected staging and indicative timeframes for any works required by the preliminary risk screen assessment or Statement of Environmental Audit across the site following the clean up activities for the site or sub-precinct, if required;
- Indicative site management and monitoring controls that will be necessary following each clean up activity; and
- The parties responsible for key activities and for subsequent site management and monitoring.

The Site Remediation Strategy may be prepared in stages.

Prior to the approval of Development Plans a preliminary risk screen assessment statement must be issued stating that an environmental audit is not required or a Statement of Environmental Audit must be prepared and approved for the site.

The Site Remediation Strategy will be required to reflect the recommendation or requirement of any Statement of Environmental Audit or preliminary risk screen assessment statement.

Affordable housing

Measures to encourage that an affordable housing contribution is provided equivalent to a minimum of 5 per cent of the total number of dwellings to be developed in each sub-precinct. The contribution is to be based on a discount of 25 per cent to the market value.

Acoustic and vibration impacts

A report, which addresses the following:

- An assessment of acoustic and vibration impacts on the site with reference to the existing Spotswood Maintenance Centre, existing industrial use at 5-7 Sutton Street and the adjacent railway line. The assessment must include recommended measures to manage acoustic and vibration impacts at the ultimate developed outcome and also confirm that a reasonable interim arrangement can be achieved during development of the site. The report must have consideration for EPA publication 1826.4 Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (Noise Protocol).
- Identification of potential impacts on future development in the site.
- The proposed design treatment of the interface with industry, including setbacks, fencing, landscaping, internal building layout, noise attenuation construction measures and any other measures required to minimise impacts.
- The proposed design and treatment of the interface with the railway line specifically relating to how it will ensure:
 - Any pedestrian or cyclist breaks in the noise wall for the pedestrian rail crossing still enable the noise attenuation targets to be met.
 - Reflected noise north of the railway line will not result in an unacceptable increase in noise at existing residences.
- Consider amenity of future residents in line with Standard D16 at Clause 58 of the Scheme, assuming that the site is located in a 'noise influence area'.

Environmentally Sustainable Development Strategy

An Environmentally Sustainable Design Strategy must be prepared which considers and responds to the proposed development and construction processes and:

- Demonstrates the incorporation of recognised technologies and best practice;
- Identifies and nominates the level of sustainability performance standards to be adopted;
- Assesses options by which the nominated level of sustainable performance standards will be achieved.

The ESD Strategy must have regard to the local policy, Environmentally Sustainable Development at Clause 15.02L.

Stormwater

A stormwater management strategy to the satisfaction of the council addressing the requirements for volumes and quality of stormwater runoff, details of on-site stormwater retention (if required) and how the development of the site will meet the requirements of Clause 53.18 – Stormwater Management in Urban Development (where applicable) and Melbourne Water Guidelines for Development in Flood Affected Areas (DELWP, 2019).

Major pipeline infrastructure

A report that outlines the impact of the proposed development of that sub-precinct of the site adjacent to pipeline infrastructure both during construction and post-construction on the Somerton to Altona, South Melbourne to Brooklyn and West Footscray to Williamstown Licensed Pipelines, in the context of a pipeline risk assessment, and any measures required to ensure the ongoing maintenance and operation of the pipeline.

This report must be prepared in conjunction with the relevant authorities and stakeholders and according to their requirements. The recommendations of this risk assessment are to be incorporated into any final development plan approval.

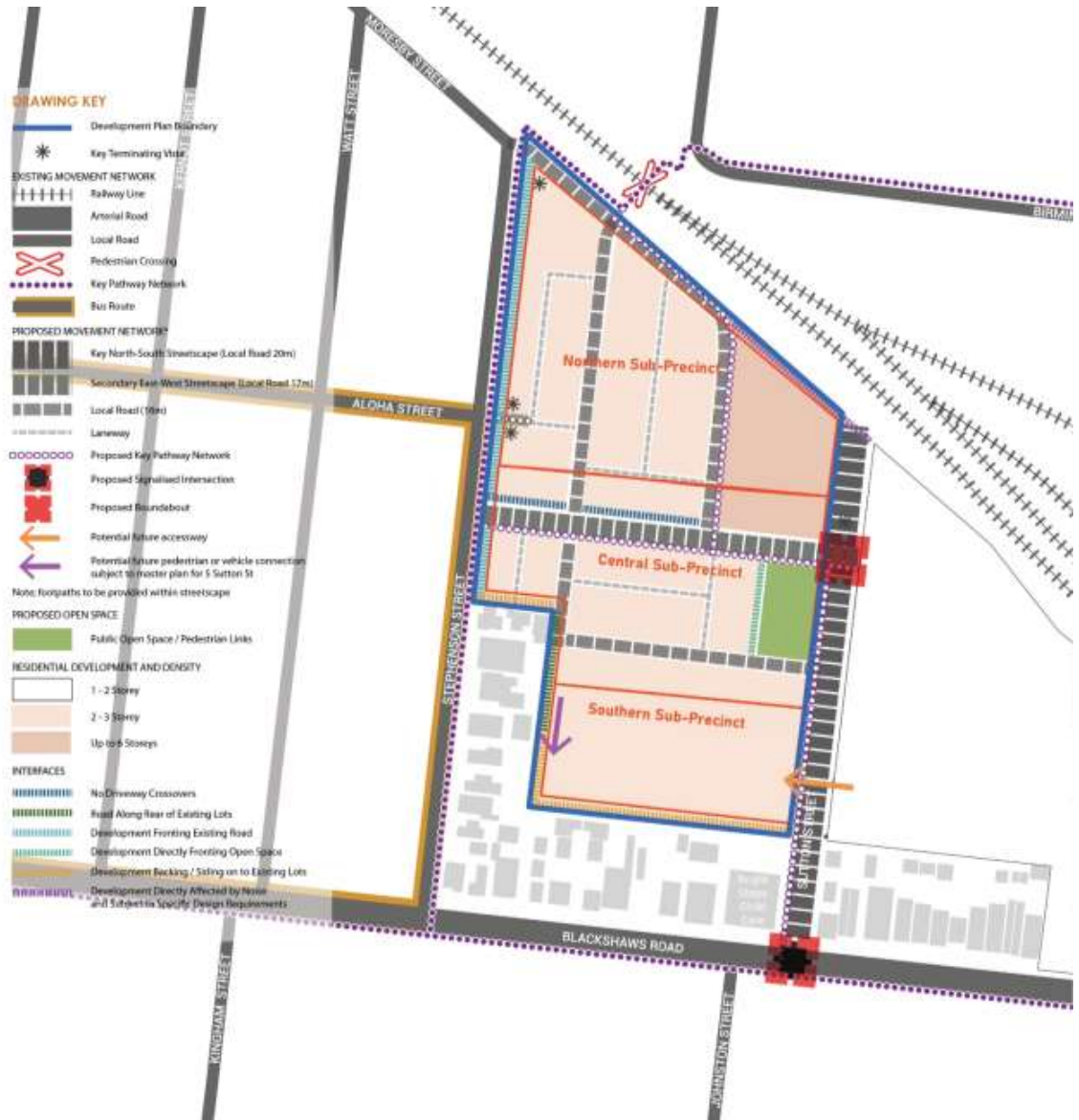
Infrastructure and staging

A report must be submitted with the development plan that assesses the impact of the development on local infrastructure and a staging plan that includes (but is not limited to) the following (as required):

- Access arrangements while the southern sub-precinct continues to operate as an industrial use;
- Any temporary acoustic attenuation measures;
- Staging for delivery of infrastructure to facilitate the development including traffic signals at Sutton Street and Blackshaws Road; and
- Anticipated staging of the development.

5.0 Precinct 16 West Framework Plan

--/--





Department of Environment, Land, Water and Planning

8 Nicholson Street
East Melbourne, Victoria 3002
PO Box 500
East Melbourne, Victoria 8002

Mr Aaron van Egmond
Chief Executive Officer
Hobsons Bay City Council

Email address: ekrijestorac@hobsonsbay.vic.gov.au

Dear Mr van Egmond

PROPOSED HOBSONS BAY PLANNING SCHEME AMENDMENT C114HBAY

I refer to your council's request for authorisation to prepare the above amendment to the Hobsons Bay Planning Scheme.

The amendment proposes to rezone industrial land within Precinct 16 West in South Kingsville and apply new controls including a Development Plan Overlay - Schedule 2 (DPO2) and an Environmental Audit Overlay to facilitate residential development. It also seeks to amend Clause 53.10 to introduce a 5 per cent public open space requirement and removes Heritage Overlay HO274. Two planning permits for subdivision are concurrently being considered with the amendment via the provisions of 96a of the *Planning & Environment Act 1987* (the Act).

Under delegation from the Minister for Planning, in accordance with section 8A of the Act I authorise your council as planning authority to prepare the amendment subject to the following conditions:

1. The Development Plan Overlay Schedule 2 (DPO2) be revised to be address the items raised in the version attached to this letter, including, but not limited to the following:
 - Revision to remove reference to a second set of objectives referenced within the schedule. Objectives for the DPO schedule are limited to clause 1.0 of the schedule and must not exceed five in number. There is an opportunity to refine the text to in respect of the objectives, guidelines, principles and vision.
 - Revision to the affordable housing clause so as to be compliant with the current provisions of the Planning & Environment Act 1987.
 - Removal of the requirement for a Section 173 Agreement to be entered into prior to the approval of the Development Plan.
 - Revision to clarify the timing of the chronology of the completion of the Site Remediation Strategy in relation to the provisions of the Environmental Audit Overlay.
2. The approval of a Development Plan is a statutory function that would occur following the gazettal of the proposed planning scheme amendment, should C114hbay be approved by the Minister for Planning. The proposed Development Plans would not be approved via this planning scheme amendment process. Planning Practice Note 23: Applying the Incorporated Plan and Development Plan Overlay advises that there 'are no processes for exhibiting the plan or making submissions.' However, should the council determine that it wishes to informally notify the community of the draft Development Plans that it would consider should the amendment be approved by the Minister for Planning, the council must make this clear in the communications in respect of C114hbay.
3. Clarification of the relationship between the proposed Schedule 4 to Clause 32.08 General Residential Zone (GRZ4) and the GRZ4 proposed by Amendment C131hbay, which was recently considered by an independent Planning Panel.

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002



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4. The General Residential Zone Schedule 4 be revised to remove the word 'sympathetic' and remove references to works within the public realm in the objectives of the schedule.
5. The Explanatory Report to be updated to demonstrate how the proposal responds to the Melbourne Industrial and Commercial Land Use Plan (MICLUP) released in 2020 and to clarify the status of the Development Plans as outlined in condition 2 above.
6. Amendment documentation be revised to use the reference 'C114hbay' throughout.
7. The submitted ordinance for the Schedule to Clause 43.01 Heritage Overlay includes changes to a number of heritage places including HO144, HO205, HO207, HO209, HO214, HO228, HO238. It also includes the addition of HO36. These do not appear to be associated with the proposed amendment and so should be removed.
8. Unless otherwise agreed in writing with the Minister for Planning, the changes outlined in Conditions 1 to 7 must be made prior to exhibition.

Further to the above conditions, the council are advised that no decision has been made in respect of the potential appointment of an Advisory Committee. Once the exhibition period is completed and number and content of submissions are known, it will be possible for a decision to be made at that stage.

The amendment must be submitted to the Minister for approval.

The authorisation to prepare the amendment is not an indication of whether or not the amendment will ultimately be supported.

Please note that [Ministerial Direction No. 15](#) sets times for completing steps in the planning scheme amendment process. This includes council:

- giving notice of the amendment within 40 business days of receiving authorisation; and before notice of the amendment is given, setting Directions Hearing and Panel Hearing dates with the agreement of Planning Panels Victoria. These dates should be included in the Explanatory Report ([Practice Note 77: Pre-setting panel hearing dates](#) provides information about this step).

The Direction also sets out times for subsequent steps of the process following exhibition of the amendment.

The Minister may grant an exemption from requirements of this Direction. Each exemption request will be considered on its merits. Circumstances in which an exemption may be appropriate are outlined in [Advisory Note 48: Ministerial Direction No.15 – the planning scheme amendment process](#).

In accordance with sections 17(3) and (4) of the Act, the amendment must be submitted to the Minister **at least 10 business days** before council first gives notice of the amendment.

Please submit the amendment electronically using the Amendment Tracking System (ATS).

If you have any further queries in relation to this matter, please contact Steven Cox, Department of Environment, Land, Water and Planning, on 0438 782 950 or email steven.cox@delwp.vic.gov.au.

Yours sincerely,



Steven Cox
Manager, State Planning Services

25 June 2021

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MEMORANDUM

To Aaron Van Egmond, CEO and Pene Winslade, Director Sustainable Communities
From Katy McMahon, Manager Strategy Economy and Sustainability
Date 10/10/2021 **FileRef no** A3614318

This memo seeks CEO approval under delegation (as per Council resolution of 14 April 2020) to refer submissions received in response to Amendment C114 to an independent planning panel and advisory committee to consider under Section 23 and Section 151 of the Planning and Environment Act.

Overview of decision / approval sought from CEO

This memo relates to a Planning Scheme amendment which went through the chamber prior to exhibition, relating to the western half of Precinct 16.

- The proposal is to rezone industrial land in South Kingsville to residential use and allows for 350-400 dwellings (mix of apartments and townhouses).
- The amendment has followed the required statutory process including being exhibited for two months. During exhibition we received 34 submissions, most relating to traffic and amenity issues.
- The next step is to refer the application and submissions to an independent panel.
- You have the delegation to refer the submissions to a Panel.
- We are also requesting an advisory committee to be appointed by the Minister to hear submissions on the development plans (separate to amendment documents).

Background

Amendment C114 relates to land known as 'Precinct 16 West' and includes land at 5-7 Sutton Street, 9-9A Sutton Street and 41-59 Stephenson Street, South Kingsville.

This land has been identified as industrial land with the potential for future residential development in the *Hobsons Bay Industrial Land Management Strategy 2008*. The eastern half of the precinct has been already rezoned to support residential development.

Amendment C114 seeks to transition this industrial land to residential use. Specifically, the amendment proposes the following changes:

- rezone land from Industrial 3 Zone (IN3Z) and part General Residential Zone to General Residential Zone - Schedule 4 (GRZ4) and Residential Growth Zone - Schedule 2 (RGZ2)
- apply a Development Plan Overlay - Schedule 2 (DPO2)
- apply an Environmental Audit Overlay (EAO) to areas not already covered by an EAO
- remove Heritage Overlay HO274 from part of 41-59 Stephenson Street as a permit was

MEMORANDUM

granted for demolition of buildings in 2011 which have now been removed

- amend Clause 53.01 to introduce a 5 per cent public open space contribution to ensure that the requirement for open space is met by the development

Two planning permits for subdivision have also been submitted with the amendment to align title boundaries with the future proposed residential boundaries. Two Development Plans are also being considered with this amendment that detail the development outcomes for the Central and Northern Sub Precincts.

Hobsons Bay City Council

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MEMORANDUM

Summary

Council resolved to request authorisation to prepare and exhibit Amendment C141 to the Hobsons Bay Planning Scheme at its Council Meeting of 14 April 2020 (Appendix 1: Council Resolution).

The resolution noted the delegation of the Chief Executive Officer to consider submissions received about the amendment in accordance with Section 22 of the Planning and Environment Act 1987 and to refer any submissions that cannot be resolved to a Planning Panel appointed by the Minister for Planning in accordance with Section 23 of the Planning and Environment Act 1987.

The resolution also requests the Minister for Planning to appoint a joint panel and advisory committee to hear submissions on Amendment C114 and the submitted development plans. It is noted the panel hearing will provide an opportunity for all submitters to have their submissions considered and a recommendation will be made by the independent planning panel.

Public exhibition of Amendment C114 occurred from 28 July 2021 to 8 September 2021.

Council received a total of 34 submissions including 2 supportive submissions and 32 submissions seeking amendments and / or objecting to the amendment. The majority of submissions related to traffic impacts and other amenity impacts.

The submissions have been considered and officers have responded to all issues raised. The attached delegates report provides an assessment of the submissions received and responses and recommendations. The delegates report recommends referral of submissions to a Planning Panel and Advisory Committee. The delegates report includes

- Attachment 1: Detailed summary of submissions and Council Officer responses
- Attachment 2: Proposed Revised Schedule to the Development Plan Overlay in response to submissions received.

Referral of the submissions to an independent planning panel and advisory committee will ensure submitters have an opportunity to be heard. The panel report and recommendations will be brought to Council for consideration.

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MEMORANDUM

Recommendation

In line with the Council resolution of 14 April 2020 it is recommended that the CEO approve under delegation referral of submissions received in response to Amendment C114 to an independent planning panel and advisory committee to consider under Section 23 and Section 151 of the Planning and Environment Act.

Approved

Pene Winslade Director Sustainable Communities

Date:

Approved as Recommended

Aaron van Egmond

Chief Executive Officer

Date: 15/10/2021

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Appendix 1:

Motion

Moved Cr Peter Hemphill, seconded Cr Jonathon Marsden:

That Council:

1. Resolves to support the preparation and exhibition of Amendment C114 to the Hobsons Bay Planning Scheme, which proposes to:
 - a. Rezone land at 5-7 Sutton Street, 9 and 9A Sutton Street and 41-59 Stephenson Street, South Kingsville from Industrial 3 Zone (IN3Z) and part General Residential Zone (GRZ) to part General Residential Zone Schedule 4 (GRZ4) and part Residential Growth Zone Schedule 2 (RGZ2)
 - b. Remove Heritage Overlay 274 (HO274) from part of 41-49 Stephenson Street
 - c. Apply Schedule 2 to the Development Plan Overlay (DPO)
 - d. Apply the Environmental Audit Overlay (EAO)
 - e. Amend the Schedule to Clause 53.01 to provide for a 5 per cent public open space requirement
2. Resolves to consider the application for planning permits for subdivision (PA1943532 and PA1943533) concurrently with Amendment C114 in accordance with section 96A of the *Planning and Environment Act 1987*.
3. Resolves to exhibit and consider two development plans for 9-9A Sutton Street and 41-59 Stephenson Street concurrently with Amendment C114 that are in general accordance with the draft provisions.
4. Requests the Minister for Planning to:
 - a. Authorise the Council under section 8A of the Planning and Environment Act to prepare and exhibit Amendment C114 combined with proposed planning permits PA1943532 and PA1943533
 - b. Appoint a joint panel and advisory committee to hear submissions on Amendment C114 and the submitted development plans

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MEMORANDUM

- 5. Resolves to exhibit Amendment C114 combined with proposed planning permits PA1943532 and PA1943533 under section 96B of the Planning and Environment Act.**
- 6. Notes the delegation of the Chief Executive Officer to:**
 - a. Make any necessary minor changes to amendment and planning permit documentation in seeking authorisation to prepare and exhibit Amendment C114 and draft planning permits PA1943532 and PA1943533 to the Hobsons Bay Planning Scheme**
 - b. Consider any submissions received in relation to Amendment C114 and draft planning permits PA1943532 and PA1943533 in accordance with section 22 of the Planning and Environment Act**
 - c. Refer any submissions that cannot be resolved, along with other submissions, to the independent panel appointed by the Minister for Planning in accordance with section 23 of the Planning and Environment Act.**

Carried unanimously

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Attachment 2: Delegates Report

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Amendment C114 - Precinct 16 West

Delegates report – Submissions to C114
10 October 2021

PURPOSE OF REPORT

The purpose of this report is to consider submissions received to Amendment C114 (Precinct 16 West) and request the Minister for Planning to appoint an independent planning panel to consider all submissions under Section 23 of the *Planning and Environment Act 1987*.

It is also requested that the Minister for Planning Council appoint an Advisory Committee to consider unresolved submissions related to two Development Plans for Northern Sub Precinct (41-59 Stephenson Street, South Kingsville) and Central Sub Precinct (9 and 9A Sutton Street, South Kingsville).

BACKGROUND

Purpose of the amendment

Amendment C114 relates to land known as 'Precinct 16 West' and includes land at 5-7 Sutton Street, 9-9A Sutton Street and 41-59 Stephenson Street, South Kingsville.

This land has been identified as industrial land with the potential for future residential development in the *Hobsons Bay Industrial Land Management Strategy 2008*. The eastern half of the precinct has been already rezoned to support residential development.

The amendment seeks to transition this industrial land to residential use. Specifically, the amendment proposes the following changes:

- rezone land from Industrial 3 Zone (IN3Z) and part General Residential Zone to General Residential Zone - Schedule 4 (GRZ4) and Residential Growth Zone - Schedule 2 (RGZ2)
- apply a Development Plan Overlay - Schedule 2 (DPO2)
- apply an Environmental Audit Overlay (EAO) to areas not already covered by an EAO
- remove Heritage Overlay HO274 from part of 41-59 Stephenson Street as a permit was granted for demolition of buildings in 2011 which have now been removed
- amend Clause 53.01 to introduce a 5 per cent public open space contribution to ensure that the requirement for open space is met by the development

Two planning permits for subdivision have also been submitted with the amendment to align title boundaries with the future proposed residential boundaries. Two Development Plans are also being considered with this amendment that detail the development outcomes for the Central and Northern Sub Precincts.

Authorisation of amendment

Council resolved to support the preparation and exhibition of Amendment C114 at its Council Meeting on 14 April 2020.

The Council:

1. Resolved to support the preparation and exhibition of Amendment C114 to the Hobsons Bay Planning Scheme, which proposes to:

- a. rezone land at 5-7 Sutton Street, 9 and 9A Sutton Street and 41-59 Stephenson Street, South Kingsville from Industrial 3 Zone (IN3Z) and part General Residential Zone (GRZ) to General Residential Zone Schedule 4 (GRZ4) and part Residential Growth Zone Schedule 2 (RGZ2)
 - b. remove Heritage Overlay 274 (HO274) from part of 41-59 Stephenson Street
 - c. apply Schedule 2 to the Development Plan Overlay (DPO2)
 - d. apply the Environmental Audit Overlay (EAO)
 - e. amend the Schedule to Clause 53.01 to provide for 5 per cent public open space requirement
2. Resolved to consider the application for planning permits for subdivision (PA1943532 and PA1943533) concurrently with Amendment C114 in accordance with section 96A of the *Planning and Environment Act 1987*.
 3. Resolved to exhibit and consider two Development Plans for 9-9A Sutton Street and 41-59 Stephenson Street concurrently with Amendment C114 that are in general accordance with the draft provisions.
 4. Requested the Minister for Planning to:
 - a. Authorise the Council under section 8A of the *Planning and Environment Act 1987* to prepare and exhibit Amendment C114 combined with proposed planning permits PA1943532 and PA1943533
 - b. Appoint a joint panel and advisory committee to hear submissions on Amendment C114 and the submitted Development Plans
 5. Resolved to exhibit Amendment C114 combined with proposed planning permits PA1943532 and PA1943533 under section 96B of the *Planning and Environment Act 1987*.
 6. **Noted the delegation of the Chief Executive Officer to:**
 - a. **Make any necessary minor changes to amendment and planning permit documentation in seeking authorisation to prepare and exhibit Amendment C114 and draft planning permits PA1943532 and PA1943533 to the Hobsons Bay Planning Scheme**
 - b. **Consider any submissions received in relation to Amendment C114 and draft planning permits PA1943532 and PA1943533 in accordance with section 22 of the *Planning and Environment Act 1987***
 - c. **Refer any submissions that cannot be resolved, along with other submissions, to the independent panel appointed by the Minister for Planning in accordance with section 23 of the *Planning and Environment Act 1987*.**

The request for authorisation was submitted on 18 May 2021. Council received authorisation with conditions from the Minister for Planning to prepare and exhibit Amendment C114 on 25 June 2021. The conditions required the amendment to be revised as follows:

1. *The Development Plan Overlay Schedule 2 (DPO2) be revised to be address the items raised in the version attached to this letter, including, but not limited to the following:*
 - *Revision to remove reference to a second set of objectives referenced within the schedule. Objectives for the DPO schedule are limited to clause 1.0 of the schedule and must not exceed five in number. There is an opportunity to refine the text to in respect of the objectives, guidelines, principles and vision.*
 - *Revision to the affordable housing clause so as to be compliant with the current provisions of the Planning & Environment Act 1987.*
 - *Removal of the requirement for a Section 173 Agreement to be entered into prior to the approval of the Development Plan.*
 - *Revision to clarify the timing of the chronology of the completion of the Site Remediation Strategy in relation to the provisions of the Environmental Audit Overlay.*
2. *The approval of a Development Plan is a statutory function that would occur following the gazettal of the proposed planning scheme amendment, should C114hbay be approved by the Minister for Planning. The proposed Development Plans would not be approved via this planning scheme amendment process. Planning Practice Note 23: Applying the Incorporated Plan and Development Plan Overlay advises that there 'are no processes for exhibiting the plan or making submissions.' However, should the council determine that it wishes to informally notify the community of the draft Development Plans that it would consider should the amendment be approved by the Minister for Planning, the council must make this clear in the communications in respect of C114hbay.*
3. *Clarification of the relationship between the proposed Schedule 4 to Clause 32.08 General Residential Zone (GRZ4) and the GRZ4 proposed by Amendment C131hbay, which was recently considered by an independent Planning Panel.*
4. *The General Residential Zone Schedule 4 be revised to remove the word 'sympathetic' and remove references to works within the public realm in the objectives of the schedule.*
5. *The Explanatory Report to be updated to demonstrate how the proposal responds to the Melbourne Industrial and Commercial Land Use Plan (MICALUP) released in 2020 and to clarify the status of the Development Plans as outlined in condition 2 above.*
6. *Amendment documentation be revised to use the reference 'C114hbay' throughout.*
7. *The submitted ordinance for the Schedule to Clause 43.01 Heritage Overlay includes changes to a number of heritage places including HO144, HO205, HO207, HO209, HO214, HO228, HO238. It also includes the addition of HO36. These do not appear to be associated with the proposed amendment and so should be removed.*
8. *Unless otherwise agreed in writing with the Minister for Planning, the changes outlined in Conditions 1 to 7 must be made prior to exhibition.*

Officers met with the Department of Environment, Land, Water and Planning (DELWP) on 19 June 2021 to discuss the required changes and resolved the following matters:

1. Development Plan Overlay – Council offices have revised the vision section and incorporated the objectives into design guidelines as discussed. The affordable housing clause has been updated to refer to ‘encourage’ rather than ‘ensure’ and the section 173 agreement requirement has been removed. The wording related to Site Remediation Strategy was amended and updated to reflect the Environment Protect Act 2017.
2. Development Plans - Council officers refined the wording in the explanatory report to ensure that there is a distinction between the formal notification of the amendment and the consideration of Development Plans by Council.
3. Clarification on Schedule 4 to Clause 32.08 General Residential Zone (GRZ4) and the GRZ4 proposed by Amendment – No further changes were required.
4. General Residential Zone Schedule 4 be revised to remove the word ‘sympathetic’ and remove references to works within the public realm in the objectives of the schedule - The objectives in the GRZ4 have been revised to remove the word sympathetic and references to the public realm works.
5. Explanatory report - The explanatory report has been updated to respond to Melbourne Industrial and Commercial Land Use Plan (MICLUP) 2020 and to include appropriate mention of Development Plans.
6. Revision of the documentation to include ‘C114hbay’ – Relevant documents have been revised.
7. Heritage Overlay - Amendment C114 proposes to remove Heritage Overlay 274 only as the buildings have been demolished in accordance with a planning permit (PA1122480) issued in August 2011.

The required changes were addressed, and Amendment C114hbay documentation was submitted on 21 July 2021 to the Department of Environment, Land, Water and Planning (DELWP), enabling the amendment to proceed to public exhibition.

NOTICE OF PREPARATION

Public exhibition of Amendment C114 occurred from 28 July 2021 to 8 September 2021 in accordance with sections 19 of the *Planning and Environment Act 1987* and included:

- Notice published in the Maribyrnong and Hobsons Bay Star Weekly on 28 July 2021
- Notice published in the Government Gazette on 29 July 2021
- Direct notification (letter and factsheet) of over 1,735 owners and occupiers of residentially zoned land
- Letters (via email) to 32 Authorities, Agencies and prescribed Ministers
- Information provided online via Participate Hobsons Bay, Council’s community engagement platform and Department of Environment, Land, Water and Planning website
- Information sessions were both held in person and online due to state government restrictions

SUBMISSIONS RECEIVED

A total of 34 submissions (including an addendum from the EPA as a late submission) were received from a proponent, residents, public agencies, and service authorities. Table 1 below provides a summary of submitters' positions on the Amendment, with a copy of all submissions provided at Attachment 1.

Table 1: Summary of Submitters Positions to Amendment C114

Submission position	Submitted number	Number of submissions
No objections / support	9, 18	2
Objections / seek changes	1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34	32
Total		34

CONSIDERATION OF SUBMISSIONS

Section 22 of the *Planning and Environment Act 1987* requires Council, as the planning authority, to consider all submissions made on or before the date set out in the notice. Council may also consider, at its discretion, late submissions. An addendum to the EPA submission was received after the closing date. It is recommended that the addendum is also considered as part of the Amendment.

Summary of the key issues raised in submissions and council officer response

A summary of key matters raised along with a Council Officer response is provided in Table 2 below. The matters raised below refer both to the Amendment and Development Plans. A summary of individual submissions and detailed responses are outlined at Attachment 2.

Table 2: Response to key matters raised by submitters

Summary of main issues	Summary of Council officer response
Increased densities	
Insufficient policy to support housing development	<ul style="list-style-type: none"> The Housing Strategy 2019 informs housing change and development across the municipality and nominates Precinct 16-West (and Precinct 16) as a site for significant housing change. The Industrial Land Management Strategy 2008 supports the transition of the site from an industrial to a residential use subject to managing any impacts to existing or future residents.
Cumulative traffic impacts / impacts on parking	<ul style="list-style-type: none"> A transport impact assessment has been submitted and finds adequate capacity in the surrounding road network to cater for the increased traffic generated. Council is aware of issues with non-local traffic travelling on local roads and has recently prepared a draft Local Area Movement Plan to identify issues and opportunities relating to the safety, connectivity, amenity and accessibility within the local road and cyclist network across all modes of transport. The draft Spotswood

Summary of main issues	Summary of Council officer response
	<p>South Kingsville LAMP considers the broader local road network and emerging developments at Precincts 15, 16 and 17</p> <ul style="list-style-type: none"> • Future developments will be required to meet car parking provisions as outlined at Clause 52.06
<p>Access to public transport and active transport options (walking / cycling)</p>	<ul style="list-style-type: none"> • The Amendment seeks to deliver housing in an area with access to public transport services and active transport infrastructure. • A new shared path / signalised intersection is proposed to facilitate safe pedestrian / cyclist movements and promote active transport • Buses at Stephenson Street connect to key metro stations. • Council will continue to advocate for improvements to the frequency and efficiency of the local bus network.
<p>Impact on community facilities / schools</p>	<ul style="list-style-type: none"> • The proposal does not trigger a need for any new community facilities. • Department of Education and Training is responsible for the provision of education facilities.
<p>Insufficient open space provision / space for tree planting or canopy cover</p>	<ul style="list-style-type: none"> • 5% open space contribution is consistent with Precinct 16-East • All lots will be within 400m walking distance of open space • Proposal will improve ped / cycle access to regional open space to the south through signalised intersection of Sutton Street • 3m and 4m front setbacks are proposed for tree planting, the 16m and 17m wide access roads will allow for street tree planting also
Infrastructure / affordable Housing	
<p>Requirement for the signalisation of Blackshaws Road</p>	<ul style="list-style-type: none"> • The signalisation of Sutton Street and Blackshaws Road will ensure safe vehicular movements onto the arterial road network and safe crossing over Blackshaws Road for pedestrians and cyclists. • The Department of Transport (DoT) supports the proposal • Loss of car parking on Blackshaws Road is required to deliver this signalised intersection and will result in a net community benefit.
<p>Requirement for undergrounding of powerlines</p>	<ul style="list-style-type: none"> • Required in Sutton Street to deliver improved streetscape amenity consistent with residential rather than industrial use
<p>Request for 10 percent affordable housing</p>	<ul style="list-style-type: none"> • In line with the Affordable Housing Policy Statement 2016 that seeks 10% affordable housing in SRAs
Biodiversity / sustainability	
<p>Impacts on biodiversity</p>	<ul style="list-style-type: none"> • Site has been cleared of vegetation. An ecologist has found site to be devoid of ecological values or species of conservation significance.
<p>Insufficient ESD provisions</p>	<ul style="list-style-type: none"> • The draft Development Plan Overlay Schedule 2 requires that an Environmentally Sustainable Development (ESD) Strategy is submitted with any development plan. • Current ESD provisions include rainwater tanks and PVC systems. Will be further explored at the planning permit stage.
Building heights, character and heritage	
<p>The proposed six-storey development and inconsistency with the existing character</p>	<ul style="list-style-type: none"> • The six storey development will mitigate noise impacts from abutting industry / the freight line consistent with development approved on the eastern side of Sutton Street. • Building to be located a distance from Stephenson / Birmingham Streets to limit any impacts on neighbourhood character. • The remainder of the site will consist of two to three storey townhouses, with two storey development proposed fronting Stephenson Street to respond to existing building heights.
<p>The proposed GRZ / three storey height limit</p>	<ul style="list-style-type: none"> • Where the site directly abuts existing 1-2 storey residential development the General Residential Zone (GRZ) has been applied (allows for max 3 storey development). This will allow for an appropriate transition in height / interface with existing houses.

Summary of main issues	Summary of Council officer response
Heritage buildings / overlay	<ul style="list-style-type: none"> Heritage Overlay 274 (HO274) applies to the former McKenzie and Holland Factory Complex at 41-59 Stephenson Street. The built form was in poor condition and as such a permit for demolition was issued on 3 August 2011. The site is currently vacant, and no other heritage significant places are located on the subject site. The proposed removal of HO274 aims to reflect this change. Development Plans proposed to include more reference to the history of the site / and efforts made to reference this in the future urban fabric (e.g. through street names or artwork in the public realm).
Amenity	
Noise and vibration from surrounding industry / freight line	<ul style="list-style-type: none"> A noise and vibration report has been submitted with the amendment. Mitigation measures have been proposed to address noise / vibration associated with the Spotswood Maintenance Facility (SMC) / freight line and industrial use at 5 Sutton Street including a 4m sound barrier and 6-storey development on the northern boundary. The conditions at Clause 3 of the draft schedule to the Development Plan Overlay are recommended to be updated to respond to the changes brought in by the Environment Act 2017 on 1st July 2021. This will require a revised report to be prepared that confirms the mitigation measures are appropriate prior to issue of any planning permit for development.
Odour / air quality	<ul style="list-style-type: none"> A report has been prepared by SLR consulting that advises due to the location of the site to the east of SMC and prevailing winds the site has less risk of adverse odour impacts
Protection for industry	
Retaining the industrial zone and protection of Able Industries	<ul style="list-style-type: none"> The draft DPO2 as well as existing use rights allow the industrial use at 5 Sutton Street to keep operating until they wish to relocate. The site is not considered to be suited for continued heavy industry due to its location within a mainly residential community. The internal road network and staging has been designed with consideration for the existing industrial use and the requirement for ongoing access to this site for trucks and heavy vehicles.

REFERRAL TO A PLANNING PANEL AND AN ADVISORY COMMITTEE

Section 23 of the *Planning and Environment Act 1987* makes provision for decisions about submissions, setting out what a Planning Authority must do after considering a submission which requests a change to the amendment. The Planning Authority must either:

1. change the amendment in the manner requested, or
2. refer the submission to panel appointed under Part 8, or
3. abandon the amendment or part of the amendment.

Under Section 23(2) of the Act, Council may refer submissions that do not require a change to the amendment to a Planning Panel. It is therefore recommended that, in accordance with Council's resolution at its Ordinary Council Meeting on 14 April 2020, Council's delegate (Chief Executive Officer) after considering all submissions received including late submissions, requests that the Minister for Planning appoint a Planning Panel to consider all of the submissions to Amendment C114.

In addition to appointing a Planning Panel to hear submissions on the Amendment, as per the Council resolution of 14 April 2020 it is requested that the Minister appoint an Advisory Committee pursuant to Section 151 of the Act to concurrently review and hear submissions on the Development Plans and to make recommendations on the plans to Council.

CHANGES TO THE AMENDMENT

In considering the submissions the following changes are recommended:

Table 3: Changes recommended to amendment

Submission	Policy / Report	Change
22	All Development Plans	Update relevant sections of the Development Plans to include more reference to the history of the site and within the future urban fabric / public realm where possible (e.g. through artwork / street names etc.).
24 and 31	Clause 43.04-2 Development Plan Overlay Schedule 2	Amend the Schedule 2 to draft Development Plan Overlay (DPO2) conditions and requirements for planning permits to include: <i>“The report must be prepared in conjunction with the relevant authorities and stakeholders. The recommendations of this risk assessment are to be incorporated into any final development plan approval.”</i>
28 & 25	Clause 43.04-2 Development Plan Overlay Schedule 2	Amend the Schedule 2 to Development Plan Overlay (DPO2) conditions and requirements for planning permits relating to acoustic requirements. This will ensure that DPO2 is consistent with the <i>Environment Protection Act 2017</i> (the EP Act 2017) came into effect on 1 July 2021. <i>The following conditions and/or requirements apply to permits unless otherwise agreed in writing with the Responsible Authority:</i> <ul style="list-style-type: none"> • <i>Any development that will accommodate residential or other noise-sensitive uses must be designed and constructed to include noise attenuation measures. These noise attenuation measures must ensure that: <ul style="list-style-type: none"> ○ <i>Combined external noise from industry, trains and road traffic impacting sensitive uses other than apartments or residential building or impacting areas of apartments or residential buildings other than bedrooms and living areas, is attenuated to achieve the median value of the range of recommended design sound levels of Australian Standard AS/NZ 2107:2016 (Acoustics – Recommended design sound level and reverberation times for building interiors). These noise levels are to be measured internally at the expected occupancy position(s) in the space relevant to the noise of interest with doors and windows closed. The preferred positions are at least 1 m from the walls or other major reflecting surface, 1.2 m to 1.5 m above the floor and about 1.5 m from windows.</i> ○ <i>The assessment of noise emanating from the Spotswood Maintenance Centre and Able Industries Engineering must include a comprehensive assessment of the activities – both current and reasonably foreseen planned future activities (and address worst case and upset conditions). Train</i> </i>

Submission	Policy / Report	Change
		<p><i>airborne noise received at new residential or other noise sensitive uses is attenuated to achieve a noise level of 55 dBA, Lmax in bedrooms and a noise level of 60 dBA, Lmax in living areas.</i></p> <p><i>These noise levels are to be measured at the expected occupancy position(s) in the space relevant to the noise of interest with doors and windows closed. The preferred positions are at least 1 m from the walls or other major reflecting surface, 1.2 m to 1.5 m above the floor and about 1.5 m from windows. The measurements should be undertaken using a 'fast' meter time weighting, and must be achieved for 95% of train pass-bys (i.e. 5%, 1 in 20 trains may exceed).</i></p> <ul style="list-style-type: none"> ○ <i>Train ground borne noise received at new residential or other noise sensitive uses is attenuated to achieve a noise level of 35 dBA, Lmax, slow, in bedrooms and 40 dBA, Lmax, slow, in living areas.</i> <p><i>These noise levels are to be measured internally at the expected occupancy position(s) in the space relevant to the noise of interest with doors and windows closed. The preferred positions are at least 1 m from the walls or other major reflecting surface, 1.2 m to 1.5 m above the floor and about 1.5 m from windows. The measurements should be undertaken using a 'slow' meter time weighting, and must be achieved for 95% of train pass-bys (i.e. 5%, 1 in 20 trains may exceed).</i></p> <p><i>This assessment of train ground borne noise is only to be applied for new residential or other noise sensitive uses where train ground borne noise is the dominant source of noise (i.e. higher than the train airborne noise).</i></p> <ul style="list-style-type: none"> ○ <i>Truck pass-by noise received at new residential or other noise sensitive uses is attenuated to achieve an internal maximum noise level of 55 dBA Lmax, in bedrooms, during the night.</i> <p><i>These noise levels are to be measured internally at the expected occupancy position(s) in the space relevant to the noise of interest with doors and windows closed. The preferred positions are at least 1 m from the walls or other major reflecting surface, 1.2 m to 1.5 m above the floor and about 1.5 m from windows.</i></p> <ul style="list-style-type: none"> • <i>Any development that will accommodate residential or other vibration-sensitive uses must be designed and constructed to include vibration attenuation measures. These vibration attenuation measures must ensure that:</i> <ul style="list-style-type: none"> ○ <i>Train vibration received at new residential or other vibration-sensitive uses meet acceptable vibration levels in [insert criteria from relevant international standards].</i> • <i>The following conditions apply to permits for development:</i> <ul style="list-style-type: none"> ○ <i>Prior to the occupation of any building, a report prepared by a suitably qualified acoustic and vibration consultant which certifies compliance with the noise and vibration attenuation criteria set out in clause 3.0 of Schedule 2 to the Development Plan Overlay must be provided to the satisfaction of the responsible authority.</i>

Submission	Policy / Report	Change
30	Northern Development Plan	Recommended changes (Development Plan) Further design detail to be included in the Northern Development Plan that shows how the proposed north-south cycle/ped connection is proposed to link in with the rail crossing to the north (considering the requirement for noise walls on the boundary).

The public exhibition process also identified some minor corrections required to Amendment C114 documentation. The revisions will be raised at Panel and Advisory Committee and include:

- Minor changes to the planning report to address an error relating to Precinct 17 being completely affected by the Mixed Use Zone and include information relating to the approved Building A and B developments (Planning Permits PA1945411 and PA1945441) and the proposed 'Balance of Land' application (PA2048400) currently before Council.
- Amend the northern Development Plan to reference show the location of the Licensed Somerton JV and Licensed South Melbourne – Brooklyn pipelines in line with the submission 31. Additionally, the development plan should be amended to specify a minimum 3m setback from the above mentioned pipelines in line with the *Pipelines Act 2005*.

RECOMMENDATIONS

It is recommended that, in accordance with Council's resolution at its Ordinary Council Meeting on 14 April 2020 and Council's Instrument of Delegation, Council's Delegate resolves to:

1. Make any necessary minor changes to amendment and planning permit documentation in seeking authorisation to prepare and exhibit Amendment C114 and draft planning permits PA1943532 and PA1943533 to the Hobsons Bay Planning Scheme.
2. Consider any submissions received in relation to Amendment C114 and draft planning permits PA1943532 and PA1943533 in accordance with section 22 of the *Planning and Environment Act 1987*.
3. Refer any submissions that cannot be resolved, along with other submissions, to the independent panel appointed by the Minister for Planning in accordance with section 23 of the *Planning and Environment Act 1987*.
4. Request the Minister for Planning to also appoint an Advisory Committee to hear submissions on the submitted Development Plans
5. Authorise officers, in presenting Council's submissions to the Planning Panel, to adopt a position of support for Amendment C114hbay generally in accordance with the Council officer response to submissions as set out in this report, including supporting refinements to the amendment documents as outlined at Table 3 including:

- a. Amend the draft Schedule 2 to Development Plan Overlay (requirements for development plan as follows:
- i. Insert the following text under Major Pipeline Infrastructure at Clause 4
"This report must be prepared in conjunction with the relevant authorities and stakeholders. The recommendations of this risk assessment are to be incorporated into any final development plan approval" and include reference to the South Melbourne to Brooklyn Licensed Pipelines
- b. Update the Schedule 2 to Development Plan Overlay conditions and requirements for planning permits to the following:
The following conditions and/or requirements apply to permits unless otherwise agreed in writing with the Responsible Authority:
- *Any development that will accommodate residential or other noise-sensitive uses must be designed and constructed to include noise attenuation measures. These noise attenuation measures must ensure that:*
 - *Combined external noise from industry, trains and road traffic impacting sensitive uses other than apartments or residential building or impacting areas of apartments or residential buildings other than bedrooms and living areas, is attenuated to achieve the median value of the range of recommended design sound levels of Australian Standard AS/NZ 2107:2016 (Acoustics – Recommended design sound level and reverberation times for building interiors).*

These noise levels are to be measured internally at the expected occupancy position(s) in the space relevant to the noise of interest with doors and windows closed. The preferred positions are at least 1 m from the walls or other major reflecting surface, 1.2 m to 1.5 m above the floor and about 1.5 m from windows.
 - *The assessment of noise emanating from the Spotswood Maintenance Centre and Able Industries Engineering must include a comprehensive assessment of the activities – both current and reasonably foreseen planned future activities (and address worst case and upset conditions). Train airborne noise received at new residential or other noise sensitive uses is attenuated to achieve a noise level of 55 dBA, L_{max} in bedrooms and a noise level of 60 dBA, L_{max} in living areas.*

These noise levels are to be measured at the expected occupancy position(s) in the space relevant to the noise of interest with doors and windows closed. The preferred positions are at least 1 m from the walls or other major reflecting surface, 1.2 m to 1.5 m above the floor and about 1.5 m from windows. The measurements should be undertaken using a 'fast' meter time weighting, and must be achieved for 95% of train pass-bys (i.e. 5%, 1 in 20 trains may exceed).
 - *Train ground borne noise received at new residential or other noise sensitive uses is attenuated to achieve a noise level of 35 dBA, L_{max}, slow, in bedrooms and 40 dBA, L_{max}, slow, in living areas.*

These noise levels are to be measured internally at the expected occupancy position(s) in the space relevant to the noise of interest with doors and windows closed. The preferred positions are at least 1 m from the walls or other major reflecting surface, 1.2 m to 1.5 m above the floor and about 1.5 m from windows. The measurements should be undertaken using a 'slow' meter time weighting, and must be achieved for 95% of train pass-bys (i.e. 5%, 1 in 20 trains may exceed). This assessment of train ground borne noise is only to be applied for new residential or other noise sensitive uses where train ground borne noise is the dominant source of noise (i.e. higher than the train airborne noise).

- *Truck pass-by noise received at new residential or other noise sensitive uses is attenuated to achieve an internal maximum noise level of 55 dBA Lmax, in bedrooms, during the night.*
 - These noise levels are to be measured internally at the expected occupancy position(s) in the space relevant to the noise of interest with doors and windows closed. The preferred positions are at least 1 m from the walls or other major reflecting surface, 1.2 m to 1.5 m above the floor and about 1.5 m from windows.*
 - *Any development that will accommodate residential or other vibration-sensitive uses must be designed and constructed to include vibration attenuation measures. These vibration attenuation measures must ensure that:*
 - *Train vibration received at new residential or other vibration-sensitive uses meet acceptable vibration levels in [insert criteria from relevant international standards].*
 - *The following conditions apply to permits for development:*
 - *Prior to the occupation of any building, a report prepared by a suitably qualified acoustic and vibration consultant which certifies compliance with the noise and vibration attenuation criteria set out in clause 3.0 of Schedule 2 to the Development Plan Overlay must be provided to the satisfaction of the responsible authority.*
- c. Amend the planning report to include omitted comments relating to Precinct 17 planning permits and zoning.
- d. Amend the Northern Sub Precinct Development plan to address the pipeline requirements as recommended in the changes to the document.
- e. Amend the Northern Sub Precinct Development Plan to include an appropriate level of design detail for the proposed shared path to demonstrate how this will connect safely to the rail crossing at the northern boundary.
6. Authorise officers to engage external providers to assist Council officers to represent Council at the Planning Panel and Advisory Committee, and to present Council's submission on Amendment C114hbay to the Planning Panel and Advisory Committee.
7. Authorise officers to present submissions to the Planning Panel and Advisory Committee suggesting refinements to Amendment of C114hbay.

Attachment 2: Detailed summary of submissions and officer response

SUMMARY OF SUBMISSIONS TO AMENDMENT C114

Amendment C114 was on public exhibition for a period of 6 weeks from 28 July to 8 September 2021. Council received 34 submissions. The following table summarises the submissions received and the officer’s response along with any recommended changes to Amendment C114.

The table also notes if the submissions were responding to only the planning scheme amendment, development plan or both.

AM = Amendment, DP = Development Plan

Sub. No	AM or DP?	Key Issue Area	Submission Summary	Council response
1	Both	Sustainability, tree planting, 20-minute city concept, affordable housing, art spaces	<p>Objection</p> <ol style="list-style-type: none"> 1. These developments should foster the 20-minute village concept. 2. Should incorporate public housing 3. Should incorporate art spaces and workshops 4. Developments should be 110% sustainable 5. Development should have more trees 6. Dissuading the use of cars 	<ol style="list-style-type: none"> 1. The Amendment seeks to deliver housing within an established area and in proximity to a range of facilities, services and public transport, which aligns with the Plan Melbourne 20-minute neighbourhood concept and Clause 15 of the Hobsons Bay Planning Scheme. 2. Council advocates for affordable housing and is seeking a 10 per cent affordable housing contribution for this site in line with Council’s Affordable Housing Policy Statement (2016). The Department of Health and Human Services (state government) is responsible for delivering public housing. 3. Although the South Kingsville area does not have a specific art and cultural venue, the site has access to community spaces at Spotswood Community House and South Kingsville Community Centre. This site is located outside an activity centre, where community infrastructure is generally encouraged and has been identified in the Housing Strategy as an important site for medium to higher density housing to meet future housing demand. 4. The draft Development Plan Overlay Schedule 2 requires that an Environmentally Sustainable Development (ESD) Strategy is submitted with any development plan. The ESD strategy needs to consider local policy at Clause 22.13 – Environmentally Sustainable Development (ESD) that seeks to achieve best practice in environmentally sustainable development from the design stage through to construction.

Attachment C114 – Submissions

Sub. No	AM or DP?	Key Issue Area	Submission Summary	Council response
				<p>The development plans submitted with the amendment include an ESD strategy and propose the following initiatives:</p> <ul style="list-style-type: none"> ○ apartment building orientation to optimize solar access ○ buildings designs to encourage passive heating and cooling ○ solar photovoltaic (PV) systems for the apartment building ○ rainwater tanks for townhouses ○ areas for bicycle storage in the apartment building <p>5. The transition of the site from an industrial to a residential use provides opportunity for more tree planting. Street tree planning will be provided within public realm (in the open space and road reserves) and private realm (within front setbacks) in support of the Urban Forest Strategy (2020). For proposed landscaping outcomes for this site refer the central sub-precinct development plan and the northern sub-precinct development plan.</p> <p>6. The amendment supports active transport such as walking and cycling by delivering a 2.5m shared path through the site and signals at Blackshaws Road. The need for improved pedestrian and cycle links through the subject site and across Blackshaws Road is identified in the draft Spotswood South Kingsville Local Area Movement Plan (LAMP). The LAMPs identify issues and opportunities relating to the safety, connectivity, amenity and accessibility within the local road and cyclist network across all modes of transport. Council continues to advocate for improved public transport services in South Kingsville including more direct and frequent bus services.</p>
2	AM	Traffic	<p>Objection</p> <p>1. Traffic impacts to the broader area without appropriate road adjustments. Please consider an additional road crossing at Watson/ The Avenue, or subsequent road widening along Williamstown Road.</p>	<p>1. It is noted that due to the proposed design and development requirements, the ultimate number of dwellings is anticipated to be less than 650. The development plans for the northern and central sub precincts propose a maximum of 330 dwellings. The southern sub precinct is yet to submit a development plan.</p> <p>The Traffic Impact Assessment (TIA) finds that there is adequate capacity in the surrounding road network to cater for the increased traffic generated by the proposed development. Council is requiring traffic signals at the intersection of Sutton Street and Blackshaws Road to ensure safe movements onto the arterial road network.</p>

Attachment C114 – Submissions

Sub. No	AM or DP?	Key Issue Area	Submission Summary	Council response
				Council has recently prepared LAMPs to respond to increasing pressures on the local road network. The LAMPs identify issues and opportunities relating to the safety, connectivity, amenity and accessibility within the local road and cyclist network across all modes of transport. These plans have taken into consideration future development in Spotswood, South Kingsville and Altona North.
3	Both	Building heights, Road noise, Loss of on-street parking, Property value, Traffic,	<p>Objection</p> <ol style="list-style-type: none"> 1. The proposed high density does not align with the current medium density (1-2 story townhouses) that exists within the South Kingsville area. 2. Road noise from the signalised intersection and along Blackshaws Road and Sutton Street needs to be considered. 3. The proposed signalised intersection removes on-street parking from my property. Visitors will not have a place to park when visiting. 4. The proposed signalised intersection and increase congestion/road noise from Sutton Street will devalue my property. 5. Increased traffic congestion 	<ol style="list-style-type: none"> 1. A six-storey development is proposed to the north-east corner of the site to mitigate noise impacts from abutting industry and the national freight line consistent with development approved on the eastern side of Sutton Street. The area proposed for six-storey development is located approximately 100m from the existing streetscape (Birmingham Street to the north and to the west at Stephenson Street). The remainder of the site will consist of two to three storey townhouses, with two storey development proposed fronting Stephenson Street to match existing building heights. 2. As a secondary arterial road, Blackshaws Road is managed by the Department of Transport (VicRoads). The VicRoads has a Traffic Noise Reduction Policy 2005 that seeks to address issues associated with noise and details noise limits for new or upgraded roads. Sutton Street will continue to function as a local road, supporting local movements only. Regardless of whether signals are installed it is considered there would be a need for vehicles to stop and queue on Blackshaws road before turning into right into Sutton Street. 3. The removal of on-street carparking is required to ensure the safe operation of the intersection. 4. Property values are not material consideration in land use planning and cannot be considered by this planning scheme amendment. 5. As above, TIA has been submitted with the amendment that finds there is adequate capacity in the surrounding road network to cater for increased vehicular movements.
4	Both	Open space, Traffic, Access to public transport,	<p>Objection</p> <ol style="list-style-type: none"> 1. The small open space will put a greater demand on existing parks. 	<ol style="list-style-type: none"> 1. The amendment seeks to address gaps in open space provision and ensure all new residents are within 400m walking distance of open space through the provision of the centrally located open space at Sutton Street and the 5% contribution is consistent with the requirements at Precinct 16-East.

Attachment C114 – Submissions

Sub. No	AM or DP?	Key Issue Area	Submission Summary	Council response
		Building heights	<ol style="list-style-type: none"> 2. Need to consider traffic impacts to the broader area including impacts to local roads, as well as cumulative traffic impacts from Precinct 15. 3. The proposal introduce 3-6 storey buildings to maximise development which is out of character. 4. The majority of the proposed precinct will actually have to walk over 1.5km to the train station which will mean more people will drive to the station putting again a greater burden on existing local roads and parking infrastructure around the station. 5. Council has conducted planning in isolation to maximise development vs a holistic approach for the Spotswood and South Kingsville area. 	<ol style="list-style-type: none"> 2. As mentioned above, the LAMPs were prepared in response to the increasing pressures on the road network within the local area. Similarly, the TIA finds that there is adequate capacity in the surrounding road network to cater for the increased traffic. 3. The six-storey development is proposed in the north-east corner of the subject site to ensure that future residents are not affected by noise from the abutting industry and national freight line. This aligns with the six-storey development approved on the eastern side of Sutton Street. The remainder of precinct is proposed to include heights of up to three storeys, with two storey development proposed along Stephenson Street to match the existing streetscape. 4. The Amendment seeks to deliver housing in proximity to existing public transport services and transport infrastructure. A 2.5m shared path will connect to the existing pedestrian connection across the rail line at the northern extent of Stephenson Street which provides the shortest route to Spotswood train station. Additionally, bus route 432 runs from Newport to Yarraville and stops at Stephenson St/Aloha St, adjacent to the site. Council has advocated to the Department of Transport to upgrade this bus route to link with Spotswood Station. The proposed signalised intersection at Blackshaws Road aims to improve cyclist and pedestrian access over Blackshaws Road. 5. Council has prepared several strategies and policies to inform growth and change in this area including: <ul style="list-style-type: none"> ○ The adopted Housing Strategy 2019 that informs housing change and development across the municipality. This strategy nominates Precinct 16-West as a site for significant housing change, and important to meeting future housing demand. ○ The draft Spotswood South Kingsville LAMP that considers the broader local road network and emerging developments such as Precincts 15, 16 and 17. ○ The Hobsons Bay Open Space Strategy (2018-2028) that identifies the need for open space across the municipality and within South Kingsville.
5	AM	Mitigating noise, Frogs in waterway,	Objection	<ol style="list-style-type: none"> 1. Council proposes to make changes to the DPO Schedule 2 to reflect the new <i>EP Act 2017</i>. Refer to submission 28.

Attachment C114 – Submissions

Sub. No	AM or DP?	Key Issue Area	Submission Summary	Council response
			<ol style="list-style-type: none"> 1. The apartment building will reflect noise onto Spotswood 2. Protection of frogs in the water course along the side of the railway line 	<ol style="list-style-type: none"> 2. There are no natural water courses at this location or in proximity to the site. The proponent has provided an ecology report that finds the site is devoid of ecological values or species of conservation significance. The report did identify the presence of the locally Common Eastern Froglet however it was found this species is widespread and therefore the rezoning would not impact the wider population. As per the Stormwater Management Strategy prepared by O'Neill Group dated 30 June 2020 the proposed internal drainage system will include gross pollutant traps (or similar) and WSUD features to minimise runoff downstream from the site. In addition, a construction management plan will be required at permit stage to ensure no pollutants enter the system during construction
6	Both	Traffic, On-street parking, Density	<p>Objection</p> <ol style="list-style-type: none"> 1. Traffic impacts to the broader area 2. Needs to address car parking requirements as off-street parking cause 2-way street to become 1-way streets. 	<ol style="list-style-type: none"> 1. Refer to response provided in submission 2 at point 1. 2. Car parking provisions at Clause 52.06 are state provisions that cannot be altered by Council, they are: <ul style="list-style-type: none"> o 1 car space to each one and two bedroom dwelling o 2 car spaces to each three or more bedroom dwelling o One visitor car space to every 5 dwellings for developments of 5 dwellings or more Future developments will be required to meet car parking provisions as outlined at Clause 52.06
7	AM	Traffic	<p>Objection</p> <ol style="list-style-type: none"> 1. Not convinced the documents have given enough consideration to the traffic impacts beyond the immediate area. 	<ol style="list-style-type: none"> 1. Refer to response provided in submission 2 at point 1.
8	AM	Local character, Architectural history, Open space, Schools, Traffic, Air quality from traffic,	<p>Objection</p> <ol style="list-style-type: none"> 1. I can't help but think that this development is not in keeping with the local street scape. 2. It is over development and the attempt to destroy architectural history of the listed building should be objected to by all. 3. Not enough open space 	<ol style="list-style-type: none"> 1. While the amendment includes a six-storey development to mitigate noise impacts from the freight/industry this building will be located approx. 150m from Stephenson Street and will align with the six storey development approved on the eastern side of Sutton Street. The remainder of the site is proposed to consist of two to three storey townhouses and where new development fronts existing houses on Stephenson Street two storey development and four metre setbacks are proposed to minimise any impacts on the streetscape.

Attachment C114 – Submissions

Sub. No	AM or DP?	Key Issue Area	Submission Summary	Council response
			<p>4. How will the development affect schools? 5. How will the development affect traffic? 6. How does traffic affect the air quality?</p>	<p>2. Heritage Overlay 274 (HO274) applies to where the former McKenzie and Holland Factory Complex used to be located, at 41-59 Stephenson Street. It was acknowledged that the built form protected by HO274 was of local significance, however, the built form was in poor condition and as such a permit for demolition was issued on 3 August 2011. The site is currently vacant, and no other heritage significant places are located on the subject site. The proposed removal of HO274 aims to reflect this change.</p> <p>3. Refer to the submission 4 response at point 1.</p> <p>4. Council does not manage the distribution and capacity intakes of schools. This is the responsibility of the Department of Education and Training. Council can advocate to the state government as needed to ensure schools keep up with demand. The Social Impact Assessment (SIA) submitted with the amendment finds that the demand for community facilities and services can be met within existing community infrastructure.</p> <p>5. Refer to response provided in submission 2 at point 1.</p> <p>6. The amendment proposes to transition the site from an industrial to residential use which will limit the potential for any future amenity / air quality issues associated with ongoing industrial use at this site. The internal road network has been designed to cater for cyclist and pedestrian movements to reduce car dependency and encourage other forms of transport.</p>
9	AM	Transmission pipelines	<p>Supporting</p> <p>1. There are pipelines within vicinity of the subject site</p>	<p>1. During the exhibition process, Council has formally notified the relevant pipeline agencies about the amendment.</p>
10	AM	Telecommunications	<p>Objection</p> <p>1. There should be provisions for areas for mobile phone infrastructure</p>	<p>1. The provision of space for a mobile phone infrastructure has not been considered for this amendment as the proposed development is within an established area and the Infrastructure and Development Contributions report (2021) submitted with the amendment, finds that the subject site can be serviced by the existing network as:</p> <ul style="list-style-type: none"> o Telstra has underground pit and pipe infrastructure within the street frontages of the site. o There are NBN assets within the Blackshaws Road. <p>NBN has written to Council that they do not foresee any constraints or issues with future standard installation for the subject site and that the development</p>

Attachment C114 – Submissions

Sub. No	AM or DP?	Key Issue Area	Submission Summary	Council response
				of the subject will not impact the capacity of the existing infrastructure. As the entire subject site is designated for residential development, there is little opportunity to incorporate mobile phone infrastructure.
11	AM	Biodiversity, Tree cover, Street lighting,	Objection 1. Should require a biodiversity plan 2. There should be a requirement for good tree coverage 3. New street lighting should be attractive and energy efficient	1. The site is former industrial land and has been cleared of vegetation. Further, Council's Biodiversity Strategy 2019 does not nominate this land as having potential for biodiversity. The proponent has provided an ecology report that finds the site is devoid of ecological values or species of conservation significance. 2. Street tree planning will be provided within public realm (in the open space and road reserves) and private realm (within front setbacks) in support of Council's Urban Forest Strategy (2020). Street tree planting will be required to meet the requirements and standards set out in the Hobsons Bay Planning Scheme and will support the objectives of the adopted Urban Forest Strategy 2020. The proponents will provide detailed information regarding tree species and landscaping at the permit application stage. 3. The provision of new street lighting will be considered at a planning permit stage and will need to comply with the objectives and standards set out in Clause 56.09 Utilities.
12	Both	Traffic, Provisions for residential parking	Objection 1. Impacts to traffic and road infrastructure from multiple developments 2. What are the provisions for on-street parking?	1. Refer to response provided in submission 2 at point 1. 2. Refer to response provided in submission 6 at point 2.
13	Both	Building height, Pollution from SMC, Community infrastructure, Traffic, Open Space, Property values Odour / Air Quality	Objection 1. The proposed building heights is out of character which will reduce property value 2. There are potential health impacts of the SMC to nearby residents such as toxic pollutants. SMC should be shutdown. 3. Council should consider devoting that area to community green space to establish a buffer between the UGL facility and the remaining	1. The six-storey development is proposed to mitigate noise impacts from abutting industry and the national freight line consistent with development approved on the eastern side of Sutton Street. 2. The Spotswood Maintenance Centre (SMC) or UGL is of State importance. It is understood that there are no current plans for this industry to relocate. An odour report has been submitted that indicates that odour from SMC does not adversely affect the subject site due its relative location and the prevailing wind conditions. 3. Refer to response provided in submission 4 at point 1.

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Sub. No	AM or DP?	Key Issue Area	Submission Summary	Council response
			<p>proposed development. This green space, if properly established, may help reduce the level of pollution for other residents. It will also increase the local green community space, which is very limited in this area.</p> <p>4. Council need to adequately consider the need for additional supporting infrastructure such as a local police and fire station</p> <p>5. Council need to consider impacts on local road traffic, especially Melbourne Road.</p> <p>6. The six storey apartment will reduce the value of my property, and negatively impact house prices in the greater Spotswood area.</p>	<p>4. The subject site is within an established urban area supported by existing police and fire stations. While Council is not responsible for planning for the growth of emergency services, we understand that the capacity of emergency services is assessed against population data.</p> <p>5. Refer to response provided in submission 2 at point 1.</p> <p>6. Property values are not land use planning considerations.</p>
14	AM	Open space, Schools, Road infrastructure	<p>Objection</p> <p>1. Very small open space</p> <p>2. Impacts of the development on schooling</p> <p>3. Impacts of the development on traffic and road infrastructure</p>	<p>1. Refer to response provided in submission 4 at point 1.</p> <p>2. Refer to the response provided in submission 8 at point 4.</p> <p>3. Refer to response provided in submission 2 at point 1.</p>
15	Both	Access to public transport	<p>Supporting subject to changes</p> <p>1. Vehicle dependency and access to sustainable transport</p>	<p>1. Refer to response provided in submission 4 at point 1.</p>
16	Both	Traffic, Public transport, Schools, Public transport, Open space,	<p>Objection</p> <p>1. Consideration of traffic generated from developments around the area</p> <p>2. Consideration of public transport that will be necessary to discourage the use of private vehicles</p> <p>3. Impact on schools from surrounding developments</p> <p>4. Master plan for open park/ recreation areas</p>	<p>1. Refer to response provided in submission 2 at point 1.</p> <p>2. The Department of Transport (DoT) undertakes planning for and delivery of public transport services and manages car parking at train stations. Council continues to advocate DoT to improve the frequency and efficiency of bus routes so they connect to key stations and destinations. Bus route 432 runs from Newport to Yarraville Station and stops at Stephenson St/Aloha St, immediately adjacent to the site. Council is advocating the Department of Transport to upgrade this bus route to also link with Spotswood Station.</p> <p>3. Refer to the response provided in submission 8 at point 4.</p>

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				4. Council's Open Space Strategy (2018-2028) sets out a municipal wide plan for open space. A final landscape plan will be submitted at the planning permit stage.
17	Both	Traffic, Community consultation, Road infrastructure,	<p>Objection</p> <ol style="list-style-type: none"> 1. Consideration of traffic generated from developments around the area 2. Community consultation for the combined developments 3. Developers should contribute to improving the list of road infrastructure provided. 4. Developers should pay for Traffic lights to Ross Street/Melbourne Road intersection. 5. Developers should pay for Pedestrian access via a safe/well illuminated pedestrian bridge over the current railway line. 6. Developers should pay for Bike lanes to extend to pedestrian walk bridge and extended footpaths and pram crossings for pedestrian access to this walk bridge. 7. Developers should pay for a roundabout to the Blackshaws Road/Schutt Street intersection. 8. Developers should pay for increased traffic signage. 9. Developers should pay contribute to the reduction to 40km in Schutt Street. 	<ol style="list-style-type: none"> 1. Refer to response provided in submission 2 at point 1. 2. All planning scheme amendments and permit planning applications are required to advertised in accordance with <i>Planning and Environment Act 1987</i> and the Hobsons Bay Planning Scheme. Planning Scheme Amendment C114 has been advertised by a variety of means, including an advertisement in the local newspaper, public notices, social media and mail out to adjoining and nearby property owners and occupiers. 3. The applicant has submitted an Infrastructure and Development Contributions Report that summarises the infrastructure upgrades and associated developer contributions that are triggered by the amendment. 4. As part of the development of Precinct 16-East signage will be installed at this location to ban right-turn movement onto Melbourne Road (Ross Street west approach). Traffic mitigation works on Melbourne Road will need to be approved by VicRoads. 5. VicTrack is a state agency that manages Victoria's railway land and infrastructure. VicTrack has advised that an upgrade to the existing crossing is not required as it already includes automated gates, which is the key safety feature of standard pedestrian crossings. There should be improve access to this crossing however from the development as this is an important cycle link. Additional detail will be requested within the Northern Development Plan. 6. The amendment proposes a 2.5m wide shared path that will connect to the pedestrian railway crossing north of the subject site. 7. As part of the development of Precinct 16-East line marking and kerb modifications will be implemented to formalize an auxiliary right-turn lane into Schutt Street on Blackshaws Road. 8. Council has identified in the Spotswood South Kingsville LAMP the need for additional traffic signage throughout the broader area. This includes electronic flashing 40km/h speed signage, pedestrian operated signal and updated speed signs as part of the proposed 40km/h zones.

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				9. The Newport and Williamstown North draft LAMP proposes to implement 40km/h zones including on all local roads (such as Schutt Street) within the residential areas.
18	Both	Water infrastructure	Support 1. Precinct 16 can be provided with sewerage and water supply services by utilisation of existing infrastructure	1. No response required.
19	Both	Open space, Tree planting and canopy cover	Objection 1. The proposed park is not large enough 2. Planning controls should be added requiring space for tree planting on private property and adequate roadside space to establish large canopy trees.	1. Refer to response provided in submission 4 at point 1. 2. The size of tree planting areas will vary because of tree species variations and site characteristics. The selection of street trees species is determined and assessed at a case-by-case basis. As such, there is no specific criteria for tree planting areas. However, Council finds that the minimum widths of 4m and 3m setbacks or nature strips are suitable for medium-large and small-medium trees respectively. As specified in the development plans, the following areas have been allocated for street tree planting: <u>Medium-large trees:</u> <ul style="list-style-type: none"> ○ Proposed public open space area ○ Townhouses along Stephenson Street and Sutton Street will have a front setback of 4m ○ The apartment building will have a front setback of 4m <u>Medium trees:</u> <ul style="list-style-type: none"> ○ Townhouses along the internal roads of the subject site will have a minimum setback of 3m ○ Within nature strips on both sides of a typical primary access and secondary access road, as shown in the development plan road cross-sections
20	Both	Built form (character), Open space, Land use, Traffic and transport, Train station, Cycling network,	Objection 1. The 6-storey apartment is out of character 2. Open space should be increased to 10% 3. Retail or commercial space should be provided 4. Traffic congestion throughout the broader area	1. Refer to the response provided in submission 3 at point 1. 2. Refer to the response provided in submission 4 at point 1. 3. Allocation of retail or commercial uses at the subject site would not align with the Activity Centre Strategy (2019) and Council discourages out of centre development to ensure it does not detract from existing centres. 4. Refer to the response provided in submission 2 at point 1. 5. Refer to the response provided in submission 17 at point 6.

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		Public exhibition timeframe	<ol style="list-style-type: none"> 5. Proposes a pedestrian bridge over the railway 6. Proposes a new station required 7. Proposes for a new bike path along the railway line 8. Requests for extension of public exhibition timeframe 	<ol style="list-style-type: none"> 6. Council has been lobbying the State Government for a new railway station at the former Paisley Station site (Millers Road) to alleviate pressure on the network. In addition, Council has advocated as part of the State Government’s Melbourne Metro 2 project for a new passenger rail link from Newport to Sunshine via Altona North to cater for the growing community within the Altona North and South Kingsville area. 7. The draft LAMP includes a major east-west bicycle route that will run from Millers Road to the Bay Trail. 8. The exhibition period for this amendment complies with <i>Planning and Environment Act 1987</i> as it is on public exhibition for a total of 6 weeks. Prior to the lockdowns, Council held a drop-in session on 4 August 2021. In place of face-to-face sessions, community members had the opportunity to book 15-minute individual online consultation with a member of the Strategic Planning team.
21	AM	Stephenson Street treatments, Upgrade railway crossing, New railway crossings, Blackshaws Road treatments, Open space	<p>Objection</p> <ol style="list-style-type: none"> 1. Stephenson Street should be widened 2. Limit parking on Stephenson Street to ensure bike paths are not obstructed 3. Council should consider creating a further railway crossing 4. Existing railway crossing should be widened, as well as the footpath leading to this crossing 5. There should be reduction of speed limit on Blackshaws Road and further cycling paths 6. There should be an increase in the green open space proposed 	<ol style="list-style-type: none"> 1. Stephenson Street has a fixed road reserve of 15.5m and is not proposed for widening as part of the redevelopment of the subject area of land. 2. Council does not consider the amendment triggers a requirement for parking restrictions on Stephenson Street currently to ensure safe cyclist movements as the current road reserve allows for an on-road cycling route, consistent with other local roads within Hobsons Bay. Council can review parking restrictions following the redevelopment of this site as necessary. An alternative cycling route will also be provided through Precinct 16-West. 3. Refer to the response provided in submission 17 at point 6. 4. As above. 5. The reduction of speed on Blackshaws Road in addition to cycling infrastructure on Blackshaws Road is a long-term advocacy position of Council, but ultimately at the discretion of the Department of Transport (VicRoads) who manages this road. 6. Refer to the response provided in submission 4 at point 1.
22	Both	Heritage, Open space, Building height, Retain industrial zone	<p>Objection</p> <ol style="list-style-type: none"> 1. Concern over the removal of heritage overlay HO274 	<ol style="list-style-type: none"> 1. Refer to response provided in submission 8 at point 2. Council will consider other methods to commemorate the industrial history of the site such as the use of street/road names to act as a reminder of the site’s industrial past. The Development Plans can be updated to include these options and potential public realm or artworks in the open space.

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			<ol style="list-style-type: none"> 2. Propose the land space under HO274 be allocated as parkland, complete with a plaque to commemorate the site's history 3. The six storey building lacks uniformity of height with other nearby structures 4. The Southern Sub-Precinct (Able Engineering) should be left intact and remain an industrial zone. 	<ol style="list-style-type: none"> 2. Refer to response provided in submission 4 at point 1. 3. Refer to response provided in submission 3 at point 1. 4. Requirements and provisions within the amendment allow Able Engineering to keep operating until they are ready to relocate. The southern sub-precinct is not suited for continued industrial use as it will be surrounded by sensitive interfaces and is designated for housing. <p>Recommended change (Development Plans): Development Plans to be updated to incorporate more reference to history of the site within the future public realm / open space (e.g. through artwork, street naming etc.)</p>
23	Both	Traffic access, Loss of on-street parking, Potential noise pollution, Train station parking	<p>Objection</p> <ol style="list-style-type: none"> 1. Concerned about the potential impacts on the traffic access from Johnston Street to Blackshaws Road and request Council ensure safe and adequate access for this intersection, including the use of keep clear markings 2. Concerned about the loss of parking space on Blackshaws Road due to signals 3. Request Council pave the laneway south of Blackshaws Road 4. Concerned about noise pollution at night from the always-on audible signals of pedestrian push button detectors 5. Request Council improve the parking and traffic facilities at Newport Train Station 	<ol style="list-style-type: none"> 1. Council will commission an intersection count prior to the construction of the signals to determine if the right turn volumes meet VicRoad's threshold for 'keep clear' markings. As Blackshaws Road is under the care of VicRoads, the approval of using a 'keep clear' is at their discretion. 2. The removal of on-street carparking is required to ensure the safe operation of the intersection. 3. Council has inspected the laneway and it is not considered to have significant surface issues (water pooling / major degradation). As such the sealing of this laneway is not considered a high priority project at this stage. 4. Based on the site conditions, the Department of Transport (VicRoads) engineering department may adjust the audibility settings of the pedestrian operated signals if requested. 5. The Department of Transport (DoT) undertakes planning for and delivery of public transport services and manages car parking at train stations. Council has recently prepared draft Local Area Movement Plans (LAMPs) that proposes a wide range of improvements to walking and cycling networks to Newport and Spotswood railway stations that may alleviate the need for parking at the train stations.
24	Both	Pipeline acknowledgement,	<p>Support subject to changes</p>	<ol style="list-style-type: none"> 1. A limited number of objectives can be included into a DPO therefore a specific objective relating to pipelines cannot be included. As noted in the submission, the proposed DPO2 includes the major pipeline infrastructure requirements in

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		Pipeline protective measures, Landscape plans, Seek Mobil’s views, Sensitive uses, Safety Management Plan	<ol style="list-style-type: none"> 1. Proposes that the objective within the DPO Schedule 2 acknowledges the Somerton JV pipeline. 2. The DPO Schedule 2 should be updated so recommendations of a Safety Management Study are adhered to, to protect the pipeline. 3. The landscape plans must provide details as requested to ensure development will not impact on the integrity of the pipeline. 4. Mobil also submits that for applications that seek new uses or development within 200 metres of the pipeline, the views of Mobil are sought by either the applicant or Council as appropriate. 5. The Development Plan state that no “sensitive uses”, as defined by AS2885.6 2018 are included in the development within 200m of the Somerton JV Pipeline 6. Propose a clause within planning permits PA1943532 and PA1943533 to prepare a SMS 	<p>addition to Clause 19.01-3S of the Hobsons Bay Planning Scheme and the <i>Pipelines Act 2005</i>.</p> <ol style="list-style-type: none"> 2. Refer to recommended amendment changes to the DPO2 below. 3. Specific landscape plan details will be considered at the planning permit stage. 4. Council officers will continue to engage with Mobil throughout the planning process. 5. Use and development are considered at a planning permit stage. The planning permit application will be assessed the relevant Australian standards and <i>Pipelines Act 2005</i>. 6. The subdivision permits considered as part of the amendment seek to subdivide land to align title boundaries with the future residential zoning boundaries. Preparation of an SMS will be required at use and development planning permit stages when sufficient development outcome information is submitted to inform the SMS. <p>Recommended change (Amendment) Amend the draft DPO2 schedule to include:</p> <p><i>This report must be prepared in conjunction with the relevant authorities and stakeholders. The recommendations of this risk assessment are to be incorporated into any final development plan approval.</i></p>
25	Both	Affordable housing, Background information, Noise, vibration and odour, Planning permit No. 6176, matters as relevant to land at 571-589 Melbourne Road, Spotswood	<p>Objection</p> <ol style="list-style-type: none"> 1. 10% affordable housing contribution is unreasonable and not required 2. Inaccurate background information and should be updated to ensure an informed decision is made on this amendment. 3. The amendment must consider the cumulative noise, vibration and odour impacts of Precinct 17. 4. Any requirement within the DPO Schedule 2 should not impose further restrictions 	<ol style="list-style-type: none"> 1. The Affordable Housing Policy Statement 2016 articulates Council’s commitment to ensuring all households in the municipality are able to live in affordable, secure and appropriate housing that meets their needs, particularly those with low and moderate incomes. This amendment seeks to rezone the remainder of Precinct 16 seeking 10 % affordable housing in line with the policy statement. 2. Council acknowledges the zoning error related to 571-589 Melbourne Road, Spotswood (Precinct 17) and will ensure that the planning report is amended accordingly. <p>It should be noted that the planning report was prepared prior to Planning Permits PA1945411 and PA1945441 were submitted to Council for consideration.</p>

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			beyond the current obligations of planning permit no.6176.	<p>Further, Council recognises that the traffic report has incorrectly estimated the yield capacity of Precinct 17, this information was accurate at the time of GTA's assessment.</p> <p>3. As mentioned above, planning permits for Precinct 17 were not being assessed at the time of the preparation of the noise and vibration report for this site. Given the changes proposed to DPO Schedule 2 in the line with the <i>Environment Protection Act 2017</i>, this report will need to be update and can take into consideration impacts of Precinct 17.</p> <p>4. Noted, the reports were issued prior to the new <i>Environment Protection Act 2017</i> and as such It is recommended that the draft DPO Schedule 2 be amended to ensure that revised reports comply with the new EPA requirements. Refer to submission 28 recommended amendment changes.</p> <p>Recommended change (Development Plans): Update Planning Report to respond to changes at 571-589 Melbourne Road, Spotswood (known also as Precinct 17).</p> <p>Recommended changes (Amendment) Amend wording of conditions at Section 2 within the draft DPO2 to reflect EPA requirements under the new Environment Protection Act 2017. Refer submission 28.</p>
26	Both	Electricity infrastructure, Greater ESD initiatives, Traffic, Protect Newport Lakes, Open space, Schools,	<p>Objection</p> <p>1. We would like to see the proposal to improve the power infrastructure through this region to address brown-outs that we have been experiencing.</p> <p>2. We would like to sustainability measures taken a step further to consider the implementation of a solar network, such as a microgrid system.</p> <p>3. We would like to see up to 10% contribution of open space.</p>	<p>1. Jemena is the responsible for the distribution of electricity in this area and has been consulted regarding the proposed rezoning and development plans. Jemena has advised that the proposed development can be serviced from the existing infrastructure. Additionally, the development plans propose to implement a variety of energy ESD initiatives to minimise peak energy demand.</p> <p>2. Council supports innovative technology and best practice in environmentally sustainable development. The future development is required to meet the objectives of the proposed Schedule 2 to the Development Plan Overlay and Clause 22.13 – Environmentally Sustainable Development, of the planning scheme.</p> <p>3. The amendment seeks to address gaps in open space provision and ensure all new residents are within 400m walking distance of open space through the</p>

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			<ol style="list-style-type: none"> 4. Vehicular traffic along Blackshaws Road and many local roads are very congested. 5. We feel there needs to be consideration of traffic use of Sutton Street, with the presence of a child care centre on the corner of Sutton Street and Blackshaws Road. 6. We would like to see increased funding from Council to protect Newport Lakes. 7. We feel there is likely to be a significant increase on pressures for local schools to provide for children in these areas. 	<p>provision of the centrally located open space at Sutton Street and the 5% contribution is consistent with the requirements at Precinct 16-East.</p> <ol style="list-style-type: none"> 4. Refer to the response in submission 2 at point 1. 5. Sutton Street will continue to function as a local road, supporting local movements only. Furthermore, Council is requiring a signalised intersection to ensure safe pedestrian movement across Blackshaws Road. 6. Council is committed to protecting this open space and has prepared a draft Newport Lakes Open Space Development and Conservation Plan. The draft plan is available for community consultation until 31 October 2021. 7. Refer to response in submission 8 at point 4.
27	AM	East-west streetscape	<p>Objection</p> <ol style="list-style-type: none"> 1. I object the secondary east-west streetscape coming out in front of my home due to safety concerns. 2. I would like to know if the option of continuing Aloha Street through to Sutton Street was considered? 	<ol style="list-style-type: none"> 1. The proposed secondary east-west streetscape will be in front of the property at 66 Stephenson Street. 2. The proposed east-west streetscape in Precinct 16 West is continued through Precinct 16 East, which provides permeability and ease of movement throughout both precincts. For this reason, Aloha Street continuation was not considered an optimal outcome at this location.
28	Both	Compliance to noise, Compliance to vibration, Compliance to odour, EAO,	<p>Support subject to changes</p> <ol style="list-style-type: none"> 1. EPA recommends that the Noise and Vibration report be updated to include consideration of the <i>Environment Protection Act 2017</i>. 2. EPA recommends the use of contemporary acoustic standards and submits a list of suggested changes to the 'conditions and requirements for permits' section of the DPO Schedule 2. 3. It is critical that the sensitive uses facilitated by this Amendment are established only where it can be demonstrated that a suitable level of attenuation can be achieved, using a range of building design (including building 	<ol style="list-style-type: none"> 1. Council officers have requested the landowners to provide an updated report to consider the <i>Environment Protection Act 2017</i>. 2. Council supports the proposed use of contemporary acoustic standards and changes to the DPO Schedule 2 to reflect the new <i>EP Act 2017</i>. 3. The current noise and vibration report finds that Precinct 16 West can accommodate sensitive uses with the necessary sound attenuation measures. The report will be updated to consider the <i>EP Act 2017</i> and the development plans will be required to update their noise and vibration mitigation measures if needed. 4. Council agrees with the recommendations for a second environmental audit to be undertaken for 41 Stephenson Street. 5. EPA's support of the application of the EAO to the precinct is noted. 6. A report has been submitted that indicates that odour from SMC does not adversely affect the subject site due its relative location and the prevailing wind conditions.

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			<p>siting, orientation and internal layout), urban design and land use separation techniques.</p> <p>4. Land at 41 Stephenson Street should undertake a second environmental audit.</p> <p>5. EPA is of the opinion that the application of the EAO across the site is desirable.</p> <p>6. If the absence of offensive odours cannot be demonstrated across Precinct 16, reasonably practicable steps should be taken (by the proponent) to eliminate or minimise those risks.</p>	<p>Recommended changes (Amendment) Replace conditions at Clause 3 of the draft DPO2 with the following:</p> <p><i>The following conditions and/or requirements apply to permits unless otherwise agreed in writing with the Responsible Authority:</i></p> <p><i>Any development that will accommodate residential or other noise-sensitive uses must be designed and constructed to include noise attenuation measures. These noise attenuation measures must ensure that:</i></p> <ul style="list-style-type: none"> ○ <i>Combined external noise from industry, trains and road traffic impacting sensitive uses other than apartments or residential building or impacting areas of apartments or residential buildings other than bedrooms and living areas, is attenuated to achieve the median value of the range of recommended design sound levels of Australian Standard AS/NZ 2107:2016 (Acoustics – Recommended design sound level and reverberation times for building interiors).</i> <p><i>These noise levels are to be measured internally at the expected occupancy position(s) in the space relevant to the noise of interest with doors and windows closed. The preferred positions are at least 1 m from the walls or other major reflecting surface, 1.2 m to 1.5 m above the floor and about 1.5 m from windows.</i></p> <ul style="list-style-type: none"> ○ <i>The assessment of noise emanating from the Spotswood Maintenance Centre and Able Industries Engineering must include a comprehensive assessment of the activities – both current and reasonably foreseen planned future activities (and address worst case and upset conditions). Train airborne noise received at new residential or other noise sensitive uses is attenuated to achieve a noise level of 55 dBA, Lmax in bedrooms and a noise level of 60 dBA, Lmax in living areas.</i>

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				<p><i>These noise levels are to be measured at the expected occupancy position(s) in the space relevant to the noise of interest with doors and windows closed. The preferred positions are at least 1 m from the walls or other major reflecting surface, 1.2 m to 1.5 m above the floor and about 1.5 m from windows. The measurements should be undertaken using a 'fast' meter time weighting, and must be achieved for 95% of train pass-bys (i.e. 5%, 1 in 20 trains may exceed).</i></p> <ul style="list-style-type: none"> <i>○ Train ground borne noise received at new residential or other noise sensitive uses is attenuated to achieve a noise level of 35 dBA, Lmax, slow, in bedrooms and 40 dBA, Lmax, slow, in living areas.</i> <p><i>These noise levels are to be measured internally at the expected occupancy position(s) in the space relevant to the noise of interest with doors and windows closed. The preferred positions are at least 1 m from the walls or other major reflecting surface, 1.2 m to 1.5 m above the floor and about 1.5 m from windows. The measurements should be undertaken using a 'slow' meter time weighting, and must be achieved for 95% of train pass-bys (i.e. 5%, 1 in 20 trains may exceed). This assessment of train ground borne noise is only to be applied for new residential or other noise sensitive uses where train ground borne noise is the dominant source of noise (i.e. higher than the train airborne noise).</i></p> <ul style="list-style-type: none"> <i>○ Truck pass-by noise received at new residential or other noise sensitive uses is attenuated to achieve an internal maximum noise level of 55 dBA Lmax, in bedrooms, during the night.</i> <p><i>These noise levels are to be measured internally at the expected occupancy position(s) in the space relevant to the noise of interest with doors and windows closed. The preferred positions are at least 1 m from the walls or</i></p>

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				<p><i>other major reflecting surface, 1.2 m to 1.5 m above the floor and about 1.5 m from windows.</i></p> <p>7. <i>Any development that will accommodate residential or other vibration-sensitive uses must be designed and constructed to include vibration attenuation measures. These vibration attenuation measures must ensure that:</i></p> <ul style="list-style-type: none"> ○ <i>Train vibration received at new residential or other vibration-sensitive uses meet acceptable vibration levels in [insert criteria from relevant international standards].</i> <p>8. <i>The following conditions apply to permits for development:</i></p> <ul style="list-style-type: none"> ○ <i>Prior to the occupation of any building, a report prepared by a suitably qualified acoustic and vibration consultant which certifies compliance with the noise and vibration attenuation criteria set out in clause 3.0 of Schedule 2 to the Development Plan Overlay must be provided to the satisfaction of the responsible authority.</i>
29	Both	Overland flooding	<p>Support subject to changes</p> <ol style="list-style-type: none"> 1. The property at 41-59 Stephenson Street is subject to overland flooding for a storm event with a 1% change of occurrence in any one year. 2. Future development of the site must address Guidelines for Development in Flood Affected Areas (DELWP, 2019). 	<ol style="list-style-type: none"> 1. The Stormwater Drainage Strategy submitted with the amendment identifies that the site is within a Special Building Overlay (SBO) and subject to flooding from Melbourne Water’s underground drainage system and that lots will need to be filled to 300m above the flood level to comply with MW freeboard requirements. 2. Future planning permit applications will be assessed against the Guidelines for Development in Flood Affected Areas.
30	Both	S173 agreement, Acoustic and vibration requirements, Bus stop upgrade, Signal requirements, Acoustic barrier, Shipping containers,	<p>Support subject to changes</p> <ol style="list-style-type: none"> 1. Proposed wording to acknowledge the potential amenity impacts within the section 173 agreement. 2. Proposed wording for mandatory acoustic and vibration treatments. 	<ol style="list-style-type: none"> 1. Although this approach has been adopted for Precinct 16-East, the proposed S173 agreement changes cannot be enforced by Council and should not be included. The current wording allows flexibility within in the planning controls to enable alternative solutions that may achieve the same or greater performance/design outcomes.

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		Railway crossing realignment, Referral triggers,	<p>3. Developers should upgrade the bus stop on Aloha and Stephenson Street.</p> <p>4. DoT supports the signalisation of the Sutton Street and Blackshaws Road and conditions will be imposed on Stage 1 planning permit for its construction in due course.</p> <p>5. Requests clarification about the acoustic barrier (size and construction materials) along the northern boundary abutting the rail corridor. The barrier must be setback from the boundary with the rail corridor and clarify who will be responsible for the ongoing maintenance and management of the barrier wall.</p> <p>6. Requests clarification about the shipping container proposal and how it will be delivered and managed. If the Caltex site does not proceed first, or at all, is this development site compliant for noise attenuation in perpetuity within its own boundary?</p> <p>7. The realignment of the railway pedestrian crossing directly into stage 1 & 2 is welcomed and supported. The Development Plan should also note that the existing pedestrian path / branch (connecting to Stephenson Street on railway land) be removed and rail corridor reinstated and fenced to the satisfaction of the Department of Transport.</p> <p>8. Requests clarification about referral triggers to DoT all three stages exhibited in the amendment.</p>	<p>2. The current wording allows flexibility within in the planning controls to enable alternative solutions that may achieve the same or greater performance/design outcomes.</p> <p>3. Council agrees that Aloha and Stephenson Street bus stop should be upgraded to achieve DDA compliance however, this is outside the scope of this Amendment.</p> <p>4. Noted. Council will have further discussions with DoT to confirm requirement for signals.</p> <p>5. The northern sub-precinct development plan currently shows an indicative position of the acoustic wall that is within 5m of the site’s northern site boundary. Further details will be provided at the planning permit stage.</p> <p>6. To address staging of the development, the proponents will provide temporary shielding structures (e.g. shipping containers) or other acoustic protection measures as necessary. This will need to be assessed on a case by case basis considering the redevelopment of adjacent Precinct 16 East currently being assessed.</p> <p>If the proponents proceed with the shipping container mitigation measures, details regarding the location, timing for placement of containers and their management will be determined and approved by Council at the planning permit application stage.</p> <p>7. The existing footpath should not be removed as it forms part of a strategic cycling corridor. Council would only support this change once the new cycle / pedestrian connection is designed to Council’s satisfaction.</p> <p>8. Any permit application for development will be referred to DoT for comment.</p> <p>Recommended changes (Development Plan) Further design detail to be included in the Northern Development Plan that shows how the proposed north-south cycle/ped connection is proposed to link in with the rail crossing to the north (considering the requirement for noise walls on the boundary).</p>
31	Both	Protection of pipeline,	Support subject to changes	1. Noted.

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Sub. No	AM or DP?	Key Issue Area	Submission Summary	Council response
		<p>Acknowledgement of pipeline, APA works approval, Pipeline setbacks, Requirement of a Safety Management Plan,</p>	<ol style="list-style-type: none"> 1. The proposed development plan does not currently propose any sensitive land uses (as defined in AS2885) to be located within the Measurement Length. APA would encourage Council to advise APA if this were to change in the future. 2. The proposed development plan (northern sub precinct) does not identify the presence of the exiting licensed APA high pressure gas pipeline (South Melbourne – Brooklyn pipeline). As such the draft Northern sub precinct development plan is not accurate. 3. Any works within 3m of the pipeline will require APA works approval as outline in the Pipeline Act 2005. 4. Development plan must clearly show the licensed APA high pressure gas pipeline similar to that of the Somerton – Altona pipeline. 5. The development plan must specify a minimum 3m setback from the South Melbourne – Brooklyn pipeline (similar to the requirement of the Somerton – Altona licensed pipeline). 6. APA requests that the Licensed South Melbourne – Brooklyn pipeline infrastructure be referenced as well as the Somerton to Altona pipeline for a risk assessment. The Overlay should also be amended to specify that “The recommendations of this risk assessment are to be incorporated into any final development plan approval.” 	<ol style="list-style-type: none"> 2. Agree. Council will request that northern sub precinct development plan is updated accordingly. 3. Agree. Council will seek APA for comment where appropriate. 4. Agree. Council will request that northern sub precinct development plan is updated accordingly. 5. Agree. Council will request that northern sub precinct development plan is updated accordingly. 6. Agree. Council will request that northern sub precinct development plan is updated accordingly. <p>Recommended change (Development Plan) <i>The Northern Sub Precinct Development Plan to be updated to reference the licensed APA high pressure gas pipeline (South Melbourne – Brooklyn pipeline) similar to that of the Somerton – Altona pipeline.</i></p> <p>Recommended change (Amendment) <i>Amend the draft DPO2 schedule to include:</i></p> <p><i>This report must be prepared in conjunction with the relevant authorities and stakeholders. The recommendations of this risk assessment are to be incorporated into any final development plan approval.</i></p>

Attachment C114 – Submissions

Sub. No	AM or DP?	Key Issue Area	Submission Summary	Council response
32	Both	Reference to the Pipelines Act 2005, Pipeline easements, S173 agreement,	<p>Support subject to changes</p> <ol style="list-style-type: none"> 1. VicTrack supports the rezoning of land to the General Residential Zone 4 Schedule 4 (GRZ4). 2. VicTrack welcomes the inclusion of amenity protections measures to address impacts of existing industrial uses. 3. We recommend that reference to the Pipelines Act 2005 is included, and that 'relevant stakeholders' is specified as the service provider. 4. In addition, and most importantly, we believe there should be a requirement to demonstrate how a permanent setback or easement will be implemented. 5. VicTrack supports the changes to the Heritage Overlay and the EAO. 6. We recommend that the Development Plan Overlay mirrors the requirement for a Section 173 Agreement that was applied to the Caltex site. As Council would be aware, this permit was the result of a lengthy VCAT hearing and approximately 8 Compulsory Conferences and is in the same immediate context. 	<ol style="list-style-type: none"> 1. Noted. 2. Noted. 3. Future planning permit applications will be assessed against Clause 19.01-3S of Hobsons Bay Planning Scheme and the <i>Pipelines Act 2005</i>. Relevant changes in line with the pipeline agencies comments have been made to partially address their concern. 4. As above. 5. Noted. 6. Although this approach has been adopted for Precinct 16-East, the proposed S173 agreement changes cannot be enforced by Council and it is recommended that these requirements should not be included.
33	Both	Protect existing business, Incentive for Able Industries to relocate, B-Double trucks, Powerlines, On-street parking, Road designation, Affordable housing,	<p>Objection</p> <ol style="list-style-type: none"> 1. There is no basis in the Scheme for housing growth to be prioritised above the economic and social benefits that our Client's business contributes to the community. 2. The need to ensure the proper protection of this ongoing use and to avoid conflicts in land use. 	<ol style="list-style-type: none"> 1. A number of Council's policies identify Precinct 16 West as a strategic redevelopment site. 2. The proposed amendment allows for continued existing industrial operations at 5 Sutton Street, South Kingsville until the landowner decides to transition out. 3. Should Able Industries consider expanding its operations within the future, it would need to demonstrate that the proposed expansion will not negatively impact the surrounding sensitive residential uses.

Attachment C114 – Submissions

Sub. No	AM or DP?	Key Issue Area	Submission Summary	Council response
			<p>3. The Amendment should explicitly and clearly have regard to the potential for the future expansion and upgrade of the business.</p> <p>4. A minimum 3 metre acoustic barrier be constructed on the boundary between the Subject Site and residential development on the Neighbouring Land.</p> <p>5. No windows, doors and/or ventilation louvres on the southern façades of dwellings constructed on the residential development on the Neighbouring Land directly to the north of the boundary interface (other than ground level).</p> <p>6. Glazing and facades on the southern façades of dwellings constructed on the residential development on the Neighbouring Land shall achieve the appropriate Weighted Sound Reduction Index.</p> <p>7. Any proposed works must ensure the eastern side of Sutton Street is able to accommodate the B-Double vehicles entering the Subject Site for the indefinite future whilst our Client's business continues to operate from the Subject Site.</p> <p>8. It is critical that the surface treatment and pavement depths proposed as part of the infrastructure upgrades are built to a specification so as to tolerate multiple B-Double truck movements.</p> <p>9. Under the existing conditions, a B-Double vehicle must travel through the intersection of Sutton Street and Blackshaws Road by</p>	<p>4. The northern sub-precinct development plan proposes to temporary 3m high noise wall along its southern boundary. This is considered sufficient to protect Able operations.</p> <p>5. The proposed requirements for noise attenuation are outlined in the Noise and Vibration Report.</p> <p>6. The proposed requirements for noise attenuation are outlined in the Noise and Vibration Report.</p> <p>7. The future designs for Sutton Street will include the requirement for the eastern side of Sutton Street to accommodate turning space for B-Double vehicles while still operating.</p> <p>8. These details can be considered at the planning permit application stage.</p> <p>9. Sutton Street is proposed to be widened as outlined in the draft signalisation designs prepared by the Traffix Group included in the Infrastructure Report.</p> <p>10. Noted.</p> <p>11. Noted.</p> <p>12. Noted. Traffic signals at the intersection of Sutton Street and Blackshaws Road that will facilitate safe vehicular, bike and pedestrian movements.</p> <p>13. Noted.</p> <p>14. Not required. The area located on the eastern side of Sutton Street that is currently used for 90-degree parking is within the road reserve.</p> <p>15. This will be determined by Council when final road design plans are considered.</p> <p>16. Undergrounding of powerlines is required to improve the streetscape amenity.</p> <p>17. This is not within the scope of the amendment. Future utility works will be planned during the development stage.</p> <p>18. This is not within the scope of the amendment.</p> <p>19. Given the location of the Southern Sub Precinct abutting one and two storey residential development a three-storey height limit (11m) is considered appropriate. This allows for a transition in height from the north eastern corner of the site (22m) to the established streetscape at Stephenson Street and towards Blackshaws Road. The General Residential Zone is therefore proposed to be retained.</p> <p>20. Noted.</p>

Attachment C114 – Submissions

Sub. No	AM or DP?	Key Issue Area	Submission Summary	Council response
			<p>utilising the full width of the Sutton Street to access the Subject Site.</p> <p>10. Under the existing conditions, a B-Double vehicle must perform a reverse entry movement, utilising the full width of Sutton Street including the unsealed verge on the eastern side of the road, in order to enter the Subject Site.</p> <p>11. Under the existing conditions, a B-Double vehicle must egress the Subject Site in a forward direction single manoeuvre.</p> <p>12. We do not agree that the intersection at Sutton Street and Blackshaws Road requires signalisation given that Transport for Victoria has suggested that signals could be placed at Stephensons and Blackshaws Rd instead, and some of the GTA reporting has suggested that signalisation was not required for this intersection at all.</p> <p>13. The Ultimate concept intersection designed by Traffix Group does not adequately accommodate B-Double movements and must not be implemented until our Client ceases its current use of the Subject Site.</p> <p>14. The interim plans must include ninety-degree angle parking on the western side of the road adjacent to the site frontage (as per the existing conditions) for use by the staff.</p> <p>15. The interim plans must include a widened pavement on the eastern side of the road (with 'no stopping' allowed) to accommodate</p>	<p>21. Council considers the 10% affordable housing contribution to be reasonable and in line with Council's Affordable Housing Policy Statement 2016.</p>

Attachment C114 – Submissions

Sub. No	AM or DP?	Key Issue Area	Submission Summary	Council response
			<p>the B-Double vehicles entering the Subject Site.</p> <p>16. It is submitted that the undergrounding of powerlines is unnecessary, and of no benefit to our Client.</p> <p>17. The Amendment should account for the uninterrupted telecommunications, water, gas supply to the Subject Site during and after the construction phase.</p> <p>18. On the basis that Council requires the undergrounding of the powerlines, Council must also ensure that our Client is able to upgrade its power supply (in line with the natural growth and intensification of its business) at any point in the future.</p> <p>19. Our Client supports a rezoning of the Subject Site to Residential Growth Zone Schedule 2 (RGZ2) which would allow for a residential development of up to six stories across the Subject Site.</p> <p>20. The proposed local roads shown internal to the Subject Site should be deleted from the Amendment. There is no need for connectivity to the south internal the Subject Site and their deletion will ensure maximum flexibility on the layout and product type that could be delivered on the Subject Site.</p> <p>21. The proposal that each landowner contribute 10% affordable housing is unjustified, unequitable and not required by the Scheme. The proposed mechanism to provide affordable housing lacks detail and is not based on any identified strategic need and</p>	

Attachment C114 – Submissions

Sub. No	AM or DP?	Key Issue Area	Submission Summary	Council response
			fails to allow sufficient flexibility in the methodology for the provision of affordable housing.	
34	Both	Traffic, Train services and parking, Open space	<p>Objection</p> <ol style="list-style-type: none"> 1. Overall Blackshaws Road traffic congestion. There will be a lot more cars on the road, and in the overall area. 2. Definitely a significant increase of passengers boarding/alighting at Newport and Spotswood station. Uncertain if existing car parks would be sufficient, nor if current train capacity/frequency will meet the overall demand once all the precincts are fully built up and occupied. 3. More parks, open areas, reserves required to cater for the new precincts. The current plans only show room for one small open space which may not be sufficient when fully built up. 	<ol style="list-style-type: none"> 1. Refer to response provided in submission 2 at point 1. 2. Refer to response provided in submission 23 at point 5. 3. Refer to response provided in submission 4 at point 1.

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SCHEDULE 2 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO2**

PRECINCT 16 WEST

1.0 Objectives

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To create a residential area that is responsive to its context and provides a transition in character at its interfaces with existing adjoining residential areas and industrial operations.

To encourage sustainable urban renewal and increased housing affordability, diversity and density within the site.

To create varied, engaging and high quality architectural forms, landscaped environment and sustainable movement links.

To ensure residential development provides a reasonable level of amenity for future occupiers of the site, including but not limited to protecting future residents from the adverse impacts of industrial and traffic noise, odour, dust, vibration and the visual impact of the railway line and industrial development.

To protect the operations of the state and nationally significant Spotswood Locomotive Maintenance Centre from any potentially adverse effects of residential encroachment.

2.0 Requirement before a permit is granted

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A permit may be granted before a development plan has been approved for:

- Any buildings or works associated with the remediation of land in accordance with or for the purpose of obtaining a preliminary risk screen assessment statement stating that an environmental audit is not required or a Statement of Environmental Audit under the *Environment Protection Act 2017*.
- Subdivision.
- Creation, variation or removal of easements or restrictions.
- Any buildings and works associated with the existing operations at 5 Sutton Street.

Before granting a permit, the responsible authority must be satisfied that the permit will not prejudice the future use and integrated and orderly development of the site in accordance with the Development Plan requirements specified in this Schedule.

3.0 Conditions and requirements for permits

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The following conditions and/or requirements apply to permits unless otherwise agreed in writing with the Responsible Authority:

- Any development that will accommodate residential or other noise-sensitive uses must be designed and constructed to include noise attenuation measures. These noise attenuation measures must ensure that:
 - Combined external noise from industry, trains and road traffic impacting sensitive uses other than apartments or residential building or impacting areas of apartments or residential buildings other than bedrooms and living areas, is attenuated to achieve the median value of the range of recommended design sound levels of Australian Standard AS/NZ 2107:2016 (Acoustics – Recommended design sound level and reverberation times for building interiors).

These noise levels are to be measured internally at the expected occupancy position(s) in the space relevant to the noise of interest with doors and windows closed. The preferred positions are at least 1 m from

the walls or other major reflecting surface, 1.2 m to 1.5 m above the floor and about 1.5 m from windows.

- The assessment of noise emanating from the Spotswood Maintenance Centre and Able Industries Engineering must include a comprehensive assessment of the activities – both current and reasonably foreseen planned future activities (and address worst case and upset conditions).
- Train airborne noise received at new residential or other noise sensitive uses is attenuated to achieve a noise level of 55 dBA, Lmax in bedrooms and a noise level of 60 dBA, Lmax in living areas. These noise levels are to be measured at the expected occupancy position(s) in the space relevant to the noise of interest with doors and windows closed. The preferred positions are at least 1 m from the walls or other major reflecting surface, 1.2 m to 1.5 m above the floor and about 1.5 m from windows. The measurements should be undertaken using a ‘fast’ meter time weighting, and must be achieved for 95% of train pass-bys (i.e. 5%, 1 in 20 trains may exceed).
- Train ground borne noise received at new residential or other noise sensitive uses is attenuated to achieve a noise level of 35 dBA, Lmax, slow, in bedrooms and 40 dBA, Lmax, slow, in living areas. These noise levels are to be measured internally at the expected occupancy position(s) in the space relevant to the noise of interest with doors and windows closed. The preferred positions are at least 1 m from the walls or other major reflecting surface, 1.2 m to 1.5 m above the floor and about 1.5 m from windows. The measurements should be undertaken using a ‘slow’ meter time weighting, and must be achieved for 95% of train pass-bys (i.e. 5%, 1 in 20 trains may exceed). This assessment of train ground borne noise is only to be applied for new residential or other noise sensitive uses where train ground borne noise is the dominant source of noise (i.e. higher than the train airborne noise).
- .
- Truck pass-by noise received at new residential or other noise sensitive uses is attenuated to achieve an internal maximum noise level of 55 dBA Lmax, in bedrooms, during the night. These noise levels are to be measured internally at the expected occupancy position(s) in the space relevant to the noise of interest with doors and windows closed. The preferred positions are at least 1 m from the walls or other major reflecting surface, 1.2 m to 1.5 m above the floor and about 1.5 m from windows.
 - Any development that will accommodate residential or other vibration-sensitive uses must be designed and constructed to include vibration attenuation measures. These vibration attenuation measures must ensure that:
 - Train vibration received at new residential or other vibration-sensitive uses meet acceptable vibration levels in [insert criteria from relevant international standards].

The following conditions apply to permits for development:

- Prior to the occupation of any building, a report prepared by a suitably qualified acoustic and vibration consultant which certifies compliance with the noise and vibration attenuation criteria set out in clause 3.0 of Schedule 2 to the Development Plan Overlay must be provided to the satisfaction of the responsible authority.

4.0 Requirements for development plan

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A development plan, which may consist of plans and/or other documents, must be prepared for the site to the satisfaction of the responsible authority.

The development plan for the site or for any sub-precinct may be amended from time to time to the satisfaction of the responsible authority.

The development plan may be prepared in parts relative to the sub-precincts depicted on the Precinct 16 West Framework Plan if the responsible authority is satisfied that this will not prejudice the future use and integrated and orderly development of the site in accordance with the development plan requirements.

The development plan for the site or for any sub-precinct must be consistent with the following Vision for the site, and be generally in accordance with the Precinct 16 West Framework Plan to the satisfaction of the responsible authority.

Vision

- The site will become a sustainable residential community, integrated with Precinct 16 East and complementing the broader existing residential neighbourhood.
- The site will be redeveloped to provide a predominantly medium to higher density residential development, providing homes for a diversity of households including affordable housing and incorporating public open space and sustainable movement links.
- The development will implement innovative ESD features, providing opportunities for best practice in environmental management.
- The development will protect the ongoing operation of industrial land use and infrastructure, incorporating residential amenity protection measures that display a high level of architectural resolution, even if temporary in nature.
- The stages of the development will be managed to minimise amenity impacts to new residents until industrial uses on the site are discontinued.

The development plan(s) must include the following requirements to the satisfaction of the responsible authority:

General

- A site analysis plan that identifies the key attributes of the site (or the sub-precinct), its context, the surrounding area and its relationship with adjoining land.
- An urban context and analysis response that contains a thorough assessment of the opportunities and constraints of the site (or the sub-precinct).
- A land use summary including an indicative number or density of dwellings for the site or the sub-precinct.

Built form and layout

- Concept plans or equivalent documents that describe the layout and development of the site or the sub-precinct including:
 - building heights;
 - street layout;
 - indicative location of public open space (if proposed);
 - the siting and orientation of built form;
 - variation to building forms across the site or sub-precinct;
 - waste collection and storage locations;
 - graduation of taller buildings with reference to analysis of shadow, visual amenity impacts and the character of the area;
 - measures needed to ensure reasonable residential amenity is achieved given amenity impacts and emissions from non-residential uses;
 - indicative architectural and building design details including materials, styles, elevations and cross-sections;
 - a maximum average site coverage of 85%

- setbacks including but not limited to:
 - a minimum 4 metre setback from Sutton Street;
 - a minimum 3 metre setbacks on internal roads.
- Design guidelines for the site (or sub-precinct) to ensure development will:
 - Integrate with development in adjoining sub-precincts and respect the character of established areas in particular the established character to the western side of Stephenson Street
 - Provide appropriate internal amenity for new residents and protect the amenity of existing residents
 - Provide for a diversity of dwelling types, as appropriate, to cater for a variety of housing needs
 - Include active frontages for lots that share an interface with a reserve or street to ensure a quality design, surveillance and permeable outcomes as appropriate;
 - Include sustainable design features to address water management, solar access and energy saving initiatives, to deliver lower living costs for future residents and aid in the reduction of energy and water consumption, the generation of waste and greenhouse emissions
 - Ensure out buildings and service areas have minimal visibility from any public open space or street
 - Include temporary acoustic measures that are designed to a high standard and are not visually intrusive within the landscape
 - Promote urban legibility and public access to and through the site.
 - Ensure new buildings are designed to distribute access to outlook and sunlight between built forms
 - Demonstrate high quality and diverse built form outcomes that contribute to the built form character of the neighbourhood and its surrounds
 - Ensure that building heights consider and respond to the over shadowing effects within the site
 - Ensure that building heights provide an appropriate transition to site interfaces
 - Ensure street level interface treatments contribute to high levels of pedestrian amenity and safety
 - Provide acoustic design treatments that addresses the impact of existing and potential noise particularly from the Spotswood Maintenance Centre
 - Collectively form a coherent and identifiable precinct
 - Provide for safe and convenient vehicular and pedestrian access
 - Minimise, where practical, the impact of vehicles on public space

Access and transport

A traffic management report and car parking plan prepared by a suitably qualified engineering consultant that ensures the creation of a safe and efficient road network within and adjacent to the site. The traffic management report should include:

- The existing capacity of the surrounding road network;
- Existing roads, pedestrian, cyclist and vehicle access locations;
- An assessment of the impact of traffic and car parking generated by the use and development of the site;
- A summary of the internal road network (including street widths and general design) and its appropriateness when considered in relation to clause 56;
- Details of proposed car parking;

- The design of internal network to encourage cycling and pedestrians to travel through the site;
- How the impacts of new vehicle access points on pedestrian and bicycle priority routes will be reduced;
- Any proposed traffic management measures within the site or in the surrounding street network;
- Location and linkages to the public transport network;
- Any necessary transitional arrangements to ensure existing access rights are protected for the industrial operations at 5 Sutton Street, South Kingsville;
- No direct access from future dwellings to Stephenson Street;
- Proposed staging plan (if relevant);
- Measures to ensure development does not compromise the delivery of future public transport including new bus routes.

Use transition

Demonstrate measures to protect the ongoing industrial uses during transition of the site to residential use, including protection of existing access rights to 5 Sutton Street, South Kingsville while the industrial uses on this property continue. The development plan should include interim and ultimate arrangements in response to this issue with the interim arrangements demonstrating how the existing access from Sutton Street and via Blackshaws Road will be maintained.

Open space and landscape

A landscape report, which identifies:

- Key measures and objectives to ensure that a high quality public realm is achieved with details of proposed landscaping in streets and public open spaces;
- Links to existing and proposed open spaces;
- A landscape concept plan for public open space and roads, with indicative themes and planting schedules;
- Street and public open space cross sections to demonstrate an appropriate landscape outcome;
- Details of water sensitive design initiatives.

Site Remediation Strategy

A Site Remediation Strategy must be submitted with the Development Plan to the satisfaction of the responsible authority to address and make recommendations in relation to:

- Potential impacts of any land or ground water contamination on the proposed land use;
- The proposed pattern, siting and arrangement of land uses across the site or sub-precinct (including residential, public and community uses) and any particular design requirement the development may be subject to;
- Options and a preferred approach to the testing and clean up activities;
- An indicative site map showing locations across the site or sub-precinct of any identified contamination and any proposed clean up activities;
- A schedule of proposed clean up activities;
- Expected staging and indicative timeframes for any works required by the preliminary risk screen assessment or Statement of Environmental Audit across the site following the clean up activities for the site or sub-precinct, if required;
- Indicative site management and monitoring controls that will be necessary following each clean up activity; and

- The parties responsible for key activities and for subsequent site management and monitoring.

The Site Remediation Strategy may be prepared in stages.

Prior to the approval of Development Plans a preliminary risk screen assessment statement must be issued stating that an environmental audit is not required or a Statement of Environmental Audit must be prepared and approved for the site.

The Site Remediation Strategy will be required to reflect the recommendation or requirement of any Statement of Environmental Audit or preliminary risk screen assessment statement..

Affordable housing

Measures to encourage that an affordable housing contribution is provided equivalent to 10 per cent of the total number of dwellings to be developed in each sub-precinct.

Acoustic and vibration impacts

A report, which addresses the following:

- An assessment of acoustic and vibration impacts on the site with reference to the existing Spotswood Maintenance Centre and the adjacent railway line. The assessment must include recommended measures to manage acoustic and vibration impacts at the ultimate developed outcome and also confirm that a reasonable interim arrangement can be achieved during development of the site.
- Identification of potential impacts on future development in the site.
- The proposed design treatment of the interface with industry, including setbacks, fencing, landscaping, internal building layout, noise attenuation construction measures and any other measures required to minimise impacts.
- Consider amenity of future residents in line with Standard D16 at Clause 58 of the Scheme, assuming that the site is located in a 'noise influence area'.

Environmentally Sustainable Development Strategy

An Environmentally Sustainable Design Strategy must be prepared which considers and responds to the proposed development and construction processes and:

- Demonstrates the incorporation of recognised technologies and best practice;
- Identifies and nominates the level of sustainability performance standards to be adopted;
- Assesses options by which the nominated level of sustainable performance standards will be achieved.

The ESD Strategy must have regard to the local policy, Environmentally Sustainable Development at clause 22.13.

Stormwater

A stormwater management strategy to the satisfaction of the council addressing the requirements for volumes and quality of stormwater runoff, details of on-site stormwater retention (if required) and how the development of the site will meet the requirements of Clause 53.18 – Stormwater Management in Urban Development

Major pipeline infrastructure

A report that outlines the impact of the proposed development of that sub-precinct of the site adjacent to pipeline infrastructure both during construction and post-construction on the Somerton to Altona and South Melbourne to Brooklyn Licensed Pipelines, in the context of a pipeline risk assessment, and any measures required to ensure the ongoing maintenance and operation of the pipeline.

This report must be prepared in conjunction with the relevant authorities and stakeholders. The recommendations of this risk assessment are to be incorporated into any final development plan approval.

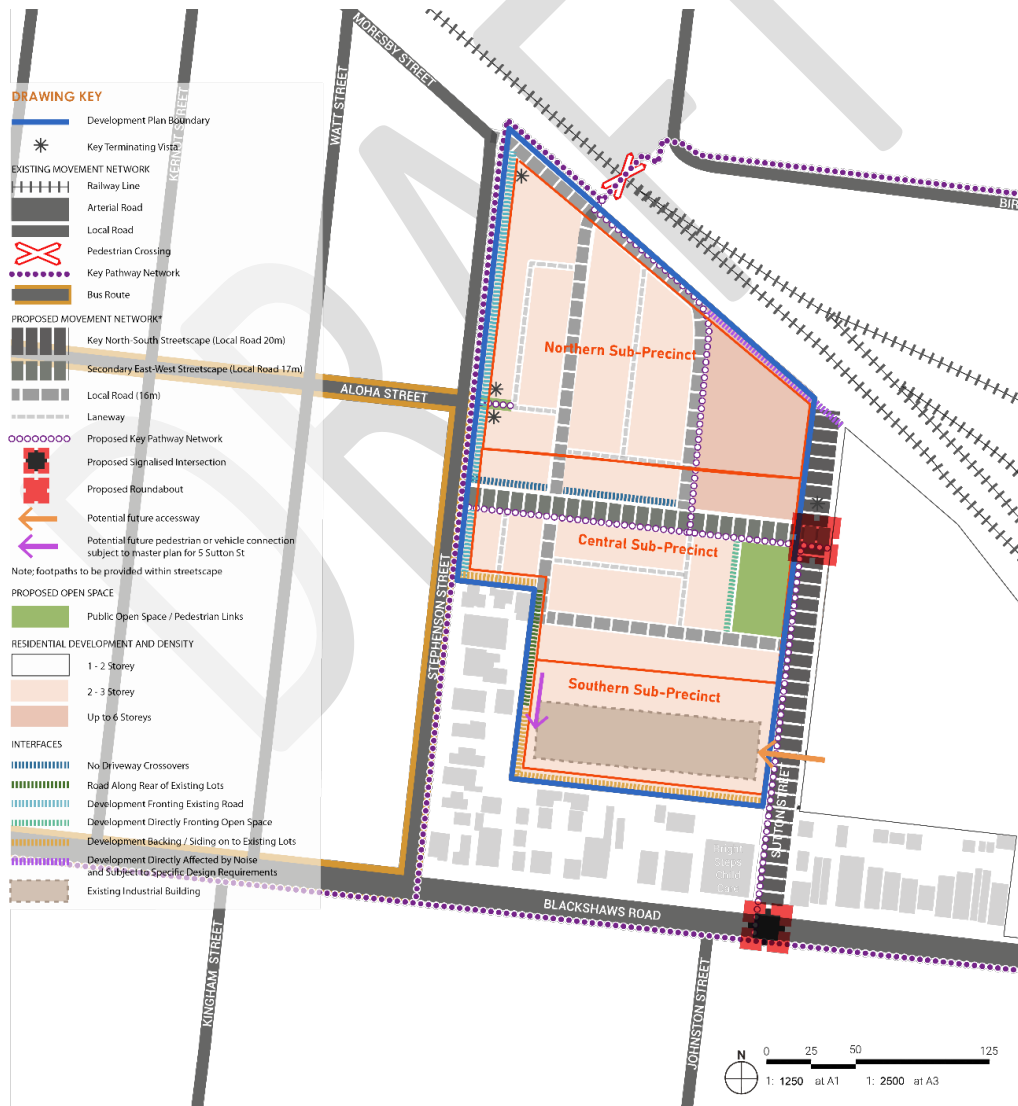
Staging

An indication of staging and anticipated timing of development for each sub-precinct as appropriate. This should include, but not limited to:

- Access arrangements into the site while the southern sub-precinct continues to operate as an industrial use;
- Temporary acoustic attenuation measures.

5.0 Precinct 16 West Framework Plan

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Attachment 2 - Hobsons Bay Amendment C114 – Precinct 16 West

Planning Panel and Advisory Committee recommendations and officer response

No.	Panel recommendations	Council officer response to Panel
The Panel recommends:		
1	Adopt Hobsons Bay Planning Scheme Amendment C114hbay as exhibited and replace the Development Plan Overlay Schedule 2 (DPO2) with the Panel preferred version as shown in Attachment 1 to this report.	<p>A number of changes to the DPO2 were considered and discussed during the Panel Hearing based on the expert evidence presented. The key recommendations related to noise and permit requirements and conditions.</p> <p>The DPO2 was further modified to include:</p> <ul style="list-style-type: none"> • further permit requirements and conditions relating to pedestrian and traffic analysis for Blackshaws Road • traffic related infrastructure delivery works for Sutton and Blakshaws Road outlined in the infrastructure report and traffic report relating to the construction of signalisation (both prepared by Mesh and Traffix Group on behalf of Council) <p>Other notable changes related to requirements for development plans including:</p> <ul style="list-style-type: none"> • Affordable housing – the Panel has recommended 5 per cent affordable housing at a 25 per cent discount rate. • Major pipeline infrastructure – include additional policy to ensure pipelines are appropriately addressed <p>Council officer recommendations:</p> <ul style="list-style-type: none"> • Support the Panel recommendations (refer to attachment 5).
2	The Hobsons Bay City Council recommend the Minister for Planning issue the following planning permits as exhibited, following the approval of Amendment C114hbay:	<p>Council officer recommendations:</p> <p>That Council remain the Responsible Authority and issue the exhibited permits, following the approval of Amendment C114hbay:</p>

No.	Panel recommendations	Council officer response to Panel
	a) Planning Permit PA1943532 for subdivision of 9A Sutton Street, South Kingsville b) Planning Permit PA1943533 for subdivision of 41-59 Stephenson Street, South Kingsville.	a) Planning Permit PA1943532 for subdivision of 9A Sutton Street, South Kingsville b) Planning Permit PA1943533 for subdivision of 41-59 Stephenson Street, South Kingsville.
The Advisory Committee recommends:		
3	Consult the Department of Transport to determine whether the 432 Bus Route should be modified to utilise the East-West access road and Sutton Street to access Blackshaws Road using the proposed traffic signals. If the change is supported, the Development Plan Overlay Schedule 2 and development plans may need to be modified accordingly.	Council officers have met with Department of Transport (DoT) to further investigate extending the 432 Bus Route to utilise East-West access road and Sutton Street to access Blackshaws Road. Redirection of the bus service is outside Council’s jurisdiction and the DoT may need to undertake further investigation before deciding on the approach. This investigation may be time constraining. Council officer recommends: <ul style="list-style-type: none"> • modification of the DPO2 Framework Plan to identify potential extension of the 432 Bus Route subject to DoT approvals. This will ensure that amendment approval is not delayed by this recommendation and will allow DoT sufficient time to further investigate the matter • modification of the central sub-precinct development plan to identify further investigation of extending the bus route and any subsequent road improvements required.
4	Treat uncontrolled cross intersections (excluding laneways) with traffic management and: <ul style="list-style-type: none"> a) Amend the Development Plan(s) to show these intersections requiring traffic management b) Resolve this issue during detailed design. 	Council officers will work with the proponents to ensure Development Plans are appropriately amended to include traffic management treatments for the uncontrolled cross intersections before they are approved. Council officer recommendations: <ul style="list-style-type: none"> • support for the Advisory Committee recommendation

No.	Panel recommendations	Council officer response to Panel
		<ul style="list-style-type: none"> the type of traffic management treatments will be resolved at the planning permit stage as recommended by the Advisory Committee
5	Remove the redundant footpath from the railway reserve between Stephenson Street and the pedestrian rail crossing from the Northern Sub-Precinct Development Plan.	<p>The design and location of the new footpath from the northern sub-precinct will need to be further resolved with relevant stakeholders including the proponents and DoT. The existing footpath and crossing services the South Kingsville community and removal of the footpath should not be considered until the new footpath is fully constructed.</p> <p>Council officer recommendation:</p> <ul style="list-style-type: none"> support for the Advisory Committee recommendation once new footpath is constructed
6	<p>With respect to the land at 5-7 Sutton Street, South Kingsville: Amend the Framework Plan in the Development Plan Overlay Schedule as included the Panel Preferred version in Appendix 1:</p> <ul style="list-style-type: none"> to include the land in the colour depicting the 2-3 storey areas to provide more detail about access to the land and the connection, if any, to the land to the north. 	<p>The framework plan has been amended to remove the industrial built form and depict 2-3 storeys for 5-7 Sutton Street, South Kingsville.</p> <p>Regarding the access to the land and connections to the north of the site, this can be further investigated at the development plan stage when details about proposed development outcome are provided. Council officers agree that connections with the northern development is important to ensure orderly planning of the site.</p> <p>Council officer recommendation:</p> <ul style="list-style-type: none"> support for the Advisory Committee recommendation
7	Modify the Northern Sub-precinct Development Plan to ensure the South Melbourne – Brooklyn High Pressure Gas Pipeline is referenced to be consistent with the Somerton – Altona Joint Venture pipeline.	<p>Council officers will meet with the proponents to ensure the northern sub-precinct development plan is amended accordingly before the development plan is approved.</p> <p>Council officer recommendation:</p> <ul style="list-style-type: none"> support for the Advisory Committee recommendation

Planning Panel and Advisory Committee conclusions

No	Panel conclusions	Officer response
Noise and vibration		
1	At this point in time the Panel does not consider there is enough evidence to warrant specific investigation or set limits on low frequency noise through the planning controls. If in future, there are significant issues associated with low frequency noise and noting there are already many existing residents in the area, then these can be addressed through the EP Act and regulations.	Noted.
2	The Panel notes the noise assessment was undertaken in November 2019, over two years ago and prior to the introduction of the new EP Act. Given the new legislation, suggested changes to operational requirements at SMC30, and the submissions regarding a possible ‘opening’ in the noise barriers at the at-grade pedestrian crossing and reflected noise to the north, the Panel considers an update to the noise and vibration assessment would be prudent. This is particularly the case if it is likely that reduced noise mitigation along the northern boundary is possible; this would need to be carefully justified.	Council officer recommendation: Council officers will seek a revised report before the approval of development plans.
3	The use of a s173 agreement for notification of an existing land use is not preferred as a planning mechanism.	Council officer recommendation: Council officers agree with this recommendation as implementation of this s173 agreement is complicated.
Traffic		
4	The ultimate signalised scenario trigger should be modified to Able Industries have ceased operations on-site or a traffic	Council officer recommendation:

No	Panel conclusions	Officer response
	management plan for their site identifies that pre-ultimate intersection configuration is not required to facilitate construction access.	Council officers agree with this conclusion however, this will need to be considered once Able Industries have ceased their operations.
5	<p>There are no traffic engineering grounds as to why Able Industries cannot continue to operate as residential development encroaches towards their site.</p> <ul style="list-style-type: none"> The proposed suite of works including the interim and pre-ultimate intersection configuration, site access modifications, and Able Industries providing traffic controllers to manage pedestrian and vehicle traffic when large vehicles are accessing their site should provide a safe environment for all road users. 	<p>Council officer recommendation: Council officers agree with this conclusion.</p>
Urban Design		
6	<p>The Panel concludes:</p> <ul style="list-style-type: none"> The DPO2 provisions in relation to the east west access road through the Central Sub-precinct are appropriate. The DPO2 requirements for front setbacks are appropriate. The Committee supports the retention of the three metre front setback. 	<p>Council officer recommendation: Agree with the Advisory Committee recommendation. This conclusion aligns with Council's version of the draft DPO2.</p>
Economics and Able Industries		
7	<p>The Panel concludes:</p> <ul style="list-style-type: none"> the cost of relocating Able Industries is not a relevant matter for the Panel. 	Noted.
Environmental performance		
8	<p>The Panel concludes:</p> <ul style="list-style-type: none"> The environmental sustainability and open space elements of the Amendment are acceptable. 	<p>Council officer recommendation: Agree with the Advisory Committee recommendation. This conclusion aligns with Council's position at the Panel hearing.</p>

ATTACHMENT 5

Table 1 – List of final Amendment C114 documents

No Amendment C114 documents	
Zones	
1	Schedule 2 to Clause 32.07 (Residential Growth Zone)
2	Schedule 10 to Clause 32.08 (General Residential Zone)
Overlays	
3	Schedule 1 to Heritage Overlay
4	Schedule 2 to Development Plan Overlay
Particular provisions	
5	Schedule 1 to Clause 53.01 Public Open Space
Maps	
6	General Residential and Residential Growth Zoning Map
7	Development Plan Overlay Map
8	Heritage Overlay Map
9	Environmental Audit Overlay Map
Planning Permits	
10	Planning Permit PA1943532
11	Planning Permit PA1943533
12	Plan of subdivision for 41-59 Stephenson Street
13	Plan of Subdivision for 9A Sutton Street

--/20--
C114

SCHEDULE 2 TO CLAUSE 32.07 RESIDENTIAL GROWTH ZONE

Shown on the planning scheme map as **RGZ2**.

Precinct 16 West

1.0 Design objectives

--/20--
C114

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.

2.0 Requirements of Clause 54 and Clause 55

--/20--
C114

	Standard	Requirement
Minimum street setback	A3 and B6	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.
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	None specified

3.0 Maximum building height requirement for a dwelling or residential building

--/20--
C114

A building used as a dwelling or a residential building must not exceed a height of 22 metres and 6 storeys.

4.0 Application requirements

--/20--
C114

An application to use or develop land should be accompanied by the following, as appropriate, to the satisfaction of the Responsible Authority:

- A Town Planning Report that amongst other things includes an assessment of how the planning permit application is generally in accordance with the approved Development Plan.
- A Landscape Plan, detailing existing vegetation; proposed retention and removal of vegetation; new planting / landscape works; and any fencing or acoustic treatments required within the landscape areas of the site.

- A Transport Impact Assessment Report, detailing the existing and proposed transport arrangements taking into account the Access and transport Plan component of the Development Plan, clauses 52.06 and 52.34 and other relevant provisions of the scheme.
- A Sustainability Management Plan, unless the proposal relates to minor buildings and works.
- An Acoustic and Vibration Impact Report, detailing the proposed mitigation measures for the development taking into account the acoustic and vibration impacts component of the Development Plan.
- A Waste Management Plan.
- A report that outlines how the pipelines adjacent to the northern sub-precinct are responded to including details of a Pipeline Risk Assessment with relevant stakeholders.

5.0 Decision guidelines

--/20--
c114

None specified.

--/20--
Proposed
C114

SCHEDULE 10 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as **GRZ10**.

Precinct 16 West

1.0 Neighbourhood character objectives

--/20--
Proposed
C114

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 that noise and odour protection structures, including temporary structures, display a high level of architectural resolution.

2.0 Construction or extension of a dwelling or residential building - minimum garden area requirement

--/20--
Proposed
C114

Is the construction or extension of a dwelling or residential building exempt from the minimum garden area requirement?

Yes

3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

--/20--
Proposed
C114

Is a permit required to construct or extend one dwelling on a lot of between 300 and 500 square metres?

No

Is a permit required to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot of between 300 and 500 square metres?

No

4.0 Requirements of Clause 54 and Clause 55

--/20--
Proposed
C114

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	New development should provide at least one canopy tree in the front setback of each lot.
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified

	Standard	Requirement
Private open space	A17	<p>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:</p> <ul style="list-style-type: none"> ▪ 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.
	B28	<p>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:</p> <ul style="list-style-type: none"> ▪ 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. <p>The balcony requirements in Clause 55.05-4 do not apply to an apartment development.</p>
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed 1.2 metres.

5.0 Maximum building height requirement for a dwelling or residential building

--/20--
Proposed
C114

None specified.

6.0 Application requirements

--/20--
Proposed
C114

An application to use or develop land should be accompanied by the following, as appropriate, to the satisfaction of the Responsible Authority:

- A Town Planning Report that amongst other things includes an assessment of how the planning permit application is generally in accordance with the approved Development Plan.
- A Landscape Plan, detailing existing vegetation; proposed retention and removal of vegetation; new planting / landscape works; and any fencing or acoustic treatments required within the landscape areas of the site.
- A Transport Impact Assessment Report, detailing the existing and proposed transport arrangements taking into account the Access and transport Plan component of the Development Plan, clauses 52.06 and 52.34 and other relevant provisions of the scheme.
- A Sustainability Management Plan, unless the proposal relates to minor buildings and works.
- An Acoustic and Vibration Impact Report, detailing the proposed mitigation measures for the development taking into account the acoustic and vibration impacts component of the Development Plan.
- A Waste Management Plan.
- A report that outlines how the pipelines adjacent to the northern sub-precinct are responded to including details of a Pipeline Risk Assessment with relevant stakeholders.

7.0 Decision guidelines

--/20--
Proposed
C114

None specified.

24/09/2018
C88

SCHEDULE TO CLAUSE 43.01 HERITAGE OVERLAY

1.0

24/02/2022
C131hbay

Application requirements

The following application requirements apply to an application for a permit under Clause 43.01, in addition to those specified in Clause 43.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A report explaining the proposal and how it addresses Clause 15.03-1.
- A report explaining how the proposal responds to the relevant sections of the *Hobsons Bay Heritage Study* (Hobsons Bay City Council, 2017), the *Guidelines for Infill Development in Heritage Areas in Hobsons Bay* (Helen Lardner Conservation & Design, June 2006) and the *Guidelines for Alterations and Additions to Dwellings in Heritage Areas in Hobsons Bay* (Helen Lardner Conservation & Design, June 2006).

2.0

24/02/2022
C131hbay

Heritage places

The requirements of this overlay apply to both the heritage place and its associated land.

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Heritage Precincts listed alphabetically by name of precinct note - precincts generally contain a mix of contributory and non-contributory buildings – refer to Citation in Hobsons Bay Heritage Study for details.							
HO1	<i>Cecil Street Heritage Precinct</i> Cecil Street, Williamstown	Yes	No	Yes street trees only	No	No	No	No
HO2	<i>Cox's Garden Heritage Precinct</i> Cox's Garden, Williamstown	Yes	No	No	No	No	No	No
HO3	<i>Dover Road and John Street Heritage Precinct</i>	No	No	No	No	No	No	No

HOBSONS BAY PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	33-35 and 36-44 Dover Road and 3-37 and 4-32 John Street, Williamstown							
HO4	<i>Electra Street Heritage Precinct</i> Electra Street, Williamstown	Yes	No	Yes street trees only	No	No	No	No
HO5	<i>Esplanade Foreshore Heritage Precinct</i> Esplanade, Williamstown	No	No	Yes	Yes	No	No	No
HO6	<i>Esplanade Residential Heritage Precinct</i> 4-20 Esplanade, Williamstown	No	No	No	No	No	No	No
HO7	<i>Ferguson Street Civic and Commercial Heritage Precinct</i> Ferguson Street (part), Williamstown	No	No	No	No	No	No	No
HO8	<i>Government Survey Heritage Precinct</i> Aitken Street, Ann Street, Cecil Street, Charles Street, Cole Street, Council Lane, Cropper Place, Electra Street, Esplanade, Ferguson Street, Giffard Street, Hamner Street, Illawarra Street, Jackson Street, Kanowna Street, Lyons Street, Melbourne Road, Morris Street, Nancy Court, Nelson Place, Osborne Street, Panama Street, Parker Street, Parramatta Street, Pasco Street, Perry Street, Railway Crescent, Railway Place, Railway Terrace, Rosseau Street, Smith Street, Thompson Street, Twyford Street, Verdon Street, Vulcan Grove and associated minor streets and lanes, Williamstown Incorporated plan: Point Gellibrand Coastal Park Master Plan – Revised July 2003	No	No	No	No	No	No	No
	<i>There is no HO9</i>							

HOBSONS BAY PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO10	<i>Grindlay's Estate Heritage Precinct</i> Brown Street, Collingwood Road (part), Douglas Parade (part), Elgin Street, Grindlay Street, Home Road (part), Irving Street, North Road (part), Rupert Street and Tait Street (part), Newport	No	No	No	No	No	No	No
HO11	<i>Halls Farm Heritage Precinct</i> 2-52 Collingwood Road, 2-40 Tait Street, 313-353, Douglas Parade, Elphin Street, Farm Street, 48-112 Hall Street, 69-101 High Street, 14-66 and 23-81 Home Road and River Street, Newport	No	No	No	No	No	No	No
HO12	<i>Hanmer Street Heritage Precinct</i> Hanmer Street, Williamstown	Yes	No	Yes street trees only	No	No	No	No
HO13	<i>Hannan's Farm Heritage Precinct</i> Castle Street, Collins Street, Esplanade (part), Gellibrand Street (part), Hannan Street, Knight Street, Osborne Street, (part), Swanson Street and Winifred Street in Williamstown	No	No	No	No	No	No	No
HO14	<i>Hobsons Bay Railways Heritage Precinct</i> Land, buildings, landscaping and infrastructure associated with the Melbourne-Williamstown and Melbourne-Geelong railways	No	No	No	No	No	No	No
HO15	<i>Housing Commission of Victoria - Champion Road Estate Heritage Precinct</i> Cerberus Crescent, 63-89 Champion Road, Edina Street, Gem Street, and 2-44 Park Crescent, North Williamstown	No	No	Yes street trees only	No	No	No	No

HOBSONS BAY PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO16	<i>Housing Commission of Victoria - West Newport Estate Heritage Precinct</i> 16-32 Challis Street, 102-104, 124 and 103-117 Champion Road, 11-29 (south side) Croker Street, 2-28 Fowler Crescent, 134-154 Market Street and 21-23 Melrose Street, Newport.	No	No	No	Yes	No	No	No
HO17	<i>James Street Heritage Precinct</i> 1-22 James Street, Williamstown	No	No	No	No	No	No	No
HO18	<i>Lenore Crescent Heritage Precinct</i> Lenore Crescent, Williamstown	No	No	Yes street trees only	No	No	No	No
HO19	<i>Macquarie Street Heritage Precinct</i> 1-19 and 4-18 Macquarie Street and 80-92 Stevedore Street, Williamstown	No	No	No	No	No	No	No
HO20	<i>Melbourne Road Commercial Heritage Precinct</i> 314-344 Melbourne Road and 35 Davies Street, Williamstown	No	No	No	No	No	No	No
HO21	<i>Nelson Place Heritage Precinct</i> 1-3 Cole Street, 125-233 Nelson Place and 1 Parker Street, Williamstown	Yes	No	Yes street trees only	No	No	No	No
HO22	<i>Newport Civic and Commercial Heritage Precinct</i> Hall Street (part), Mason Street (part) and Melbourne Road (part), 1 Walker Street, Newport	No	No	No	No	No	No	No
HO23	<i>Newport Estate Residential Heritage Precinct</i>	No	No	No	No	No	No	No

HOBSONS BAY PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Agg Street , 15-17 Elizabeth Street, 81-93 Mason Street, 21-37 Mirils Street, 9 and 20-24 Newcastle Street, 4-14 and 1-15 Oxford Street, 5-13 Ross Street, 30-56 and 31-57 Schutt Street, 35-79 and 36-82 Speight Street, 1-23 Steele Street and 19-23 and 24-30 Walker Street, Newport							
HO24	<i>Pasco Street Heritage Precinct</i> Pasco Street, Williamstown	Yes	No	Yes street trees only	No	No	No	No
HO25	<i>Point Gellibrand Heritage Precinct</i> Point Gellibrand Foreshore Area, Williamstown Incorporated plan: Point Gellibrand Coastal Park Master Plan - Revised July 2003	No	No	Yes	No	No	No	Yes
HO26	<i>Power Street Heritage Precinct</i> Power Street, Williamstown	No	No	Yes street trees only	No	No	No	No
HO27	<i>Private Survey Heritage Precinct</i> Albert Street, Alfred Place, Alma Terrace, Bath Place, Blucher Terrace, Braw Street, Bronte Court, Bunbury Street, Chandler Street, Clark Street, Clough Street, College Street, Courtis Street, Cox's Garden, Crawford Street, Dalgarno Street, Davies Street, Douch Street, Douglas Parade (part), Dover Road, Dowman Street, Effingham Road, Eliza Street, Federal Street, Ferguson Street, Franklin Street, Freyer Street, Goss Terrace, Haslam Street, Hastings Road, Henry Street, Holland Court, Hosking Street, Hotham Street, James Street, Jobson Street, John Street, Latrobe Street, Lenore Crescent, Maclean Street, Macquarie Street, Mariner	No	No	No	No	No	No	No

HOBSONS BAY PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Street, Melbourne Road (part), Morris Lane, Napier Street, North Road (part), Oakbank Street, Paine Street, Pearson Street, Peel Street, Pentland Street, Power Street, Princes Street, Queen Street, Rennie Street, Richard Street, Roches Terrace, Rosny Place, Russell Place, Ryans Lane, Stanley Street, Station Road, Stevedore Street, Swan Court, The Strand, Thomas Street, Union Street, Waltham Street, Waterloo Street, Wellington Street, White Street, Wilkins Street, Yarra Street and related minor streets and lanes in Newport or Williamstown							
HO28	<i>Railway Crescent Heritage Precinct</i> Railway Crescent, Williamstown	Yes	No	No	No	No	No	No
HO29	<i>Solomit or Straw Houses Heritage Precinct</i> 169-175 Maidstone Street, Altona	Yes	No	No	No	No	No	No
HO30	<i>Spotswood Residential Heritage Precinct</i> 1-23 and 6-26 George Street, 1-13 Hope Street, 2 McLister Street, 49-59 Robert Street and 35-41 The Avenue in Spotswood	No	No	No	No	No	No	No
HO31	<i>The Strand Heritage Precinct</i> The Strand, Williamstown and Newport	No	No	No	No	No	No	No
HO32	<i>Verdon Street Heritage Precinct</i> Verdon Street, Williamstown	Yes	No	Yes	No	No	No	No
HO33	<i>Victoria Street Heritage Precinct</i> Victoria Street, Williamstown	Yes	No	Yes	No	No	No	No
HO34	<i>Williamstown Beach Heritage Precinct</i>	No	No	No	No	No	No	No

HOBSONS BAY PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Esplanade (part), Forster Street, Garden Street, Gellibrand Street (part), Giffard Street (part), Langford Street, Laverton Street, Little Osborne, Osborne Street (part), Railway Crescent (part) and Stewart Streets, Williamstown							
	Heritage Places sorted alphabetically by street name							
HO35	<i>Port Phillip Stevedore Club Hall (former)</i> 25 Aitken Street, Williamstown	No	No	No	No	No	No	No
HO37	<i>'Heathville'</i> 171 Aitken Street, Williamstown	No	No	No	No	No	No	No
HO38	<i>Washingtonia Palm and Cotton Palm Trees</i> rear of 7 Albert Street, Williamstown	No	No	Yes	No	No	No	No
HO39	<i>Bluestone House</i> 25 Albert Street, Williamstown	No	No	Yes	No	No	No	No
HO40	<i>House</i> 7 Alfred Place, Williamstown	No	No	No	No	No	No	No
HO41	<i>Stone Pitched Road or Paved Yard</i> Altona Road, Altona	No	No	No	No	No	No	No
HO42	<i>'The Pines' Scout Camp</i> Altona Road, Altona	Yes	No	Yes	No	No	No	No
HO43	<i>Telegraph Hotel (former)</i> 17 Ann Street, Williamstown	No	No	No	No	No	No	No

HOBSONS BAY PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO44	<i>Time Ball Tower (also known as Former Point Gellibrand Lighthouse) –</i> 6-18 Battery Road, Williamstown	-	-	-	-	Yes Ref No H1649	No	No
HO45	<i>Altona Primary School No. 3923 Complex and Trees (poplars and sugar gums)</i> 109 Blyth Street, Altona	No	No	Yes	No	No	No	No
HO46	<i>Melbourne Glass Bottle Works (former)</i> Booker Street, Spotswood	No	No	No	No	No	Yes	No
HO47	<i>Shell Oil Complex</i> 39-81 Burleigh Street and Drake Street, Newport	No	No	No	No	No	No	No
HO48	<i>Six Riveted Oil Tanks (Part Shell Oil Complex)</i> Burleigh Street, Spotswood	No	No	No	No	No	No	No
HO49	<i>Commonwealth Oil Refinery Company Tank Farm – NP6 and NP7 storage tanks</i> 39-81 Burleigh Street, Spotswood	No	No	No	No	No	No	No
HO50	<i>House</i> 25 Cecil Street, Williamstown	Yes	No	No	No	No	No	No
HO51	<i>Victorian Duplex – ‘Flynn House’</i> 31-33 Cecil Street, Williamstown	Yes	No	No	No	No	No	No
HO52	<i>Victorian Duplex</i> 35-37 Cecil Street, Williamstown	Yes	No	No	No	No	No	No
HO53	<i>Stags Head Hotel</i> 39 Cecil Street, Williamstown	Yes	No	No	No	No	No	No

HOBSONS BAY PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO54	<i>House</i> 43 Cecil Street, Williamstown	Yes	No	No	No	No	No	No
HO55	<i>House</i> 53 Cecil Street, Williamstown	Yes	No	No	No	No	No	No
HO56	<i>House</i> 55 Cecil Street, Williamstown	Yes	No	No	No	No	No	No
HO57	<i>George Hotel (former)</i> 82 Cecil Street, Williamstown	Yes	No	No	No	No	No	No
HO58	<i>St Andrews Presbyterian Church Complex</i> 85-89 Cecil Street, Williamstown	Yes	Yes	No	No	No	No	No
HO59	<i>Robertson Reserve Dutch Elms (former Market Reserve)</i> 105 Cecil Street, Williamstown	No	No	Yes	No	No	No	No
HO60	<i>Williamstown Primary School No.1183</i> 111-119 Cecil Street, Williamstown	-	-	-	-	Yes Ref No H1639	No	No
HO61	<i>St Mary's Roman Catholic Church Complex</i> 116 Cecil Street, Williamstown	Yes	Yes	No	No	No	No	No
HO62	<i>Morgan's Houses</i> 135-137 Cecil Street, Williamstown	Yes	No	No	No	No	No	No
HO63	<i>House</i> 160 Cecil Street, Williamstown	Yes	No	No	No	No	No	No
HO64	<i>House</i>	Yes	No	No	No	No	No	No

HOBSONS BAY PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	185 Cecil Street, Williamstown							
HO65	<i>Newport Railway Workshops (former)</i> 2-78 Champion Road, Newport	-	-	-	-	Yes Ref No H1000	No	No
HO66	<i>Quarryman's House - 'Clifton'</i> 13 Champion Road, Williamstown North	No	No	No	No	No	Yes	No
HO67	<i>Newport Railway Workshops Manager's Residence (former)</i> 57 Champion Road, Williamstown North	-	-	-	-	Yes Ref No H1839	No	No
HO68	<i>Newport Railway Workshops Deputy Manager's Residence (former)</i> 59 Champion Road and 1C Park Crescent, Williamstown North	-	-	-	-	Yes Ref No H1840	No	No
HO69	<i>Williamstown Cemetery</i> 89 Champion Road, Williamstown North	-	-	-	-	Yes Ref No H1837	No	No
HO70	<i>Altona Civic Offices Council Chambers (former)</i> 115 Civic Parade, Altona	Yes	Yes	No	No	No	No	No
HO71	House and Garden 176 Civic Parade, Altona	No	No	Yes	No	No	Yes	No
HO72	<i>House</i> 24 Clark Street, Williamstown	No	No	No	No	No	No	No
HO73	<i>Steam Packet Hotel</i> 13 Cole Street, Williamstown	No	No	No	No	No	No	No

HOBSONS BAY PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO74	<i>House</i> 52 Cole Street, Williamstown	No	No	No	No	No	No	No
HO75	<i>Row Houses</i> 73-75 Cole Street, Williamstown	No	No	No	No	No	No	No
HO76	<i>Caledonian Inn (former)</i> 77 Cole Street, Williamstown	No	No	No	No	No	No	No
HO77	<i>Cox's Garden Cottage</i> 11 Cox's Garden, Williamstown	-	-	-	-	Yes Ref No H487	No	No
HO78	<i>St. Helliers</i> 12 Cox's Garden, Williamstown	-	-	-	-	Yes Ref No H560	No	No
HO79	<i>Terrace Row</i> 10-16 Davies Street, Newport	No	No	No	No	No	No	No
HO80	<i>United Friendly Society (UFS) Dispensary (former)</i> 35 Davies Street, Newport	No	No	No	No	No	No	No
HO81	<i>Newport Power Station Gatehouse (former) and Canary Island Palms</i> Douglas Parade, Newport	No	No	Yes	No	No	Yes	No
HO82	<i>MMBW Spotswood Pumping Station (also known as Sewerage Pumping Station and Scienceworks)</i> 2 Booker Street, Spotswood	-	-	-	-	Yes Ref No H1555	No	No
HO83	<i>Nelson Bros Funeral Parlour Complex (former)</i>	No	No	No	No	No	No	No

HOBSONS BAY PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	37-43 Douglas Parade, Williamstown							
HO84	<i>Victoria Inn</i> 65 Douglas Parade, Williamstown	Yes	No	No	No	No	No	No
HO85	<i>Terrace</i> 95-99 Douglas Parade, Williamstown	No	No	No	No	No	No	No
HO86	Shops and Residence (former) 121-123 Douglas Parade, Williamstown	No	No	No	No	No	No	No
HO87	<i>Prince Albert Hotel</i> 147-149 Douglas Parade, Williamstown	-	-	-	-	Yes Ref No H1793	No	No
HO88	<i>House</i> 199 Douglas Parade, Newport	No	No	No	No	No	No	No
HO89	<i>BP Australia Complex and Canary Island Palm Tree</i> 431 Douglas Parade, Spotswood	No	No	Yes	No	No	Yes	No
HO90	<i>'Waverley'</i> 116 Dover Road, Newport	No	No	No	No	No	No	No
HO91	<i>House</i> 118 Dover Road, Newport	No	No	No	No	No	No	No
	<i>There is no HO92</i>							
HO93	<i>Morning Star Hotel</i> 3 Electra Street, Williamstown	Yes	No	No	No	No	No	No
HO94	<i>Williamstown Mechanics Institute Complex</i>	Yes	Yes	No	No	No	No	No

HOBSONS BAY PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	9-17 Electra Street, Williamstown							
HO95	<i>House</i> 12 Electra Street, Williamstown	Yes	No	No	No	No	No	No
HO96	<i>Excelsior Lodge of Industry Masonic Temple</i> 21-25 Electra Street, Williamstown	Yes	Yes	No	No	No	No	No
HO97	<i>House</i> 22 Electra Street, Williamstown	Yes	No	No	No	No	No	No
HO98	<i>Wesleyan Methodist Manse and Kindergarten (former)</i> 34 Electra Street, Williamstown	Yes	Yes	No	No	No	No	No
HO99	<i>Wesleyan Methodist Church (former)</i> 36 Electra Street, Williamstown	Yes	Yes	No	No	No	No	No
HO100	<i>House</i> 54 Electra Street, Williamstown	Yes	No	No	No	No	No	No
HO101	<i>House</i> 62 Electra Street, Williamstown	Yes	No	No	No	No	No	No
HO102	<i>House and Black Achan (Pippin) Pear Tree</i> 64 Electra Street, Williamstown	Yes	No	Yes	No	No	No	No
HO103	<i>House</i> 65 Electra Street, Williamstown	Yes	No	No	No	No	No	No
HO104	<i>Quarryman's House</i> 15 Elizabeth Street, Newport	No	No	No	No	No	No	No

HOBSONS BAY PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO105	<i>Quarryman's House</i> 17 Elizabeth Street, Newport	No	No	No	No	No	No	No
HO106	<i>Williamstown Dressing Pavilion (former)</i> 26 Esplanade, Williamstown	-	-	-	-	Yes Ref No H927	No	No
HO107	<i>House and Fence</i> 11 Esplanade, Williamstown	No	No	No	Yes	No	No	No
HO108	<i>Attached Houses</i> 12-13 Esplanade, Williamstown	No	No	No	No	No	No	No
HO109	<i>'Ellersie'</i> 14 Esplanade, Williamstown	No	No	No	No	No	No	No
HO110	<i>Sisters of St. Joseph Convent</i> 16 Esplanade, Williamstown	No	No	No	No	No	No	No
HO111	<i>House</i> 18 Esplanade, Williamstown	No	No	No	No	No	No	No
HO112	<i>House</i> 19 Esplanade, Williamstown	No	No	No	No	No	No	No
HO113	<i>Sturgess House</i> 23 Esplanade, Williamstown	No	No	No	No	No	No	No
HO114	<i>Fearon Reserve</i> 27 Esplanade, Williamstown	No	No	Yes	No	No	No	No
HO115	<i>'Berean'</i>	No	No	No	No	No	No	No

HOBSONS BAY PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	89 Esplanade, Williamstown							
HO116	<i>'Lawn House' (former)</i> 92 Esplanade, Williamstown	No	No	No	No	No	No	No
HO117	<i>Hose</i> 93 Esplanade, Williamstown	No	No	No	No	No	No	No
HO118	Apartments 104 Esplanade, Williamstown	No	No	No	No	No	No	No
HO119	<i>'Brittanica'</i> 2 Ferguson Street, Williamstown	No	No	No	No	No	No	No
HO120	<i>House</i> 4 Ferguson Street, Williamstown	No	No	No	No	No	No	No
HO121	<i>Rose of Australia Hotel</i> 50-54 Ferguson Street, Williamstown	No	No	No	No	No	No	No
HO122	<i>Melbourne Savings Bank (former)</i> 56-58 Ferguson Street, Williamstown	No	No	No	No	No	No	No
HO123	<i>Punshon's Federal Stores (former)</i> 82-84 Ferguson Street, Williamstown	No	No	No	No	No	No	No
HO124	<i>City of Williamstown Municipal Offices and Town Hall (former) and Drinking Fountain</i> 104-112 Ferguson Street, Williamstown	Yes	Yes	No	No	No	No	No
HO125	<i>'Braemar'</i> 182 Ferguson Street, Williamstown	Yes	No	No	No	No	No	No

HOBSONS BAY PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO126	<i>Bristol Hotel</i> 190 Ferguson Street, Williamstown	Yes	No	No	No	No	No	No
HO127	<i>Row Houses</i> 6-8 Florence Street, Williamstown North	No	No	Yes	No	No	Yes	No
HO128	<i>Washingtonia Palm Tree Row</i> 8 Florence Street, Williamstown North	No	No	Yes	No	No	No	No
HO129	<i>House</i> 1 Forster Street, Williamstown	No	No	No	No	No	No	No
HO130	<i>Vacuum Oil Company Ltd Depot (former)</i> 29 Francis Street, Yarraville	No	No	Yes	No	No	Yes	No
HO131	<i>House</i> 1 Freyer Street, Williamstown	Yes	No	No	Yes	No	No	No
HO132	<i>Williamstown Italian Social Club</i> 30 Garden Street, Williamstown	No	No	No	No	No	No	No
HO133	<i>House and Fence</i> 4 Grindlay Street, Newport	No	No	No	Yes	No	No	No
HO134	<i>Spotswood Railway Station Complex</i> Hall Street and Hope Street, Spotswood	Yes	Yes	No	No	No	No	No
HO135	<i>Spotwood Railway Signal Box</i> Junction of Hall Street, Hope Street and Hudson Road, Spotswood	Yes	Yes	No	No	No	No	No
HO136	<i>Newport Railway Station Complex,</i>	Yes	Yes	No	No	No	No	No

HOBSONS BAY PLANNING SCHEME

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	Pepper and Lily Trees Hall Street and Melbourne Road, Newport							
HO137	<i>Newport Commercial Bank (former)</i> 1 Hall Street, Newport	No	No	No	No	No	No	No
HO138	<i>Junction Hotel</i> 15 Hall Street, Newport	No	No	No	No	No	No	No
HO139	<i>W. Goetz & Sons Ltd Complex (former)</i> 136-140 Hall Street, Newport	No	No	No	No	No	Yes	No
HO140	<i>Bickford, Smith and Co. Explosives Factory (former)</i> 144-150 Hall Street, Spotswood	No	No	No	No	No	No	No
HO141	'Alloa' 168 Hall Street, Spotswood	Yes	No	Yes	No	No	No	No
HO142	<i>House and Soap Factory (former)</i> 184 Hall Street, Spotswood	No	No	Yes	No	No	No	No
	<i>There is no HO143</i>							
HO144	<i>Williamstown Railway Station Complex</i> 17 Hanmer Street, Williamstown	-	-	-	-	Yes Ref No H1599	No	No
HO145	<i>House</i> 6 Hanmer Street, Williamstown	Yes	No	Yes	No	No	No	No
HO146	<i>Terminus Hotel (former)</i> 40 Hanmer Street, Williamstown	Yes	No	No	No	No	No	No

HOBSONS BAY PLANNING SCHEME

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HO147	<i>House</i> 46 Hanmer Street, Williamstown	Yes	No	No	No	No	No	No
HO148	<i>House</i> 28 Home Road, Newport	No	No	No	No	No	No	No
HO149	<i>Home Road Kindergarten</i> 48-50 Home Road, Newport	No	No	No	No	No	No	No
HO150	<i>State Savings Bank House</i> 56 Home Road, Newport	No	No	No	No	No	No	No
HO151	<i>Houses</i> 1-3 Hope Street, Spotswood	No	No	No	No	No	No	No
HO152	<i>Afon Ros Cottage and House</i> 5-7 Hope Street, Spotswood	No	No	No	No	No	No	No
HO153	<i>Hugh Lennon Agricultural Implement Works (part)</i> Hudsons Road, Hall Street and 35 Raleigh Street, Spotswood	No	No	No	No	No	Yes	No
HO154	<i>Spottiswoode Hotel</i> 62 Hudsons Road, Spotswood	Yes	No	No	No	No	No	No
HO155	<i>Spotswood State Savings Bank (former)</i> 96 Hudsons Road, Spotswood	No	No	No	No	No	No	No
HO156	<i>House</i> 11 James Street, Williamstown	No	No	No	No	No	No	No
HO157	<i>House</i>	No	No	No	No	No	No	No

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	22 James Street, Williamstown							
HO158	<i>House</i> 3 John Street, Williamstown	No	No	No	No	No	No	No
HO159	<i>Shop (former) and Residence</i> 55 John Street, Williamstown	No	No	No	No	No	No	No
HO160	<i>Primitive Methodist Church (former)</i> 59-61 John Street, Williamstown	No	No	No	No	No	No	No
HO161	<i>House</i> 8 Junction Street, Newport	Yes	No	No	No	No	No	No
HO162	<i>Britannia Hotel</i> 14 Kanowna Street, Williamstown	No	No	No	No	No	No	No
HO163	<i>'Omega'</i> 48 Kanowna Street, Williamstown	No	No	No	No	No	No	No
HO164	<i>Laverton State School No. 2857 (former)</i> 43 Kiora Street, Altona Meadows	Yes	No	No	No	No	Yes	No
HO165	<i>Merrett Rifle Range Pavilion (former)</i> 81 Kororoit Creek Road, Williamstown	No	No	No	No	No	No	No
HO167	<i>House</i> 16 Latrobe Street, Newport	Yes	No	Yes	Yes	No	No	No
HO168	<i>Dennis (Lyons Street) Reserve and Coronation Lamp</i> Lyons Street and Melbourne Road, Williamstown	Yes – lamp only	No	Yes	No	No	No	No

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HO169	<i>Presbyterian Manse (former)</i> 27 Lyons Street, Williamstown	-	-	-	-	Yes Ref No H229	No	No
HO170	<i>'Rheola'</i> 28 Lyons Street, Williamstown	No	No	No	No	No	No	No
HO171	<i>House</i> 9 Maclean Street, Williamstown	No	No	No	No	No	No	No
HO172	<i>House</i> 3 Macquarie Street, Williamstown	No	No	No	No	No	No	No
HO173	<i>Newport Lakes and Trees (former Newport Quarry)</i> entrance Margaret Street, Newport	No	No	Yes	No	No	No	No
HO174	<i>House</i> 19 Mariner Street, Williamstown	No	No	No	No	No	No	No
HO175	<i>Victorian Railways Type A Electricity substation (former)</i> 1 Market Street, Newport	No	Yes	No	No	No	No	No
HO176	Newport World War 1 Memorial Mason Street, Newport	No	No	No	No	No	No	No
HO177	<i>Newport Hotel (former)</i> 1 Mason Street, Newport	Yes	No	No	No	No	No	No
HO178	<i>Newport Mechanics' Institute (former)</i> 13 Mason Street, Newport	Yes	Yes	No	No	No	No	No
HO179	<i>Shop and Residence</i>	No	No	No	No	No	No	No

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	15-17 Mason Street, Newport							
HO180	<i>Newport Baptist Church Complex</i> 24-26 Mason Street, Newport	Yes	Yes - church only	No	No	No	No	No
HO181	<i>House</i> 35 Mason Street, Newport	No	No	No	No	No	No	No
HO182	<i>Christ Church Complex</i> 59-61 Mason Street, Newport	No	No	No	No	No	No	No
HO183	<i>'St Arnaud'</i> 65 Mason Street, Newport	Yes	No	No	No	No	No	No
HO184	<i>House</i> 85 Mason Street, Newport	Yes	No	No	No	No	No	No
HO185	<i>Victorian Railways Stores Branch Complex and Trees</i> McLister Street, Spotswood	No	No	Yes	No	No	Yes	No
HO186	<i>WC Thomas & Sons Flour Mill (former)</i> 1 McRobert Street, Newport	No	No	No	No	No	Yes	No
HO187	<i>Chusan or Chinese Fan Palm Trees</i> 33 Melbourne Road, Williamstown	No	No	Yes	No	No	No	No
HO188	<i>House</i> 89 Melbourne Road, Williamstown	No	No	No	No	No	No	No
HO189	<i>House</i> 110 Melbourne Road, Williamstown	No	No	No	No	No	No	No

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HO190	<i>'Cloverley'</i> 149 Melbourne Road, Williamstown	No	No	No	No	No	No	No
HO191	<i>St. Stephen's Manse</i> 177 Melbourne Road, Williamstown	No	No	No	No	No	No	No
	<i>There is no HO192</i>							
HO193	<i>House and Kauri Pine Tree</i> 242-244 Melbourne Road, Newport	No	No	Yes	No	No	No	No
HO194	<i>Houses</i> 272-274 Melbourne Road, Newport	No	No	No	No	No	No	No
HO195	<i>Houses</i> 278 and 280 Melbourne Road, Newport	Yes	No	No	No	No	No	No
HO196	<i>Shop and Dwelling</i> 300-302 Melbourne Road, Newport	No	No	No	No	No	No	No
HO197	<i>Masonic Temple No. 5925</i> 405 Melbourne Road, Newport	Yes	Yes	No	No	No	No	No
HO198	<i>House</i> 471 Melbourne Road, Newport	Yes	No	No	No	No	No	No
HO199	<i>House</i> 481 Melbourne Road, Newport	Yes	No	No	No	No	No	No
HO200	<i>Spotswood Railway Workshops Complex (former)</i> 561-569 Melbourne Road, Spotswood	No	Yes	Yes	No	No	No	No

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HO201	<i>Melbourne-Geelong Railway Bridge and Stone Ford over the Laverton Creek</i> intersection Merton Street and Railway Avenue, Altona Meadows	No	No	No	No	No	No	No
HO202	<i>Administration building</i> <i>Part of the Standard Vacuum Refining Company Complex (former)</i> 351- 381 Millers Road, Altona	No	No	No	No	No	No	No
HO203	<i>Main Outfall Sewer (Hobsons Bay Section)</i> Millers Road to Princes Highway, Brooklyn	-	-	-	-	Yes Ref No H1932	No	No
HO204	<i>MMBW Brooklyn Pumping Station</i> 87 Millers Road, Altona North	No	No	No	No	No	No	No
HO205	<i>Fort Gellibrand</i> Battery Road, Williamstown	-	-	-	-	Yes Ref No H1811	No	No
HO206	<i>Williamstown Tennis Club Pavilion</i> 73 Morris Street, Williamstown	No	No	Yes	No	No	No	No
HO207	<i>Gellibrand Pier and Breakwater Pier</i> Nelson Place and Battery Road, Williamstown	-	-	-	-	Yes Ref No H1088 (part)	No	No
HO208	<i>Williamstown War Memorial</i> Intersection of Nelson Place and Ferguson Street, Williamstown	No	No	No	No	No	No	No

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HO209	<i>Alfred Graving Dock</i> Williamstown Dockyard, 2-10 Nelson Place, Williamstown	-	-	-	-	Yes Ref No H697	No	No
HO210	<i>Prince of Wales Hotel (former)</i> 1 Nelson Place, Williamstown	Yes	No	No	No	No	No	No
HO211	<i>Oriental Hotel (former)</i> 55 Nelson Place, Williamstown	Yes	No	No	No	No	No	No
HO212	<i>Royal Hotel (former)</i> 85 Nelson Place, Williamstown	-	-	-	-	Yes Ref No H1770	No	No
HO213	<i>'Craigantina'</i> 125-129 Nelson Place, Williamstown	Yes	No	No	No	No	No	No
HO214	<i>Customs House (former)</i> 128 Nelson Place and 18-34 Syme Street, Williamstown	-	-	-	-	Yes Ref No H894	No	No
HO215	<i>Shops and Residences</i> 131-137 Nelson Place, Williamstown	Yes	No	No	No	No	No	No
HO216	<i>English, Scottish and Australian Bank (former)</i> 139 Nelson Place, Williamstown	Yes	No	No	No	No	No	No
HO217	<i>Shops and Residences</i> 141-143 Nelson Place, Williamstown	Yes	No	No	No	No	No	No
HO218	<i>Shops and Residences</i> 145-147 Nelson Place, Williamstown	Yes	No	No	No	No	No	No

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HO219	<i>Shops and Residences</i> 151-153 Nelson Place, Williamstown	Yes	No	No	No	No	No	No
HO220	<i>Bay View Hotel (former) and Shop</i> 175 Nelson Place, Williamstown	Yes	No	No	No	No	No	No
HO221	<i>Bank of Australasia (former)</i> 189 Nelson Place, Williamstown	-	-	-	-	Yes Ref No H1769	No	No
HO222	<i>Commercial Bank Of Australia (former)</i> 193 Nelson Place, Williamstown	Yes	Yes	No	No	No	No	No
HO223	<i>'Salisbury Buildings'</i> 195-203 Nelson Place, Williamstown	Yes	No	No	No	No	No	No
HO224	<i>Williamstown Advertiser Building (former),</i> 205 Nelson Place, Williamstown	-	-	-	-	Yes Ref No H865	No	No
HO225	<i>Yacht Club Hotel</i> 207 Nelson Place, Williamstown	Yes	No	No	No	No	No	No
HO226	<i>Modern Buildings</i> 213-215 Nelson Place, Williamstown	Yes	No	No	No	No	No	No
HO227	<i>Residence (also known as Wilkins House (former))</i> 231 Nelson Place, Williamstown	-	-	-	-	Yes Ref No H231	No	No
HO228	<i>Holy Trinity Church, Vicarage and Hall</i> 255 Nelson Place, and 2 Pasco Street and 8-12 Pasco Street and 144-158 Aitken Street, Williamstown	-	-	-	-	Yes Ref No H1734	No	No

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HO229	<i>Jackson Court</i> 263 Nelson Place, Williamstown	Yes	No	No	No	No	No	No
HO230	<i>St. Joseph's Roman Catholic Convent and Presbytery</i> 7-9 Newcastle Street, Newport	Yes	No	No	No	No	No	No
HO231	<i>Sacred Heart Catholic Complex</i> 20 Newcastle Street, Newport	Yes	Yes church only	No	No	No	No	No
HO232	<i>Newport Coffee Palace (former)</i> 24 Newcastle Street, Newport	Yes	No	No	No	No	No	No
	<i>There is no HO233</i>							
HO234	<i>Terrace</i> 64-70 North Road, Newport	No	No	No	No	No	No	No
HO235	<i>House</i> 88 North Road, Newport	No	No	No	No	No	No	No
HO236	<i>House</i> 115 North Road, Newport	No	No	No	No	No	No	No
HO237	<i>House</i> 127 North Road, Newport	No	No	No	No	No	No	No
HO238	<i>Williamstown Botanical Gardens</i> 97 Osborne Street, Williamstown	-	-	-	-	Yes Ref No H1803	No	No
HO239	<i>House</i> 21 Osborne Street, Williamstown	No	No	No	No	No	No	No

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HO240	<i>House and Pepper Trees</i> 54 Osborne Street, Williamstown	Yes	Yes	No	No	No	No	No
HO241	<i>Cotton Palm, English Oak and Lily Pilly Trees</i> 197 Osborne Street, Williamstown	No	No	Yes	No	No	No	No
HO242	<i>Williamstown Post and Telegraph Office (former)</i> 1 Parker Street, Williamstown	Yes	No	No	No	No	No	No
HO243	<i>Williamstown Chronicle Office (former)</i> 8 Parker Street, Williamstown	No	No	No	No	No	No	No
HO244	<i>Maclean Residence and Surgery (former)</i> 10 Parker Street, Williamstown	No	No	No	No	No	No	No
HO245	<i>Shop and Residence (former)</i> 28 Parker Street, Williamstown	No	No	No	No	No	No	No
HO246	<i>Shops and Residences</i> 30-32 Parker Street, Williamstown	No	No	No	No	No	No	No
HO247	<i>House</i> 14 Pasco Street, Williamstown	Yes	No	No	No	No	No	No
HO248	<i>Manchester Unity Independent Order of Oddfellows Hall (former)</i> 26 Pasco Street, Williamstown	Yes	Yes	No	No	No	No	No
HO249	<i>Tudor House</i> 52-54 Pasco Street, Williamstown	-	-	-	-	Yes Ref No H1857	No	No

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HO250	<i>'Ashton Villa'</i> 64 Pasco Street, Williamstown	Yes	No	No	No	No	No	No
HO251	<i>'St. Ayles'</i> 72 Pasco Street, Williamstown	Yes	No	No	Yes	No	No	No
HO252	<i>Jelly Palm, Stone Pine and Oak Trees</i> 74 Pasco Street, Williamstown	Yes	No	Yes	No	No	No	No
HO253	<i>Williamstown High School Complex</i> 76 Pasco Street, Williamstown	Yes	No	No	No	No	No	No
HO254	<i>House</i> 19 Pearson Street, Williamstown	No	No	Yes	No	No	No	No
HO255	<i>Altona Pier</i> Pier Street and The Esplanade, Altona	No	No	No	No	No	No	No
HO256	<i>Red Robin Hosiery Factory (former)</i> 119 Pier Street, Altona	No	No	No	No	No	Yes	No
HO257	<i>Cheetham Salt Works (former)</i> Point Cook Road, Laverton	No	No	Yes	Yes	No	No	No
HO258	<i>North Williamstown Railway Station Complex</i> Power Street, North Williamstown	Yes	No	Yes	No	No	Yes	No
HO259	<i>Bluestone Bridge over Kororoit Creek</i> Princes Highway, Brooklyn	No	No	No	No	No	No	No
HO260	<i>Laverton Homestead (former)</i> 128 –155 Queen Street, Altona	Yes	Yes	Yes	No	No	No	No

HOBSONS BAY PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO261	<i>Truganina Explosives Magazine Complex (former) and Trees</i> 276 Queen Street, Altona	No	No	Yes	Yes	No	Yes	Yes
HO262	<i>Williamstown Racecourse Site (former) and Canary Island Palm Tree</i> Racecourse Road, Altona	No	No	Yes	No	No	No	No
HO263	<i>House</i> 88 Railway Crescent, Williamstown	Yes	No	No	No	No	No	No
HO264	<i>Williamstown Beach Railway Station</i> Railway Crescent and Railway Place, Williamstown	Yes	No	No	No	No	No	No
HO265	<i>St Mary's Roman Catholic School and former Church and Camphor Laurel Tree</i> Railway Street North, Altona	Yes	Yes – church only	Yes	No	No	Yes	No
HO266	<i>House</i> 6 Rennie Street, Williamstown	No	No	No	No	No	No	No
HO267	<i>House</i> 3 Rupert Street, Newport	No	No	No	No	No	No	No
HO268	<i>Altona Baptist Church</i> 14 Sargood Street, Altona	No	Yes – church only	No	No	No	No	No
HO269	<i>Solomit or Straw House</i> 2 Seaview Crescent, Seaholme	Yes	No	No	No	No	No	No
HO270	<i>House</i> 4 Smith Street, Williamstown	No	No	No	No	No	No	No

HOBSONS BAY PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO271	<i>House</i> 41 Speight Street, Newport	No	No	No	No	No	No	No
HO272	<i>'Alcroft'</i> 13 Station Road, Williamstown	No	No	No	No	No	No	No
HO273	<i>Seaholme Railway Station Complex and Trees</i> Station Street, Seaholme	No	No	Yes	No	No	No	No
HO275	<i>House</i> 8 Stevedore Street, Williamstown	No	No	No	No	No	No	No
HO276	<i>'Alroy'</i> 13 Stevedore Street, Williamstown	No	No	No	No	No	Yes	No
HO277	<i>Shops (former) and Residence</i> 46-48 Stevedore Street, Williamstown	Yes	No	No	No	No	Yes	No
HO278	<i>Napier Hotel (former)</i> 52 Stevedore Street, Williamstown	Yes	No	No	No	No	Yes	No
HO279	<i>Congregational Church (former)</i> 57 Stevedore Street, Williamstown	Yes	Yes	No	No	No	No	No
HO280	<i>Salvation Army Temple</i> 83 Stevedore Street, Williamstown	No	Yes	No	No	No	No	No
HO281	<i>Alfred Hotel (former)</i> 92 Stevedore Street, Williamstown	No	No	No	No	No	No	No

HOBSONS BAY PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO282	<i>'White House'</i> 5 The Strand, Williamstown	No	No	No	No	No	No	No
HO283	<i>'Maritimo' Fence</i> 8-9 The Strand, Williamstown	No	No	No	No	No	No	No
HO284	<i>Terrace Houses and Fence</i> 10-11 The Strand, Williamstown	No	No	Yes	Yes	No	No	No
HO285	<i>House</i> 12 The Strand, Williamstown	No	No	No	No	No	No	No
HO286	<i>House – formerly 'Craigdoon'</i> 14 The Strand, Williamstown	No	No	No	No	No	No	No
HO287	<i>'Mandalay' (former Abberton House)</i> 24 The Strand, Williamstown	-	-	-	-	Yes Ref No H232	No	No
HO288	<i>'Tarneit'</i> 28 The Strand, Williamstown	No	No	No	No	No	No	No
HO289	<i>'Clouera'</i> 53 The Strand, Williamstown	No	No	No	No	No	No	No
HO290	<i>'Dachet'</i> 62 The Strand, Williamstown	Yes	No	No	No	No	No	No
HO291	<i>'Sea Gates'</i> 62 The Strand, Williamstown	Yes	No	No	No	No	No	No

HOBSONS BAY PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO292	<i>'Monomeath'</i> 67-68 The Strand, Williamstown	Yes	No	No	No	No	No	No
HO293	<i>'Allambie'</i> 69 The Strand, Newport	No	No	No	No	No	No	No
HO294	<i>House</i> 74 The Strand, Newport	No	No	No	No	No	No	No
HO295	<i>House</i> 75 The Strand, Newport	No	No	No	No	No	No	No
HO296	<i>House</i> 77 The Strand, Newport	No	No	No	No	No	No	No
HO297	<i>House</i> 94 The Strand, Williamstown	No	No	No	No	No	No	No
HO299	<i>Police Station, Sargeant, Watch House, Keepers quarters (former)</i> 8-10 Thompson Street, Williamstown	No	No	No	No	No	No	No
HO300	<i>Elm Trees</i> 14 Thompson Street, Williamstown	No	No	Yes	No	No	No	No
HO301	<i>Bridge Hotel (former)</i> 72 Thompson Street, Williamstown	-	-	-	-	Yes Ref No H1792	No	No
HO302	<i>House</i> 97 Thompson Street, Williamstown	Yes	No	No	No	No	No	No

HOBSONS BAY PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO303	<i>Commonwealth Oil Refinery Complex (former)</i> 32-54 Toll Drive, Altona North	No	No	No	No	No	Yes	No
	<i>There is no HO304</i>							
HO305	<i>Phaup's Beach Hotel (former)</i> 41 Twyford Street, Williamstown	No	No	No	No	No	No	No
HO306	<i>Norfolk Island Pines</i> 50 Verdon Street, Williamstown	Yes	No	Yes	No	No	No	No
HO307	<i>House</i> 75 Verdon Street, Williamstown	Yes	No	No	No	No	No	No
HO308	<i>'Erith'</i> 95 Verdon Street, Williamstown	Yes	No	No	No	No	No	No
HO309	<i>Wild Kaffir Plum Tree</i> 49 Victoria Street, Williamstown	Yes	No	Yes	No	No	No	No
HO310	<i>House</i> 51 Victoria Street, Williamstown	Yes	No	No	No	No	No	No
HO311	<i>Kauri Pine and Ginkgo Tree</i> 60 Victoria Street, Williamstown	Yes	No	Yes	No	No	No	No
HO312	<i>House</i> 80 Victoria Street, Williamstown	Yes	No	No	No	No	No	No
HO313	<i>Williamstown Croquet Club Pavilion</i> 104 Victoria Street, Williamstown	Yes	No	No	No	No	No	No

HOBSONS BAY PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO314	<i>House</i> 115 Victoria Street, Williamstown	Yes	No	Yes	Yes	No	No	No
HO315	<i>Rifle Club Hotel</i> 121 Victoria Street, Williamstown	Yes	No	No	No	No	No	No
HO316	<i>House</i> 1 Yarra Street, Williamstown	No	No	No	No	No	No	No

SCHEDULE 2 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

--/--

Shown on the planning scheme map as **DPO2**

PRECINCT 16 WEST

1.0 Objectives

--/--

To create a residential area that is responsive to its context, including industrial operations and provides a transition in character at its interfaces with existing adjoining residential areas.

To encourage sustainable urban renewal and increased housing affordability, diversity and density within the site.

To create varied, engaging and high quality architectural forms, a landscaped environment and sustainable movement networks.

To ensure residential development provides a reasonable level of amenity for future occupiers of the site, including but not limited to protecting future residents from the adverse impacts of industrial and traffic noise, odour, dust, vibration and the visual impact of the railway line and industrial development.

To protect the operations of the state and nationally significant Spotswood Locomotive Maintenance Centre from potential adverse effects of residential encroachment.

2.0 Requirement before a permit is granted

A permit may be granted before a development plan has been approved for:

- Any buildings or works associated with the remediation of land in accordance with or for the purpose of obtaining a preliminary risk screen assessment statement stating that an environmental audit is not required or a Statement of Environmental Audit under the *Environment Protection Act 2017*.
- Subdivision.
- Creation, variation or removal of easements or restrictions.
- Any buildings and works associated with the existing operations at 5-7 Sutton Street.

Before granting a permit, the responsible authority must be satisfied that the permit will not prejudice the future use and integrated and orderly development of the site in accordance with the Development Plan requirements specified in this Schedule.

3.0 Conditions and requirements for permits

--/--

The following conditions and/or requirements apply to permits unless otherwise agreed in writing with the Responsible Authority:

- Any development that will accommodate residential or other noise sensitive uses must be designed and constructed to include noise attenuation measures. These noise attenuation measures must ensure that:
 - Combined external noise from industry, trains and road traffic impacting residential uses is attenuated to achieve the following noise levels:
 - Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.

- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

- Combined external noise from industry, trains and road traffic impacting sensitive uses other than residential uses or impacting areas of residential development other than bedrooms and living areas, is attenuated to achieve the median value of the range of recommended design sound levels of Australian Standard AS/NZ 2107:2016 (Acoustics – Recommended design sound level and reverberation times for building interiors).
These noise levels are to be measured internally at the expected occupancy position(s) in the space relevant to the noise of interest with doors and windows closed. The preferred positions are at least 1 m from the walls or other major reflecting surface, 1.2 m to 1.5 m above the floor and about 1.5 m from windows.
- Industrial noise received at new residential or other noise sensitive uses achieves internal noise levels assessed in accordance with the Noise Protocol (EPA Publication 1826.4) with the implementation of an indoor adjustment of 20 dB, while allowing for operable windows. These noise levels are to be measured internally at the expected occupancy position(s) in the space relevant to the noise of interest with doors and windows closed. The preferred positions are at least 1 m from the walls or other major reflecting surface, 1.2 m to 1.5 m above the floor and about 1.5 m from windows.
- The assessment of noise emanating from the Spotswood Maintenance Centre and Able Industries Engineering used to inform reasonably practicable noise mitigation measures must consider the status of compliance at the new sensitive use in relation to the Noise Protocol and also include a comprehensive assessment of the activities in consultation with Spotswood Maintenance Centre and Able Industries Engineering – both current and reasonably foreseen planned future activities (subject to those activities being compliant with environmental noise obligations at existing sensitive uses).
- Train airborne noise received at new residential or other noise sensitive uses is attenuated to achieve a noise level of 55 dBA, L_{max} in bedrooms at night and a noise level of 60 dBA, L_{max} in living areas. These noise levels are to be measured at the expected occupancy position(s) in the space relevant to the noise of interest with doors and windows closed. The preferred positions are at least 1 m from the walls or other major reflecting surface, 1.2 m to 1.5 m above the floor and about 1.5 m from windows. -The measurements should be undertaken using a ‘fast’ meter time weighting, and must be achieved for 95% of train pass-bys (i.e. 5%, 1 in 20 trains may exceed).
- Train ground borne noise received at new residential or other noise sensitive uses is attenuated to achieve a noise level of 35 dBA, L_{max}, slow, in bedrooms and 40 dBA, L_{max}, slow, in living areas. These noise levels are to be measured internally at the expected occupancy position(s) in the space relevant to the noise of interest with doors and windows closed. The preferred positions are at least 1 m from the walls or other major reflecting surface, 1.2 m to 1.5 m above the floor and about 1.5 m from windows. The measurements should be undertaken using a ‘slow’ meter time weighting, and must be achieved for 95% of train pass-bys (i.e. 5%, 1 in 20 trains may exceed). This assessment of train ground borne noise is only to be applied for new residential or other noise sensitive uses where train ground borne noise is the dominant source of noise (i.e. higher than the train airborne noise).
- Noise associated with Spotswood Maintenance Centre and Able Industries Engineering received at new residential or other noise sensitive uses is attenuated to achieve an internal maximum noise level of 55 dBA L_{max}, in

bedrooms, during the night. These noise levels are to be measured internally at the expected occupancy position(s) in the space relevant to the noise of interest with doors and windows closed. The preferred positions are at least 1 m from the walls or other major reflecting surface, 1.2 m to 1.5 m above the floor and about 1.5 m from windows.

- Any development that will accommodate residential or other vibration-sensitive uses must be designed and constructed to include vibration attenuation measures. These vibration attenuation measures must ensure that train vibration received at new residential or other vibration-sensitive uses meet acceptable vibration levels in accordance with British Standards BS 6472-1:2008 or other industry accepted vibration assessment standards addressing human exposure.

The following conditions apply to permits for development:

- Prior to the occupation of any building, a report prepared by a suitably qualified acoustic and vibration consultant which certifies compliance with the noise and vibration criteria set out in clause 3.0 of Schedule 2 to the Development Plan Overlay must be provided to the satisfaction of the responsible authority.
- Any buildings and works required to achieve compliance with the noise and vibration criteria set out in clause 3.0 of the Schedule 2 to the Development Plan Overlay must be installed and maintained to the satisfaction of the Responsible Authority.
- Prior to the commencement of the development, the owner must submit to the satisfaction of the Head, Transport for Victoria and the Responsible Authority, a report prepared by a suitably qualified traffic engineer that provides an analysis of pedestrian and traffic movements at the intersection of Blackshaws Road and Sutton Street. The report must include:
 - Analysis of an appropriately prepared base conditions model, incorporating:
 - Recently collected existing traffic, bicycle and pedestrian volumes.
 - Traffic impacts of nearby development, including but not limited to development within Precinct 16 West, Precinct 16 East, Precinct 15, Precinct 17, and 31-69 McLister Street, Spotswood.
 - Consideration of the West Gate Tunnel works.
 - Traffic growth along Blackshaws Road until the implementation of the traffic signals.
 - B-Double movements to and from 5-7 Sutton Street.
 - Analysis of a post-development conditions model, reflecting the base conditions model and development traffic.
- Unless the traffic report demonstrates that traffic management and associated civil works are not required earlier to support the development and safe movements of pedestrians, cyclists and traffic the following works must be delivered to the satisfaction of the Head, Transport for Victoria and the Responsible Authority:
 - the interim intersection treatment at the corner of Sutton Street and Blackshaws Road including a dedicated right turn lane on Blackshaws Road and localised widening on east side Sutton Street with a painted centre median prior to the statement of compliance of the 50th residential lot within Precinct 16 West. (Generally in accordance with Traffic Group Plan Sutton Street South Kingsville Concept Plan – Interim Dwg No. G27836-01-01 Issue G)
 - the pre-ultimate intersection treatment including a signalised intersection at the corner of Sutton Street and Blackshaws Road with the interim configuration prior to the statement of compliance of the 150th residential lot within Precinct 16 West (Generally in accordance with Traffic Group Plan Sutton Street South Kingsville Concept Plan – Pre-ultimate Dwg No. G27836-01-03 Issue D)
 - the ultimate intersection treatment including separate right and left turn lanes exiting Sutton Street after the cessation of operations on-site at 5-7 Sutton Street Spotswood or a traffic management plan for the site identifies that pre-ultimate intersection configuration is not required to facilitate construction access. (Generally in accordance with Traffic Group Plan Sutton Street South Kingsville Concept Plan – Ultimate Dwg No. G27836-01-02 Issue D)

4.0 Requirements for development plan

--/-- A development plan, which may consist of plans and/or other documents, must be prepared for the site to the satisfaction of the responsible authority.

The development plan for the site or for any sub-precinct may be amended from time to time to the satisfaction of the responsible authority.

The development plan may be prepared in parts relative to the sub-precincts depicted on the Precinct 16 West Framework Plan if the responsible authority is satisfied that this will not prejudice the future use and integrated and orderly development of the site in accordance with the development plan requirements.

The development plan for the site or for any sub-precinct must achieve the following Vision for the site, and be generally in accordance with the Precinct 16 West Framework Plan at Clause 5.0 to the satisfaction of the responsible authority.

Vision

Precinct 16 West will:

- Become a sustainable residential community, integrated with Precinct 16 East and complementing the broader existing residential neighbourhood.
- Be redeveloped to provide a predominantly medium to higher density residential development, providing homes for a diversity of households including affordable housing and incorporating public open space and sustainable movement links.
- Implement innovative ESD features, providing opportunities for best practice in environmental management.
- Protect the ongoing operation of industrial land use and infrastructure, incorporating residential amenity protection measures that display a high level of architectural resolution, even if temporary in nature.
- Ensure stages of the development will be managed to minimise amenity impacts to new residents until industrial uses on the site are discontinued.

The development plan(s) must include the following requirements to the satisfaction of the responsible authority:

General

- A site analysis plan that identifies the key attributes of the site (or the sub-precinct), its context, the surrounding area and its relationship with adjoining land.
- An urban context and analysis response that contains a thorough assessment of the opportunities and constraints of the site (or the sub-precinct).
- A land use summary including an indicative number or density of dwellings for the site or the sub-precinct.

Built form and layout

- Concept plans or equivalent documents that describe the layout and development of the site or the sub-precinct including:
 - building heights;
 - street layout;
 - indicative location of public open space (if proposed);
 - the siting and orientation of built form;
 - variation to building forms across the site or sub-precinct;
 - waste collection and storage locations;
 - graduation of taller buildings with reference to analysis of shadow, visual amenity impacts and the character of the area;

- measures needed to ensure reasonable residential amenity is achieved given amenity impacts and emissions from non-residential uses;
- indicative architectural and building design details including materials, styles, elevations and cross sections;
- a maximum average site coverage of 85%;
- setbacks including but not limited to:
 - a minimum 4 metre setback from Sutton Street;
 - a minimum 3 metre setbacks on internal roads.

Design guidelines for the site (or sub-precinct) to ensure development will:

- Integrate with development in adjoining sub-precincts and respond to the character of established areas in particular the established character to the western side of Stephenson Street
- Provide appropriate internal amenity for new residents and protect the amenity of existing residents
- Provide for a diversity of dwelling types, as appropriate, to cater for a variety of housing needs
- Provide typical dwelling layouts for standard lot sizes proposed
- Include active frontages for lots that share an interface with a reserve or street to ensure a quality design, surveillance and permeable outcomes as appropriate
- Include sustainable design features to address water management, solar access and energy saving initiatives, to deliver lower living costs for future residents and aid in the reduction of energy and water consumption, the generation of waste and greenhouse emissions
- Ensure out buildings and service areas have minimal visibility from any public open space or street
- Include temporary acoustic measures where appropriate that are designed to a high standard and are not visually intrusive within the landscape
- Promote urban legibility and public access to and through the site
- Ensure new buildings are designed to distribute access to outlook and sunlight between built forms
- Demonstrate high quality and diverse built form outcomes that contribute to the built form character of the neighbourhood and its surrounds
- Ensure that building heights consider and respond to the over shadowing effects within the site
- Ensure that building heights provide an appropriate transition to site interfaces
- Ensure street level interface treatments contribute to high levels of pedestrian amenity and safety
- Provide acoustic design treatments that addresses the impact of existing and potential noise particularly from the Spotswood Maintenance Centre
- Collectively form a coherent and identifiable precinct
- Provide for safe and convenient vehicular and pedestrian access
- Minimise, where practical, the impact of vehicles on public space.

Access and transport

A Traffic Impact Assessment and car parking plan prepared by a suitably qualified engineering consultant that ensures the creation of a safe and efficient road network within and adjacent to the site. The Traffic Impact Assessment should include:

- The existing capacity of the surrounding road network having regard to a traffic base case that includes the impact of traffic from Precinct 16 East, Precinct 15, Precinct 17 and 31-69 McLister Street, South Kingsville and the Westgate Tunnel as well as pedestrian and road safety requirements;
- Existing roads, pedestrian, cyclist and vehicle access locations;
- An assessment of the impact of traffic and car parking generated by the use and development of the site;
- A summary of the internal road network (including street widths and general design) and its appropriateness when considered in relation to clause 56;
- Details of proposed car parking;
- The design of internal network to encourage cycling and pedestrians to travel through the site;
- How the impacts of new vehicle access points on pedestrian and bicycle priority routes will be reduced;
- Any proposed traffic management measures within the site or in the surrounding street network;
- Location and linkages to the public transport network;
- Any necessary transitional arrangements to ensure existing access rights are protected for the industrial operations at 5-7 Sutton Street, South Kingsville;
- No direct access from future dwellings to Stephenson Street;
- Proposed staging plan (if relevant);
- Measures to ensure development does not compromise the delivery of future public transport.

Use transition

Demonstrate measures to protect the ongoing industrial uses during transition of the site to residential use, including protection of existing access rights to 5-7 Sutton Street, South Kingsville while the industrial uses on this property continue. The development plan should include interim and ultimate arrangements in response to this issue with the interim arrangements demonstrating how the existing access from Sutton Street and via Blackshaws Road will be maintained.

Open space and landscape

A landscape report, which identifies:

- Key measures and objectives to ensure that a high quality public realm is achieved with details of proposed landscaping in streets and public open spaces;
- Links to existing and proposed open spaces;
- A landscape concept plan for public open space and roads, with indicative themes and planting schedules;
- Street and public open space cross sections to demonstrate an appropriate landscape outcome;
- Details of water sensitive design initiatives.

Site Remediation Strategy

A Site Remediation Strategy must be submitted with the Development Plan to the satisfaction of the responsible authority to address and make recommendations in relation to:

- Potential impacts of any land or ground water contamination on the proposed land use;

- The proposed pattern, siting and arrangement of land uses across the site or sub-precinct (including residential, public and community uses) and any particular design requirement the development may be subject to;
- Options and a preferred approach to the testing and clean up activities;
- An indicative site map showing locations across the site or sub-precinct of any identified contamination and any proposed clean up activities;
- A schedule of proposed clean up activities;
- Expected staging and indicative timeframes for any works required by the preliminary risk screen assessment or Statement of Environmental Audit across the site following the clean up activities for the site or sub-precinct, if required;
- Indicative site management and monitoring controls that will be necessary following each clean up activity; and
- The parties responsible for key activities and for subsequent site management and monitoring.

The Site Remediation Strategy may be prepared in stages.

Prior to the approval of Development Plans a preliminary risk screen assessment statement must be issued stating that an environmental audit is not required or a Statement of Environmental Audit must be prepared and approved for the site.

The Site Remediation Strategy will be required to reflect the recommendation or requirement of any Statement of Environmental Audit or preliminary risk screen assessment statement.

Affordable housing

Measures to encourage that an affordable housing contribution is provided equivalent to a minimum of 5 per cent of the total number of dwellings to be developed in each sub-precinct. The contribution is to be based on a discount of 25 per cent to the market value.

Acoustic and vibration impacts

A report, which addresses the following:

- An assessment of acoustic and vibration impacts on the site with reference to the existing Spotswood Maintenance Centre, existing industrial use at 5-7 Sutton Street and the adjacent railway line. The assessment must include recommended measures to manage acoustic and vibration impacts at the ultimate developed outcome and also confirm that a reasonable interim arrangement can be achieved during development of the site. The report must have consideration for EPA publication 1826.4 Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (Noise Protocol).
- Identification of potential impacts on future development in the site.
- The proposed design treatment of the interface with industry, including setbacks, fencing, landscaping, internal building layout, noise attenuation construction measures and any other measures required to minimise impacts.
- The proposed design and treatment of the interface with the railway line specifically relating to how it will ensure:
 - Any pedestrian or cyclist breaks in the noise wall for the pedestrian rail crossing still enable the noise attenuation targets to be met.
 - Reflected noise north of the railway line will not result in an unacceptable increase in noise at existing residences.
- Consider amenity of future residents in line with Standard D16 at Clause 58 of the Scheme, assuming that the site is located in a 'noise influence area'.

Environmentally Sustainable Development Strategy

An Environmentally Sustainable Design Strategy must be prepared which considers and responds to the proposed development and construction processes and:

- Demonstrates the incorporation of recognised technologies and best practice;
- Identifies and nominates the level of sustainability performance standards to be adopted;
- Assesses options by which the nominated level of sustainable performance standards will be achieved.

The ESD Strategy must have regard to the local policy, Environmentally Sustainable Development at Clause 15.02-1L.

Stormwater

A stormwater management strategy to the satisfaction of the council addressing the requirements for volumes and quality of stormwater runoff, details of on-site stormwater retention (if required) and how the development of the site will meet the requirements of Clause 53.18 – Stormwater Management in Urban Development (where applicable) and Melbourne Water Guidelines for Development in Flood Affected Areas (DELWP, 2019).

Major pipeline infrastructure

A report that outlines the impact of the proposed development of that sub-precinct of the site adjacent to pipeline infrastructure both during construction and post-construction on the Somerton to Altona, South Melbourne to Brooklyn and West Footscray to Williamstown Licensed Pipelines, in the context of a pipeline risk assessment, and any measures required to ensure the ongoing maintenance and operation of the pipeline.

This report must be prepared in conjunction with the relevant authorities and stakeholders and according to their requirements. The recommendations of this risk assessment are to be incorporated into any final development plan approval.

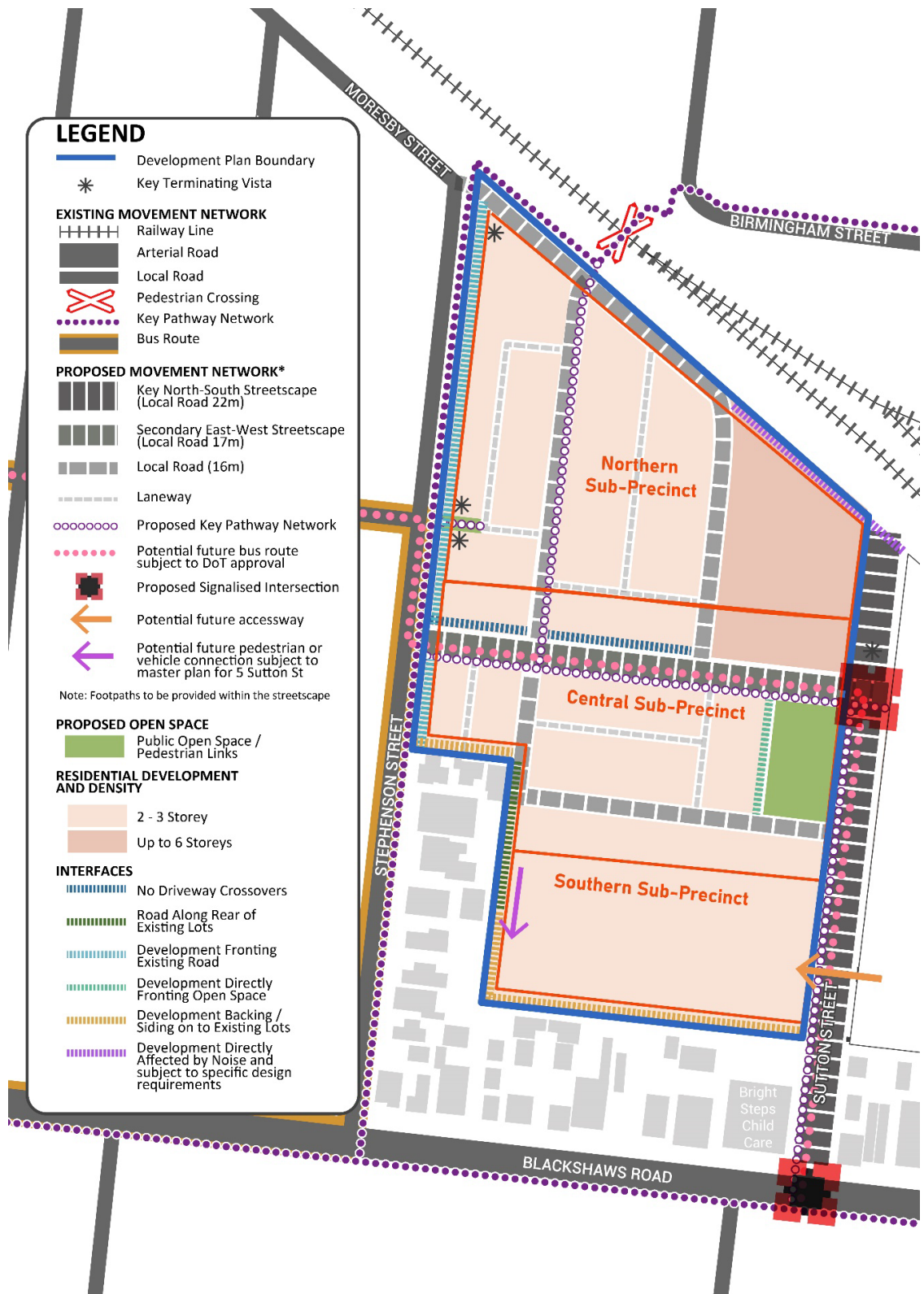
Infrastructure and staging

A report must be submitted with the development plan that assesses the impact of the development on local infrastructure and a staging plan that includes (but is not limited to) the following (as required):

- Access arrangements while the southern sub-precinct continues to operate as an industrial use;
- Any temporary acoustic attenuation measures;
- Staging for delivery of infrastructure to facilitate the development including traffic signals at Sutton Street and Blackshaws Road; and
- Anticipated staging of the development.

5.0 Precinct 16 West Framework Plan

--/--



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SCHEDULE TO CLAUSE 53.01 PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION

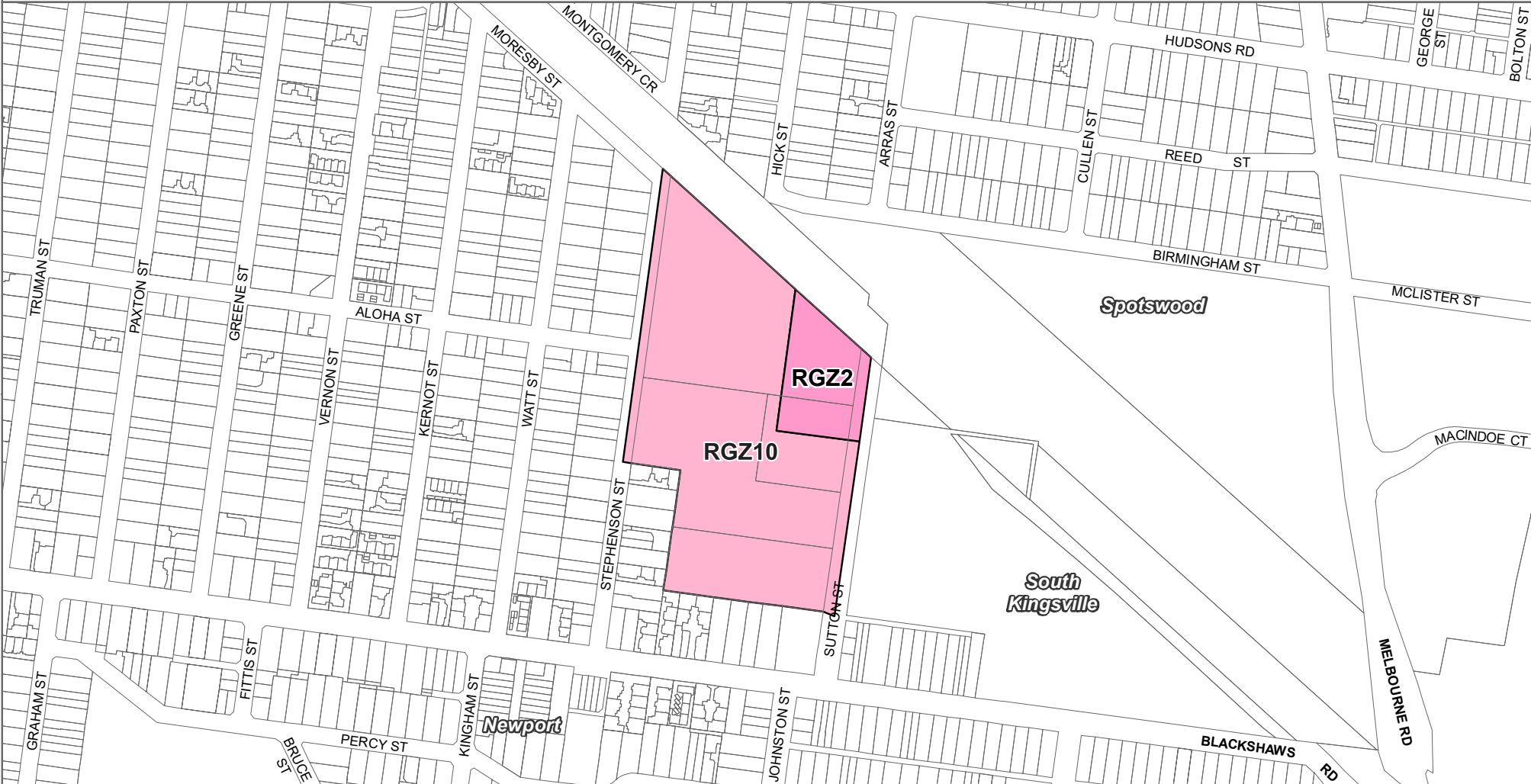
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Subdivision and public open space contribution

$\frac{1}{c114} / 20$

Type or location of subdivision	Amount of contribution for public open space
All land in the area covered by Schedule 1 to the Development Contributions Plan Overlay at Clause 45.06 of the Hobsons Bay Planning Scheme, referred to as the Former Port Phillip Woollen Mill.	5%
All land in the area covered by Schedule 2 to the Comprehensive Development Zone at Clause 37.02 of the Hobsons Bay Planning Scheme, also referred to as Precinct 15.	7.1%
All land in the area covered by Schedule 2 to the Development Plan Overlay at Clause 43.04 of the Hobsons Bay Planning Scheme, also referred to as Precinct 16 West.	5%

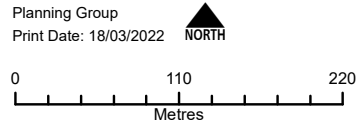
HOBSONS BAY PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C114



- LEGEND**
- GRZ - General Residential Zone
 - RGZ - Residential Growth Zone
 - Local Government Area

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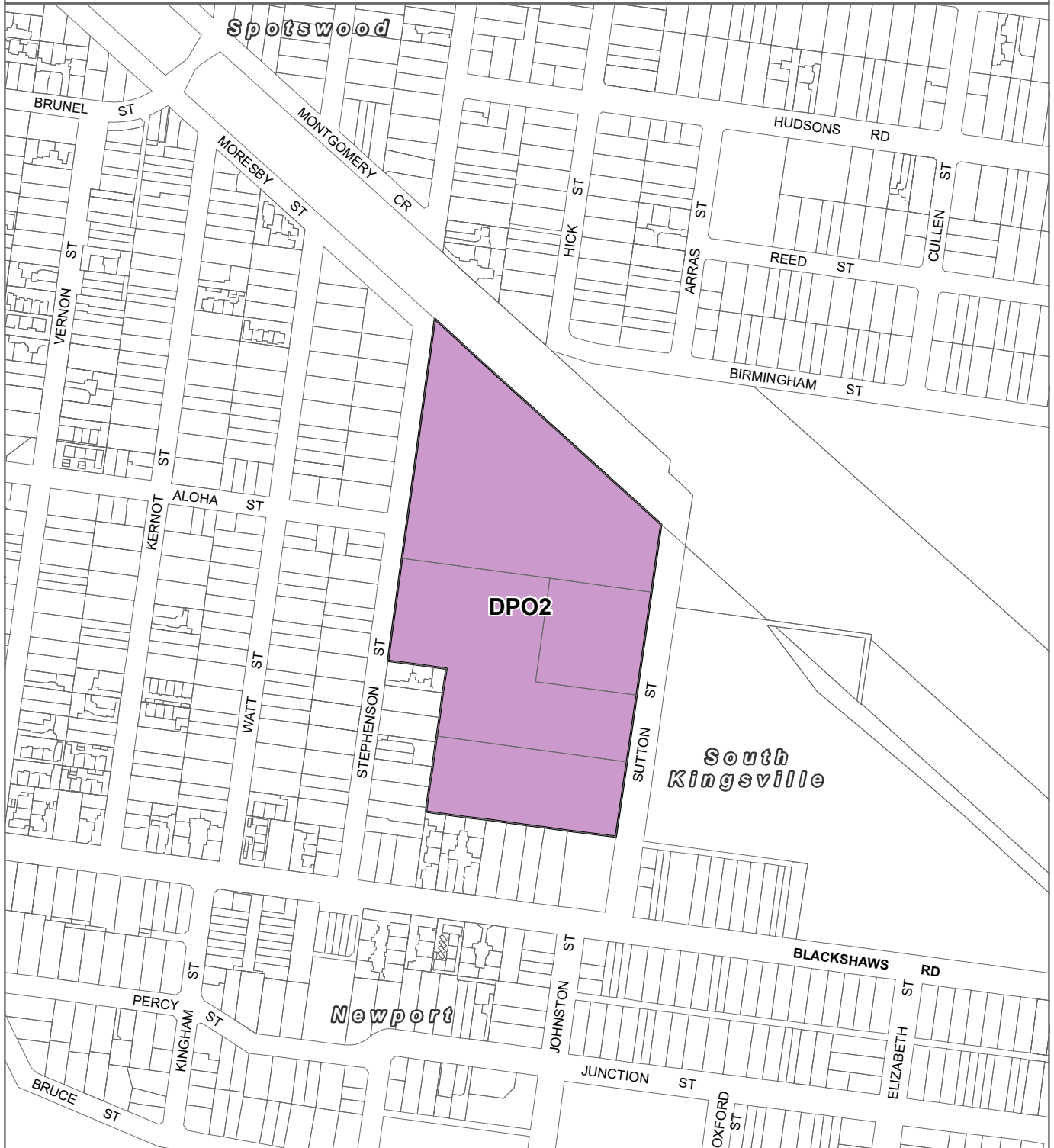
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Part of Planning Scheme Map 4



HOBSONS BAY PLANNING SCHEME - LOCAL PROVISION AMENDMENT C114



LEGEND

-  DPO2 - Development Plan Overlay - Schedule 2
-  Local Government Area

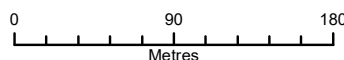


Part of Planning Scheme Map 4DPO

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Planning Group
Print Date: 2/11/2018





Environment,
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HOBSONS BAY PLANNING SCHEME - LOCAL PROVISION AMENDMENT C114



LEGEND

-  D-HO - Area to be deleted from a Heritage Overlay
-  Local Government Area

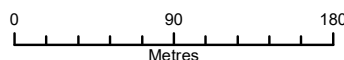


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HOBSONS BAY PLANNING SCHEME - LOCAL PROVISION AMENDMENT C114



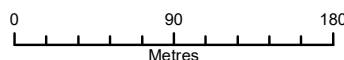
- LEGEND**
- EAO - Environmental Audit Overlay
 - Local Government Area



Part of Planning Scheme Map 4EAO

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Planning Group
Print Date: 2/11/2018



Environment,
Land, Water
and Planning

DRAFT PERMIT
Permit No: PA1943532

Responsible Authority: Hobsons Bay City Council

ADDRESS OF THE LAND: **9A Sutton Street, South Kingsville**

THIS PERMIT ALLOWS: **Subdivision of the land into two lots and in accordance with the endorsed plans**

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. The layout and site dimensions of the proposed subdivision as shown on the endorsed plan must not be altered or modified without the prior written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plans.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
3. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
4. The plan of subdivision submitted for certification under the subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
5. The owner of the land must enter into an agreement with:
 - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
6. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time;
- b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre; and

VicTrack conditions

- 7. The permit holder must not, at any time:
 - c) allow any drainage, effluent, waste, soil or other materials to enter or be directed to the railway land; or
 - d) store or deposit any waste, soil or other materials on the railway land.
- 8. For any stage abutting the railway land (Vic Track land) a fence must be constructed in accordance with the Rail Operator's requirements along the boundary of the land to restrict access to the rail corridor in all locations except the licensed pedestrian crossing. The fence will be constructed at no cost to and to the satisfaction Vic Track.
- 9. Signs directing pedestrian access to the licensed pedestrian crossing and advising of prohibition of crossing in other locations are to be erected to the satisfaction of VicTrack.
- 10. The boundary wall / fence must be treated with a graffiti proof finish and any graffiti that appears on the wall must be cleaned / removed as soon as practicable at no cost to VicTrack or the Rail Operator.
- 11. The permit holder must not enter any railway land without the written consent of the Rail Operator. If the permit holder has obtained the Rail Operator's written consent to enter the railway land, the permit holder must comply with the Rail Operator's Site Access Procedures, conditions and safety requirements when accessing the railway land.

Permit Expiry:

- 12. This permit will expire if one of the following circumstances applies:
 - a) The plan of subdivision is not certified within two years of the date of this permit.
 - b) The subdivision is not completed within five years of the date of certification.

The Responsible Authority may extend the period to start the subdivision if a request is made in writing before the permit expires or within six months afterwards

Date Issued:

For the Responsible Authority:

DRAFT PERMIT
Permit No: PA1943533

Responsible Authority: Hobsons Bay City Council

ADDRESS OF THE LAND: **41-59 Stephenson Street, South Kingsville**

THIS PERMIT ALLOWS: **Subdivision of the land into two lots and in accordance with the endorsed plans**

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. The layout and site dimensions of the proposed subdivision as shown on the endorsed plan must not be altered or modified without the prior written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plans.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
3. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
4. The plan of subdivision submitted for certification under the subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
5. The owner of the land must enter into an agreement with:
 - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
6. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

VicTrack conditions

7. The permit holder must not, at any time:
 - c) allow any drainage, effluent, waste, soil or other materials to enter or be directed to the railway land; or
 - d) store or deposit any waste, soil or other materials on the railway land.
8. For any stage abutting the railway land (Vic Track land) a fence must be constructed in accordance with the Rail Operator's requirements along the boundary of the land to restrict access to the rail corridor in all locations except the licensed pedestrian crossing. The fence will be constructed at no cost to and to the satisfaction Vic Track.
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Permit Expiry:

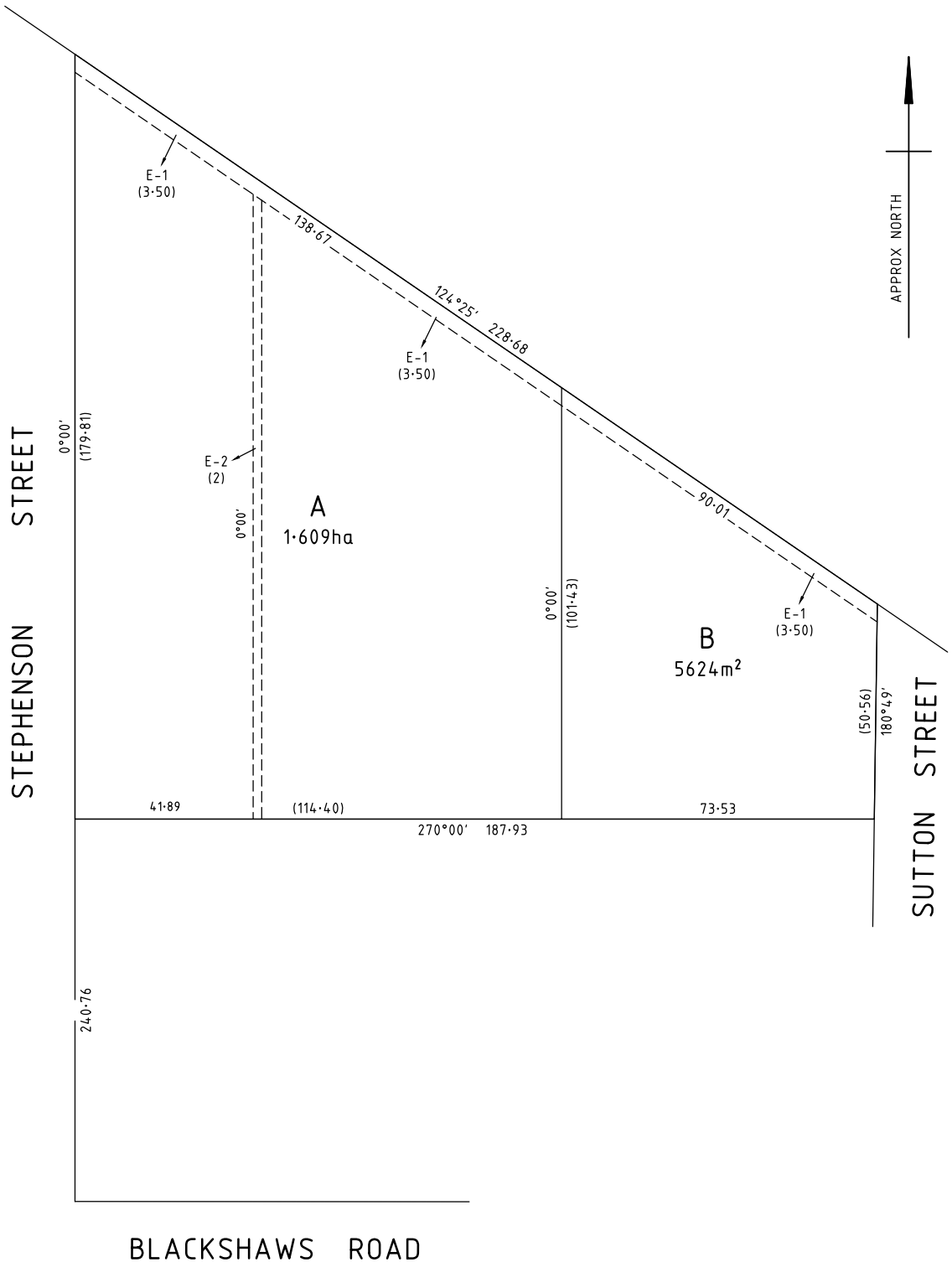
12. This permit will expire if one of the following circumstances applies:
 - a) The plan of subdivision is not certified within two years of the date of this permit.
 - b) The subdivision is not completed within five years of the date of certification.

The Responsible Authority may extend the period to start the subdivision if a request is made in writing before the permit expires or within six months afterwards


Date Issued:

For the Responsible Authority:

PLAN OF SUBDIVISION		EDITION 1	PS833940D	
LOCATION OF LAND PARISH: CUT PAW PAW TOWNSHIP: — SECTION: 6 7 CROWN ALLOTMENT: 18(PT) CROWN PORTION: B(PT) TITLE REFERENCE: VOL. 9735 FOL. 412 LAST PLAN REFERENCE: CP163945E POSTAL ADDRESS: 41-59 STEPHENSON STREET <small>(at time of subdivision)</small> SOUTH KINGSVILLE 3015 MGA CO-ORDINATES: E: 313 060 ZONE: 55 <small>(of approx centre of land in plan)</small> N: 5 810 770 GDA 2020		HOBSONS BAY CITY COUNCIL		
VESTING OF ROADS AND/OR RESERVES		NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON			
NIL	NIL			
NOTATIONS		<div style="border: 2px solid orange; padding: 5px; width: fit-content; margin: auto;"> <p style="margin: 0;">PRELIMINARY</p> <p style="margin: 0; font-size: small;">THIS PLAN IS SUBJECT TO APPROVAL FROM THE RELEVANT AUTHORITIES. LOT BOUNDARIES, EASEMENTS MAY BE AMENDED OR ADDED TO THIS PLAN.</p> </div>		
DEPTH LIMITATION: Does Not Apply				
This is a SPEAR plan. STAGING: This is not a staged subdivision. Planning Permit No. SURVEY: This plan is not based on survey.				
EASEMENT INFORMATION				
LEGEND: A - Appurtenant Easement E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1, E-2 E-2	DRAINAGE SEWERAGE	SEE DIAG 2	THIS PLAN THIS PLAN	HOBSONS BAY CITY COUNCIL CITY WEST WATER CORPORATION
 Beveridge Williams development & environment consultants Melbourne ph : 03 9524 8888 www.beveridgewilliams.com.au		SURVEYORS FILE REF: 1900276/B 1900276-B-PS-V1.DWG	ORIGINAL SHEET SIZE: A3	SHEET 1 OF 2
		LICENSED SURVEYOR: SEAN A O'CONNOR VERSION 1, DATE: 06/06/2019		



PRELIMINARY
SEE NOTATION ON SHEET 1

PLAN OF SUBDIVISION		EDITION 1	PS833340E	
LOCATION OF LAND PARISH: CUT PAW PAW TOWNSHIP: SECTION: CROWN ALLOTMENT: 18 (PART) SECTION 7 CROWN PORTION: B (PART) SECTION 6 TITLE REFERENCE: Vol. 10213 Fol. 045 LAST PLAN REFERENCE: Lot 1 on PS336144B POSTAL ADDRESS: 9a Sutton Street (at time of subdivision) SPOTSWOOD 3015 MGA 2020 CO-ORDINATES: E: 313 100 ZONE: 55 (of approx centre of land N: 5 810 670 in plan)		COUNCIL NAME: HOBSONS BAY		
VESTING OF ROADS AND/OR RESERVES		NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON			
NIL	NIL			
NOTATIONS				
DEPTH LIMITATION: Does Not Apply				
SURVEY: This plan is based on survey. STAGING: This is not a staged subdivision. Planning Permit No.				
Area of Release: 5861m ² No. of Lots: 2 Lots				
EASEMENT INFORMATION				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
				PRELIMINARY THIS PLAN IS BASED ON DESIGN DRAWINGS BY METRO. (DRAWING No. 15156 DATE- 27/5/19) AND IS SUBJECT TO DESIGN CHANGES, VERIFICATION OF BOUNDARIES BY SURVEY, APPROVALS FROM COUNCIL AND REFERRAL AUTHORITIES, AND ULTIMATE REGISTRATION AT LAND REGISTRATION SERVICES.
 TAYLORS Urban Development Built Environments Infrastructure 8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168 Tel: 61 3 9501 2800 Web: taylorstds.com.au		SURVEYORS FILE REF: Ref. 21963-2L Ver. 2 Licensed Surveyor: MATTHEW WATT / Version No 2		ORIGINAL SHEET SIZE: A3 SHEET 1 OF 2

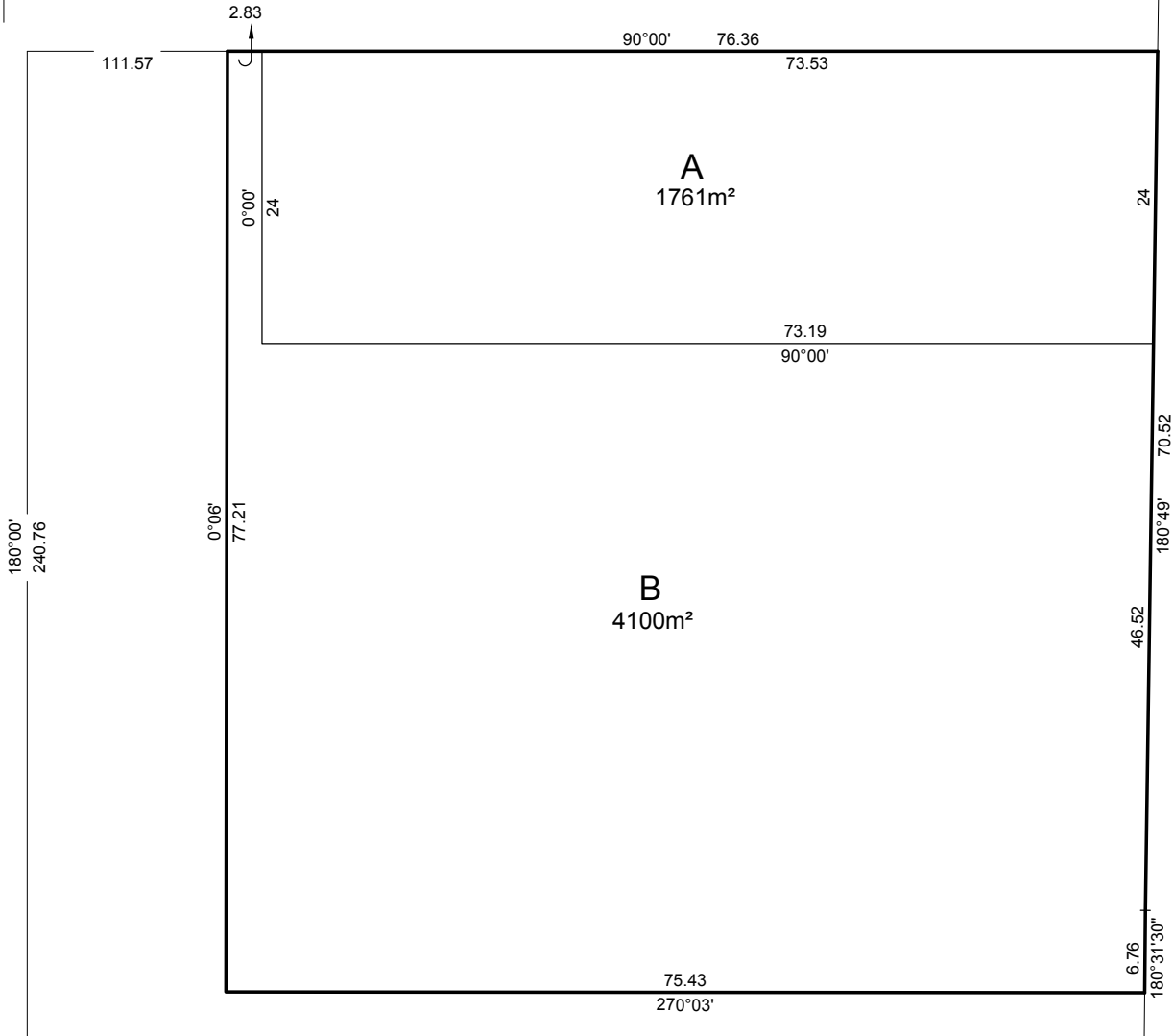
PS833340E

APPROX NORTH

STEPHENSON STREET

SUTTON STREET

BLACKSHAW ROAD



PRELIMINARY
 THIS PLAN IS BASED ON DESIGN DRAWINGS BY METRO.
 (DRAWING No. 15156 DATE- 27/5/19) AND IS SUBJECT TO DESIGN
 CHANGES, VERIFICATION OF BOUNDARIES BY SURVEY, APPROVALS
 FROM COUNCIL AND REFERRAL AUTHORITIES, AND ULTIMATE
 REGISTRATION AT LAND REGISTRATION SERVICES.

TAYLORS
 Urban Development | Built Environments | Infrastructure
 8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168
 Tel: 61 3 9501 2800 | Web: taylorstds.com.au

SCALE
 1:400

LENGTHS ARE IN METRES

Licensed Surveyor:
 MATTHEW WATT / Version No 2

ORIGINAL SHEET SIZE: A3	Ref. 21963-2L Ver. 2	SHEET 2
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Agreement under section 173 of the Planning and Environment Act 1987

Subject Land:

9 and 9A Sutton Street, South Kingsville

Hobsons Bay City Council

and

Alceon Group No. 67 Pty Ltd
ACN 621 591 339



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AGREEMENT UNDER SECTION 173 OF THE PLANNING AND ENVIRONMENT ACT 1987

DATED / /

PARTIES

Name	Hobsons Bay City Council
Address	115 Civic Parade, Altona, Victoria 3018
Short name	Council

Name	Alceon Group No. 67 Pty Ltd ACN 621 591 339
Address	42 Barkly Street, St Kilda, Victoria 3182
Short name	Owner

BACKGROUND

- A. Council is the responsible authority for the administration and enforcement of the Planning Scheme. Council is also planning authority for the Amendment.
- B. The Owner is or is entitled to be the registered proprietor of the Subject Land.
- C. The Parties have agreed to enter into this Agreement to record the terms and conditions by which Council has agreed to adopt the Amendment and the Owner has agreed to provide Social Housing.
- D. As at the date of this Agreement, the Subject Land is encumbered by mortgages in favour of the Mortgagees. The Mortgagees consent to the Owner entering into this Agreement.

The Parties agree

1. DEFINITIONS

In this Agreement unless the context admits otherwise:

Act means the *Planning and Environment Act 1987*.

Affordable Housing Trust means the Hobsons Bay Affordable Housing Trust.

Affordable Housing Trustee means Housing Choices Australia Limited as Trustee of the Hobsons Bay Affordable Housing Trust or any other trustee appointed by Council in writing.

Agreement means this Agreement and includes this Agreement as amended from time to time.

Amendment means Amendment C114hbay to the Planning Scheme to (among other things):

- a. rezone the Subject Land from Industrial 3 Zone and part General Residential Zone to part Schedule 4 to the General Residential Zone and part Schedule 2 to the Residential Growth Zone;



- b. apply Schedule 2 to the Development Plan Overlay to the Subject Land;
- c. subdivide part of the Subject Land to align with the proposed zoning; and
- d. amend the Schedule to Clause 53.01 of the Planning Scheme to provide for a 5 percent public open space contribution requirement.

Approval Date means the date on which a copy of the notice of approval of the Amendment is published under section 36 of the Act.

Current Address means:

- a. for Council, the address shown on page one of this Agreement, or any other address listed on Council's website; and
- b. for the Owner, the address shown on page one of this Agreement or any other address provided by the Owner to Council for any purpose relating to the Subject Land.

Current Email means:

- a. for Council, strategicplanning@hobsonsabay.vic.gov.au, or any other email address listed on Council's website; and
- b. for the Owner, any email address provided by the Owner to Council for the express purpose of electronic communication regarding this Agreement.

Engagement Principles means the principles set out in Schedule 2 of this Agreement, as amended from time to time.

GST Act means *A New Tax System (Goods and Services Tax) Act 1999 (Cth)* as amended from time to time.

Market Value means the market value of the Social Housing Dwelling Type as determined by a certified independent valuer engaged at the cost of the Owner with the valuation determination to be conducted no more than 3-months prior to the contribution being made.

Ministerial Notice means the Ministerial notice approving the Amendment and published in the Victorian Government Gazette in accordance with the Act.

Mortgagees means the persons registered or entitled from time to time to be registered as mortgagees of the Subject Land.

Not-for-Profit means a Not-for-Profit charity registered with the Australian Charities and Not-for-Profits Commission.

Occupancy Permit means an occupancy permit under the *Building Act 1983 (Vic)*.

Owner means the person registered or entitled from time to time to be registered as proprietor of an estate in fee simple of the Subject Land and includes a mortgagee-in-possession.

Owner's obligations includes the Owner's specific obligations and the Owner's further obligations.

Party or Parties means the Parties to this Agreement.

Planning Scheme means the Hobsons Bay Planning Scheme and any other planning scheme that applies to the Subject Land or Subject Land.

Precinct 16 means the Subject Land and the land also comprising Precinct 16 for the purposes of the Hobsons Bay Industrial Land Management Strategy, 2008 located to the east of the Subject Land with a frontage to Sutton Street and Blackshaws Road, South Kingsville.



Registered Agency means a registered agency as defined in section 4 of the *Housing Act 1983* (Vic) as approved by Council in writing.

Residential Lot means a lot improved with, or capable of being improved with, a dwelling.

Schedule means a schedule to this Agreement.

Social Housing means social housing as defined by section 3AA of the Act.

Social Housing Dwellings means 5% of the total number of dwellings constructed on the Subject Land rounded to the nearest whole number which must be identified by the Owner and made available for purchase as Social Housing by Council or a Registered Agency for a price that is a 25% discount to Market Value or a lesser discount as agreed in writing and to the satisfaction of Council provided in accordance with clause 6.1.1 of this Agreement.

Social Housing Dwelling Type means the type of Social Housing Dwellings being provided as Social Housing Dwellings (either an apartment or townhouse typology) with a minimum of 2 bedrooms for townhouses and a mix of 1 and 2 bedroom apartments but not more than 50% 2 bedroom apartments. The number of townhouses and apartments provided as Social Housing Dwellings must be generally proportional to the overall number of townhouses and apartments in the development.

Social Housing Land means the land forming part of the Subject Land on which the Social Housing Dwellings are constructed.

Stage refers to a stage of subdivision or development of the Subject Land.

Statement of Compliance means a Statement of Compliance under the *Subdivision Act 1988*.

Subject Land means the land described in Schedule 1 of this Agreement and any reference to the Subject Land includes any Lot created by the subdivision of the Subject Land or any part of it.

2. INTERPRETATION

In this Agreement unless the context admits otherwise:

- 2.1 the singular includes the plural and vice versa;
- 2.2 a reference to a gender includes all genders;
- 2.3 a reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law;
- 2.4 any agreement, representation, warranty or indemnity by 2 or more persons (including where 2 or more persons are included in the same defined term) binds them jointly and severally;
- 2.5 a term used has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act, it has the meaning as defined in the Act;
- 2.6 a reference to an Act, regulation or the Planning Scheme includes any Act, regulation or amendment amending, consolidating or replacing the Act, regulation or Planning Scheme;
- 2.7 the Background forms part of this Agreement;
- 2.8 the Owner's obligations take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land; and



- 2.9 any reference to a clause, page, condition, attachment or term is a reference to a clause, page, condition, attachment or term of this Agreement.

3. PURPOSES OF AGREEMENT

The Parties acknowledge and agree that the purposes of this Agreement are to:

- 3.1 record the terms and conditions by which Council agrees to the Owner providing Social Housing; and
- 3.2 achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

4. REASONS FOR AGREEMENT

The Parties acknowledge and agree that Council has entered into this Agreement for the following reasons:

- 4.1 the Owner and Council agreed that the Owner would enter into this Agreement as a condition of Council adopting the Amendment; and
- 4.2 the Owner has elected to enter into this Agreement in order to secure Council's adoption of the Amendment.

5. AGREEMENT REQUIRED

The Parties agree that this Agreement will continue to be required until the Owner has complied with all of the Owner's obligations.

6. OWNER'S SPECIFIC OBLIGATIONS

6.1 Social Housing Dwellings

The Owner covenants and agrees that:

- 6.1.1 the Owner must provide the Social Housing Dwellings in accordance with one of the following options (and in the following order):
- (a) Option 1 – making the Social Housing Dwellings available to the Affordable Housing Trust for purchase; or
 - (b) Option 2 – only if the Affordable Housing Trust is not established or the Affordable Housing Trust elects not to purchase the Social Housing Dwellings and the Owner has followed the Engagement Principles, paying the affordable housing payment to the Affordable Housing Trust or if the Affordable Housing Trust is not established, to a Registered Agency. The amount of the affordable housing payment must be an amount equal to the value of the number of Social Housing Dwellings that have not been purchased by the Affordable Housing Trust, multiplied by a figure which represents 25% of the current Market Value at the time the affordable housing payment is to be made; or
 - (c) Option 3 – within six (6) months of the Approval Date, or such other time agreed upon with the prior written consent of Council, the Owner must enter into an agreement or alternative arrangement with a Registered Agency that provides the Social Housing Dwellings to the Registered Agency. The agreement or alternative arrangement required under this clause must be prepared, negotiated and completed at the cost of the Owner and to the satisfaction of Council



- 6.1.2 unless with Council's prior written agreement, the Social Housing Dwellings must be:
- (a) not less than two-bedroom dwellings;
 - (b) of a quality, nature, size and of a construction standard and not otherwise externally distinguishable from, other dwellings in the relevant Stage; and
 - (c) of a quality, nature, size and standard of construction approved by Council or Registered Agency.
- 6.1.3 where the Owner provides Social Housing Dwellings in accordance with clause 6.1.1(a) or 6.1.1(c), the Social Housing Dwellings must be provided before the issue of the Occupancy Permit for the 80th dwelling on the Subject Land or such other milestone that is agreed in writing by Council;
- 6.1.4 where the Owner provides an affordable housing payment in accordance with clause 6.1.1(b), the affordable housing payment for all of the Social Housing Dwellings must be paid in full before the issue of the Statement of Compliance that creates the 80th Residential Lot on the Subject Land;
- 6.1.5 when the Social Housing Land is identified with certainty¹, the Owner of the Social Housing Land must enter into an agreement under s 173 of the Act which is recorded only on the title to the Social Housing Land restricting its use to Social Housing.

7. OWNER'S FURTHER OBLIGATIONS

7.1 Notice and recording

The Owner must bring this Agreement to the attention of all prospective occupiers, purchasers, lessees, licensees, mortgagees, chargees, transferees and assigns.

7.2 Further actions

The Owner:

- 7.2.1 must do all things necessary to give effect to this Agreement;
- 7.2.2 consents to Council applying to the Registrar of Titles to record this Agreement on the certificate of title of the Subject Land in accordance with s 181 of the Act; and
- 7.2.3 agree to do all things necessary to enable Council to do so, including:
 - (a) sign any further agreement, acknowledgment or document; and
 - (a) obtain all necessary consents to enable the recording to be made.

7.3 Council's costs to be paid

The Owner must pay to Council within 14 days after a written request for payment, Council's costs and expenses (including reasonable legal expenses) relating to this Agreement, including:

- 7.3.1 preparing, drafting, finalising, signing, recording and enforcing this Agreement;
- 7.3.2 preparing, drafting, finalising and recording any amendment to this Agreement;
- 7.3.3 determining whether any of the Owner's obligations have been undertaken to Council's satisfaction; and

¹ Such as for example by Affordable Housing Trust or Registered Agency entering into a contract of sale to purchase the lot.



7.3.4 preparing, drafting, finalising and recording any document to give effect to the ending of this Agreement.

7.4 Time for determining satisfaction

If Council makes a request for payment of a fee under clause 7.3, the Parties agree that Council will not decide whether the Owner's obligation has been undertaken to Council's satisfaction, or whether to grant the consent sought, until payment has been made to Council in accordance with the request.

7.5 Interest for overdue money

7.5.1 The Owner must pay to Council interest in accordance with s 227A of the Local Government Act 1989 on any amount due under this Agreement that is not paid by the due date.

7.5.2 If interest is owing, Council will apply any payment made to interest and any balance of the payment to the principal amount.

8. AGREEMENT UNDER S 173 OF THE ACT

Without limiting or restricting the respective powers to enter into this Agreement, and insofar as it can be so treated, this Agreement is made as a deed in accordance with s 173 of the Act.

9. OWNER'S WARRANTIES

The Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

10. SUCCESSORS IN TITLE

Until such time as a memorandum of this Agreement is recorded on the certificate of title of the Subject Land, the Owner must require successors in title to:

10.1 give effect to this Agreement; and

10.2 enter into a deed agreeing to be bound by the terms of this Agreement.

11. GST

11.1 In this clause words that are defined in *A New Tax System (Goods and Services Tax) Act 1999* have the same meaning as their definition in the Act.

11.2 Except as otherwise provided by this clause, all consideration payable under this Agreement in relation to any supply is exclusive of GST.

11.3 If GST is payable in respect of any supply made by a supplier under this Agreement, subject to clause 11.2 the recipient will pay to the supplier an amount equal to the GST payable on the supply at the same time and in the same manner as the consideration for the supply is to be provided under this Agreement.

11.4 The supplier must provide a tax invoice to the recipient before the supplier will be entitled to payment of the GST payable under clause 11.3.



12. GENERAL MATTERS

12.1 Notices

A notice or other communication required or permitted to be served by a Party on another Party must be in writing and may be served:

- 12.1.1 personally on the other Party;
- 12.1.2 by leaving it at the other Party's Current Address;
- 12.1.3 by posting it by priority prepaid post addressed to the other Party at the other Party's Current Address; or
- 12.1.4 by email to the other Party's Current Email.

12.2 Counterparts

This Agreement may be executed in counterparts, all of which taken together constitute one document.

12.3 Consent to electronic execution

Each Party consents to signing of this Agreement by electronic means. The Parties agree to be legally bound by this Agreement signed in this way.

12.4 No waiver

Any time or other indulgence granted by Council to the Owner or any variation of this Agreement or any judgment or order obtained by Council against the Owner does not amount to a waiver of any of Council's rights or remedies under this Agreement.

12.5 Severability

If a court, arbitrator, tribunal or other competent authority determines that any part of this Agreement is unenforceable, illegal or void then that part is severed with the other provisions of this Agreement remaining operative.

12.5 No fettering of Council's powers

This Agreement does not fetter or restrict Council's power or discretion to make decisions or impose requirements or conditions in connection with the grant of planning approvals or certification of plans subdividing the Subject Land or relating to use or development of the Subject Land.

12.6 Inspection of documents

A copy of any planning permit, document or plan referred to in this Agreement is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

12.7 Governing law

This Agreement is governed by and is to be construed in accordance with the laws of Victoria.

12.8 Acknowledgement by Owner

The Owner acknowledges and agrees that the Owner is not entitled to any reimbursement or compensation if the Amendment is not approved by the Minister for Planning.



13. COMMENCEMENT OF AGREEMENT

This Agreement commences when:

- 13.1 Council executes this Agreement; and
- 13.2 the Ministerial Notice is published.

14. ENDING OF AGREEMENT

This Agreement ends:

- 14.1 when the Owner has complied with all of the Owner's obligations under this Agreement; or
- 14.2 otherwise by agreement between the Parties in accordance with section 177 of the Act.

After this Agreement has ended, Council will, at the Owner's written request, apply to the Registrar of Titles under s 183(1) of the Act to cancel the recording of this Agreement.



SCHEDULE 1 – DESCRIPTION OF SUBJECT LAND

The whole of the land described as:

9 and 9A Sutton Street, South Kingsville	Lot 1 on Plan of Subdivision 336144B	Volume 10213, Folio 045
	Lot 2 on Plan of Subdivision 336144B	Volume 11586, Folio 288
	Lot 10 Block C on Plan of Subdivision 001015	Volume 7129, Folio 697



SCHEDULE 2 – ENGAGEMENT PRINCIPLES

The Owner must take the following steps in the performance of the Owner's obligations set out in clause 6.1.1(a), of the Agreement:


- The Owner must work with the Affordable Housing Trustee on grant funding applications, with grant funds to be paired with the affordable housing discount provided by the Owner in accordance with the Agreement.
- The Owner must provide, to the best of its ability and within the timeframes requested, all information requested by the Affordable Housing Trustee as needed to support and supplement any grant funding application.
- The Owner must ensure that any reasonable built form requirements outlined in any grant funding terms are incorporated into the design of the Social Housing Dwellings and that the requirements of clause 6.1.2 of the Agreement are otherwise met.
- The Owner must at all times comply with any milestone dates and funding terms for successful grant funding applications specified by the Affordable Housing Trustee.




SIGNING PAGE

Signed, sealed and delivered as a deed by the Parties

Signed sealed and delivered by Mr Arthur)
Vatzakis, Manager Planning, Building and)
Health on behalf of the **Hobsons Bay City**)
Council pursuant to the power delegated)
to that person by an Instrument of)
Delegation in the presence of:)

DocuSigned by:

.....260685B9E7AA486.....

DocuSigned by:

.....1822131709A182.....

(Signature of independent adult witness)

Arthur Vatzakis

(name of signatory)

Jessica Leane

Name of witness
(BLOCK LETTERS)

This document was witnessed by audio visual link in accordance with the requirements of s12 of the *Electronic Transactions (Victoria) Act 2000*.



EXECUTED by ALCEON GROUP NO. 67)
PTY LTD (ACN 621 591 339) in)
accordance with section 127 (1) of the)
Corporations Act 2001 (Cth))

Signature of Director

Trevor Loewensohn

Full name

32 Plunkett Rd Mosman
Usual address

Signature of Director/Company
Secretary

(delete whichever is not applicable)

Melanie Hedges

Full name

10010 32 Retinery Dr Ryrmont
Usual address

This document was witnessed by audio visual link in accordance with the requirements of s12 of the *Electronic Transactions (Victoria) Act 2000*.




Mortgagee's Consent

Perpetual Corporate Trust is the registered Mortgagee under instrument AT323762J and consents to the registration of this Agreement on the title to the Subject Land.

Executed under Power of Attorney dated 18 September 2014


.....
Attorney John Newby
Head of Custody


Kelly Wijaya
Witness

This document was witnessed by audio visual link in accordance with the requirements of s12 of the *Electronic Transactions (Victoria) Act 2000*.



Agreement under section 173 of the Planning and Environment Act 1987

Subject Land:

9 and 9A Sutton Street, South Kingsville

Hobsons Bay City Council

and

Alceon Group No. 67 Pty Ltd

ACN 621 591 339



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AGREEMENT UNDER SECTION 173 OF THE PLANNING AND ENVIRONMENT ACT 1987

DATED / /

PARTIES

Name	Hobsons Bay City Council
Address	115 Civic Parade, Altona, Victoria 3018
Short name	Council

Name	Alceon Group No. 67 Pty Ltd ACN 621 591 339
Address	42 Barkly Street, St Kilda, Victoria 3182
Short name	Owner

BACKGROUND

- A. Council is responsible for the administration and enforcement of the Planning Scheme. Council is also planning authority for the Amendment.
- B. The Owner is or is entitled to be the registered proprietor of the Subject Land.
- C. The Parties have agreed to enter into this Agreement to record the terms and conditions by which Council has agreed to adopt the Amendment and the Owner has agreed to constructing and completing the Infrastructure Projects.
- D. As at the date of this Agreement, the Subject Land is encumbered by a mortgage in favour of the Mortgagee. The Mortgagee consents to the Owner entering into this Agreement.

The Parties agree

1. DEFINITIONS

In this Agreement unless the context admits otherwise:

Australian Standard means any relevant standard developed by Standards Australia.

Act means the *Planning and Environment Act 1987*.

Agreed Project Value means the amount set out or referred to in Schedule 2 or any other amount which has been specifically agreed in writing by Council.

Agreement means this Agreement and includes this Agreement as amended from time to time.

Amendment means the Amendment C114 to the Planning Scheme to (among other things):



- a. rezone the Precinct 16 West Land from Industrial 3 Zone and part General Residential Zone to part Schedule 4 to the General Residential Zone and part Schedule 2 to the Residential Growth Zone;
- b. apply Schedule 2 to the Development Plan Overlay to the Precinct 16 West Land;
- c. subdivide part of the Precinct 16 West Land to align with the proposed zoning; and
- d. amend the Schedule to Clause 53.01 of the Planning Scheme to provide for a 5 percent public open space contribution requirement.

approved means approved by Council in writing.

Approved Plans means plans approved by Council under clause 6.5 of this Agreement.

Bank Guarantee means an unconditional bank guarantee in the amount of 5% of the Agreed Project Value from an Australian Bank or other form of security to the satisfaction of Council.

Cash Liability means the Owner's total cash liability based on the total land area of the Subject Land being an amount equal to \$948,430.93 indexed up to 1 July each year up to the date a Certificate of Practical Completion is issued in respect of the last Infrastructure Project.

Certificate of Practical Completion means a written certificate issued by Council stating that an Infrastructure Project has been completed to the satisfaction of Council.

complete in respect of any works or any part of any works means the completion of those works or the specified part of those works in accordance with plans and specifications approved by the Council to the satisfaction of the Council.

Consent Fee means the fee specified on Council's internet web site which is payable by a person to Council for deciding whether to give consent or secondary consent for anything in an agreement or where a permit provides that something must not be done without Council's consent.

Current Address means:

- a. for Council, the address shown on page one of this Agreement, or any other address listed on Council's website; and
- b. for the Owner, the address shown on page one of this Agreement or any other address provided by the Owner to Council for any purpose relating to the Subject Land.

Current Email means:

- a. for Council, strategicplanning@hobsonsabay.vic.gov.au, or any other email address listed on Council's website; and
- b. for the Owner, any email address provided by the Owner to Council for the express purpose of electronic communication regarding this Agreement.

Designs means the detailed design and engineering plans and specifications of an Infrastructure Project approved by Council under clause 6.5 of this Agreement.



Estimated Cost means:

- a. for the purpose of calculating the Plan Checking Fee, the estimated cost, as agreed by Council, of constructing an Infrastructure Project shown on the plans to be checked; and
- b. for the purpose of calculating the Supervision Fee, the estimated cost, as agreed by Council, of constructing a Infrastructure Project to be supervised.

GST Act means *A New Tax System (Goods and Services Tax) Act 1999 (Cth)* as amended from time to time.

Infrastructure Project means a project to be delivered by the Owner under this Agreement which is identified in the relevant column of the table to Schedule 2 of this Agreement.

Interim intersection Upgrade Drawings means the Sutton Street South Kingsville Concept Plan – Interim, prepared by Traffix Group, drawing no G27836-01-01, issue G, dated 1 February 2021 or such other plan as is agreed by Council.

Lot means a lot created by a subdivision of the Subject Land whether in accordance with any planning permit for the Subject Land or otherwise.

Maintenance Period means a period of 12 months from the issue of a Certificate of Practical Completion.

Ministerial Notice means the Ministerial notice approving the Amendment and published in the Victorian Government Gazette in accordance with the Act.

Mortgagee means the person registered or entitled from time to time to be registered as mortgagee of the Subject Land.

Occupancy Permit has the same meaning as in the *Building Act 1993 (Vic)*.

Over Provision means the amount of \$157,979.07 (which is the amount comprising the difference between the Total Cost of Infrastructure Projects and the Cash Liability).

Owner means the person registered or entitled from time to time to be registered as proprietor of an estate in fee simple of the Subject Land and includes a mortgagee-in-possession.

Owner's obligations includes the Owner's specific obligations and the Owner's further obligations.

Party or **Parties** means the Parties to this Agreement.

Plan Checking Fee means a fee payable to Council by the Owner for checking the Approved Plans and which is payable at the rate of 0.75 per cent of the Estimated Cost.

Planning Scheme means the Hobsons Bay Planning Scheme and any other planning scheme that applies to the Subject Land or Precinct 16 West Land.

Powerline Undergrounding Works means the third Infrastructure Project described in the table to Schedule 2 of this Agreement.

Precinct 16 West Land means the land described in Schedule 1 of this Agreement and any reference to the Precinct 16 West Land includes any Lot created by the subdivision of the Precinct 16 West Land or any part of it.

Provision Trigger means the milestone or provision trigger set out in the relevant column of the table in Schedule 2 of this Agreement.



Residential Lot means a lot which is occupied by a dwelling or which in the opinion of Council is of a size and configuration such that it is intended to be occupied as a dwelling rather than to be developed further.

Residential Subdivision means a subdivision of the Subject Land that creates a lot that is occupied by a dwelling or is intended to be occupied by a dwelling and does not include a subdivision to create a super lot or stage lot.

Satisfaction Fee means a fee specified on Council's internet web site which is payable by a person to Council for deciding whether any one of obligation in a permit, agreement or any other requirement has been undertaken to Council's satisfaction.

Schedule means a schedule to this Agreement.

Stage followed by a reference to a stage number is a reference to a specified stage of the development of the Subject Land as identified in any staging plan forming part of the plans endorsed under a future planning permit granted for the Subject Land.

Statement of Compliance means a Statement of Compliance under the *Subdivision Act 1988*.

Subject Land means the land described as 9 and 9A Sutton Street, South Kingsville being Land in Certificates of Title Volume 11586 Folio 288, Volume 7129 Folio 697 and Volume 10213 Folio 045.

Supervision Fee means a fee payable to Council by the Owner for supervision of a Infrastructure Project and which is payable at the rate of 2.5 per cent of the Estimated Cost.

Sutton Street Rehabilitation Drawings means the scope of works, LD Eng Ref: 135600 prepared by LDeng Land Development Engineering and the detail plan & longitudinal section plans prepared by JDS Civil Designs & Surveys drawing no. JDSS1910-C2, Rev B, Sheet 2 and drawing no. JDSS1910-C3, Rev B, Sheet 3 both dated 15 June 2017 and marked up to show the three stages and roundabout or any amendment to those drawings agreed by Council.

Total Cost Of Infrastructure Projects means the total cost of each Infrastructure Project set out in the table in Schedule 2 of this Agreement together with the applicable Supervision Fee, Plan Checking Fee and Satisfaction Fee.

2. INTERPRETATION

In this Agreement unless the context admits otherwise:

- 2.1 the singular includes the plural and vice versa;
- 2.2 a reference to a gender includes all genders;
- 2.3 a reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law;
- 2.4 any agreement, representation, warranty or indemnity by 2 or more persons (including where 2 or more persons are included in the same defined term) binds them jointly and severally;
- 2.5 a term used has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act, it has the meaning as defined in the Act;



- 2.6 a reference to an Act, regulation or the Planning Scheme includes any Act, regulation or amendment amending, consolidating or replacing the Act, regulation or Planning Scheme;
- 2.7 the Background forms part of this Agreement;
- 2.8 the Owner's obligations take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land; and
- 2.9 any reference to a clause, page, condition, attachment or term is a reference to a clause, page, condition, attachment or term of this Agreement.

3. PURPOSES OF AGREEMENT

The Parties acknowledge and agree that the purposes of this Agreement are to:

- 3.1 record the terms and conditions by which Council agrees to the Owner constructing and completing the Infrastructure Projects, facilitate the Amendment and the redevelopment of the Subject Land; and
- 3.2 achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

4. REASONS FOR AGREEMENT

The Parties acknowledge and agree that Council has entered into this Agreement for the following reasons:

- 4.1 the Owner and Council agreed that the Owner would enter into this Agreement as a condition of Council supporting the Amendment; and
- 4.2 the Owner has elected to enter into this Agreement in order to secure Council's support of the Amendment.

5. AGREEMENT REQUIRED

The Parties agree that this Agreement will continue to be required until the Parties have complied with each of their obligations.

6. OWNER'S SPECIFIC OBLIGATIONS

Infrastructure Projects

6.1 Construction of Infrastructure Projects

The Owner covenants and agrees that:

- 6.1.1 the Owner must complete the Infrastructure Projects set out in Schedule 2 of this Agreement:
 - (a) at the full cost of the Owner;
 - (b) in accordance with the Approved Plans;
 - (c) prior to the relevant Provision Trigger; and



(d) to the satisfaction of Council.

6.2 Standard of work

The Owner covenants and agrees that in addition to any other requirement in this Agreement, all work for an Infrastructure Project must:

- 6.2.1 accord with the Approved Plans unless otherwise agreed in writing by Council;
- 6.2.2 be structurally sound, fit for purpose and suitable for its intended use;
- 6.2.3 comprise best industry practice to the extent required by the Approved Plans; and
- 6.2.4 not encroach upon any land other than the land shown in the Approved Plans.

6.3 Time for completion of Infrastructure Projects

The Owner covenants and agrees that if the Owner does not construct and complete the Infrastructure Project by the relevant Provision Trigger for an Infrastructure Project, Council may:

- 6.3.1 at its absolute discretion, consent in writing to extend the timeframe; and/or
- 6.3.2 refuse to issue any Statement of Compliance for any Residential Subdivision of the Subject Land until the Infrastructure Project is completed to the satisfaction of Council or Council is satisfied that appropriate security is provided to ensure the completion of the Infrastructure Project;

6.4 Obligation to complete Infrastructure Projects once commenced

The Owner covenants and agrees that when the Owner commences to provide an Infrastructure Project, subject to clause 6.11, the Owner must complete the Infrastructure Project in accordance with this Agreement regardless of whether the total cost of completing the Infrastructure Project exceeds the Agreed Project Value.

6.5 Design of Infrastructure Projects

The Owner covenants and agrees that:

- 6.5.1 the Owner must, at the full cost of the Owner, prepare the Designs of an Infrastructure Project and submit the Designs to Council and any other relevant authorities for their approval at least two months prior to the Owner's intended commencement date for each Infrastructure Project;
- 6.5.2 once to Council's satisfaction, approval of the Designs must be reflected in a set of plans and specifications endorsed by Council as the Approved Plans;
- 6.5.3 the Owner must obtain all necessary permits and approvals for each Infrastructure Project; and
- 6.5.4 prior to awarding any contract for the Infrastructure Projects, the Owner must submit to Council for its approval:
 - (a) a copy of the terms and conditions of the contract to be awarded; and
 - (b) copy of the proposed construction program which accompanies the contract.



6.6 Variation of Approved Plans

The Owner covenants and agrees that upon the approval by Council of the Designs under this Agreement there must be no further variations to the Approved Plans without the prior written consent of Council.

6.7 Construction of Infrastructure Projects

The Owner covenants and agrees that in providing the Infrastructure Projects:

- 6.7.1 the Owner is responsible for all design and construction risks in relation to construction and completion of the Infrastructure Projects; and
- 6.7.2 Council is released from liability to pay, and the Owner holds Council harmless in respect of, any costs that exceed the Agreed Project Value.

6.8 Certificate of Practical Completion

The Parties agree that:

- 6.8.1 upon the completion of an Infrastructure Project, the Owner must notify Council and any other relevant authority;
- 6.8.2 within 14 days of receiving notice of the completion of an Infrastructure Project from the Owner, Council will arrange for it and any other relevant authority to inspect the Infrastructure Project and determine whether Council will issue a Certificate of Practical Completion;
- 6.8.3 prior to Council being required to issue a Certificate of Practical Completion, the Owner must provide to Council:
 - (a) a copy of any maintenance information, operational manual or other material which is reasonably required for the ongoing operation and maintenance of the Infrastructure Project;
 - (b) a copy of any certificate, consent or approval required by any authority for the carrying out, use or occupation of the Infrastructure Project;
- 6.8.4 if Council is not satisfied with the Infrastructure Project, Council may refuse to issue a Certificate of Practical Completion provided Council:
 - (a) identifies in what manner the Infrastructure Project is not satisfactorily completed; and
 - (b) what must be done to satisfactorily complete the Infrastructure Project;
- 6.8.5 Council may, notwithstanding a minor non-compliance, determine to issue a Certificate of Practical Completion if Council is satisfied that the proper construction of the Infrastructure Project can be secured or otherwise guaranteed to its satisfaction;
- 6.8.6 before accessing land owned by Council or a third party for the purpose of constructing an Infrastructure Project or undertaking any maintenance or repair of defects in respect of the Infrastructure Project in accordance with this Agreement, the Owner must satisfy Council or if requested by a third party, that person, that the Owner has:
 - (a) consent of the owner of land to access such land;



- (b) satisfied any condition of such consent;
- 6.8.7 the Owner must put in place all proper occupational health and safety plans as may be required under any law of the State of Victoria for that purpose;
- 6.8.8 subject to the Owner satisfying any conditions of consent to access land owned by Council, Council will provide all reasonable access as may be required to its land in order to enable an Infrastructure Project to be constructed and completed, maintained or repaired in accordance with this Agreement.

6.9 Obligations following Certificate of Practical Completion

Following the issue of a Certificate of Practical Completion for an Infrastructure Project, the Owner is responsible for the maintenance of the Infrastructure Project in good order, condition and repair to the satisfaction of Council until:

- 6.9.1 the end of the Maintenance Period; or
- 6.9.2 until the provision of the land containing the Infrastructure Project to Council by a transfer or by a vesting –

whichever is the later.

6.10 Bank Guarantee

The Owner covenants and agrees that:

- 6.10.1 prior to the issue of a Certificate of Practical Completion for an Infrastructure Project, the Owner must provide Council with a Bank Guarantee in respect of the maintenance liability under this Agreement of that Infrastructure Project;
- 6.10.2 if the Owner fails to comply with a written direction from Council to undertake maintenance to an Infrastructure Project, Council may at its absolute discretion use the Bank Guarantee to correct any defects; and
- 6.10.3 the Bank Guarantee will be returned to the Owner after the Maintenance Period, less any amount applied to correcting any defects in the Infrastructure Project.

6.11 Powerline Undergrounding Works

The Parties agree that:

- 6.11.1 If:
 - (a) the Powerline Undergrounding Works exceed the Agreed Project Value; or
 - (b) after exercising reasonable and timely endeavours to seek all necessary approvals to undertake the Powerline Undergrounding Works, the Owner is unable to obtain the necessary approvals under clause 6.5 of this Agreement after 6 months of complying with clause 6.5.1, Council may, at its absolute discretion and on terms as specified in writing as required by Council consent to either:
 - (a) reducing the scope of the Powerline Undergrounding Works so that they do not exceed the Agreed Project Value; or
 - (b) require the Owner to pay an amount equal to the Agreed Project Value in lieu of undertaking the Powerline Undergrounding Works.



- 6.11.2 In the event the Owner pays an amount equal to the Agreed Project Value to Council in accordance with clause 6.11.1(b), the Owner must pay all costs including but not limited to accounting and auditing fees incurred by Council in accepting and holding the amount.

6.12 Reimbursement for Over Provision

Where the Total Cost of Infrastructure Projects exceeds the Cash Liability, the Parties agree that:

- 6.12.1 Council will reimburse the Owner for the Over Provision within 60 days of the issue of a Certificate of Practical Completion for the final Infrastructure Project; and
- 6.12.2 upon Council making a payment for Over Provision to the Owner in accordance with clause 6.12.1, the Owner will no longer be entitled to any further payment from Council.

7. OWNER'S FURTHER OBLIGATIONS

7.1 Notice and registration

The Owner must bring this Agreement to the attention of all prospective occupiers, purchasers, lessees, licensees, mortgagees, chargees, transferees and assigns.

7.2 Further actions

The Owner:

- 7.2.1 must do all things necessary to give effect to this Agreement;
- 7.2.2 consents to Council applying to the Registrar of Titles to record this Agreement on the certificate of title of the Subject Land in accordance with s 181 of the Act; and
- 7.2.3 agree to do all things necessary to enable Council to do so, including:
 - (a) sign any further agreement, acknowledgment or document; and
 - (b) obtain all necessary consents to enable the recording to be made.

7.3 Fees

The Owner must pay to Council within 14 days after a written request for payment, any:

- 7.3.1 Plan Checking Fee;
- 7.3.2 Supervision Fee; and
- 7.3.3 Satisfaction Fee.

7.4 Council's costs to be paid

The Owner must pay to Council within 14 days after a written request for payment, Council's reasonable costs and expenses (including reasonable legal expenses) relating to this Agreement, including:

- 7.4.1 preparing, drafting, finalising, signing recording and enforcing this Agreement;
- 7.4.2 preparing, drafting, finalising and recording any amendment to this Agreement;



7.4.3 determining whether any of the Owner's obligations have been undertaken to Council's satisfaction; and

7.4.4 preparing, drafting, finalising and recording any document to give effect to the ending of this Agreement.

7.5 Time for determining satisfaction

If Council makes a request for payment of:

7.5.1 a fee under clause 7.3; or

7.5.2 any costs or expenses under clause 7.4,

the Parties agree that Council may not decide whether the Owner's obligation has been undertaken to Council's satisfaction, or whether to grant the consent sought, until payment has been made to Council in accordance with the request.

7.6 Interest for overdue money

7.6.1 The Owner must pay to Council interest in accordance with s 172 of the *Local Government Act 1989* on any amount due under this Agreement that is not paid by the due date.

7.6.2 If interest is owing, Council will apply any payment made to interest and any balance of the payment to the principal amount.

8. AGREEMENT UNDER S 173 OF THE ACT

Without limiting or restricting the respective powers to enter into this Agreement, and insofar as it can be so treated, this Agreement is made as a deed in accordance with s 173 of the Act.

9. OWNER'S WARRANTIES

The Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

10. SUCCESSORS IN TITLE

Until such time as a memorandum of this Agreement is recorded on the certificate of title of the Subject Land, the Owner must require successors in title to:

10.1 give effect to this Agreement; and

10.2 enter into a deed agreeing to be bound by the terms of this Agreement.



11. GENERAL MATTERS

11.1 Land Registry

No plan of subdivision of the Subject Land or any part of it or instrument of transfer of the Subject Land or any part of it or mortgage or caveat or charge or priority notice relating to it or plan of consolidation affecting the Subject Land may be lodged at the Land Registry for registration, recording or approval until this Agreement has been lodged by or on behalf of the Council and recorded on the certificate of title to the Subject Land.

11.2 Notices

A notice or other communication required or permitted to be served by a Party on another Party must be in writing and may be served:

- 11.2.1 personally on the other Party;
- 11.2.2 by leaving it at the other Party's Current Address;
- 11.2.3 by posting it by priority prepaid post addressed to the other Party at the other Party's Current Address; or
- 11.2.4 by email to the other Party's Current Email.

11.3 Counterparts

This Agreement may be executed in counterparts, all of which taken together constitute one document.

11.4 Consent to electronic execution

Each Party consents to the signing of this Agreement by electronic means. The Parties agree to be legally bound by this Agreement signed in this way.

11.5 No waiver

Any time or other indulgence granted by Council to the Owner or any variation of this Agreement or any judgment or order obtained by Council against the Owner does not amount to a waiver of any of Council's rights or remedies under this Agreement.

11.6 Severability

If a court, arbitrator, tribunal or other competent authority determines that any part of this Agreement is unenforceable, illegal or void then that part is severed with the other provisions of this Agreement remaining operative.

11.7 No fettering of Council's powers

This Agreement does not fetter or restrict Council's power or discretion to make decisions or impose requirements or conditions in connection with the grant of planning approvals, consents or certification of plans subdividing the Subject Land or relating to use or development of the Subject Land.



11.8 Inspection of documents

A copy of any planning permit, document or plan referred to in this Agreement is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

11.9 No compensation

The Owner acknowledges and agrees that the Owner is not entitled to any reimbursement or compensation if the Amendment is not approved by the Minister for Planning.

11.10 Governing law

This Agreement is governed by and is to be construed in accordance with the laws of Victoria.

12. GST

12.1 In this clause words that are defined in *A New Tax System (Goods and Services Tax) Act 1999* have the same meaning as their definition in the Act.

12.2 Except as otherwise provided by this clause, all consideration payable under this Agreement in relation to any supply is exclusive of GST.

12.3 If GST is payable in respect of any supply made by a supplier under this Agreement, subject to clause 12.2 the recipient will pay to the supplier an amount equal to the GST payable on the supply at the same time and in the same manner as the consideration for the supply is to be provided under this Agreement.

12.4 The supplier must provide a tax invoice to the recipient before the supplier will be entitled to payment of the GST payable under clause 12.3.

13. COMMENCEMENT OF AGREEMENT

This Agreement commences upon when the Ministerial Notice is published.

14. ENDING OF AGREEMENT

This Agreement ends:

14.1 in relation to a Residential Lot, immediately after that Residential Lot is created; and

14.2 one of the following occurs:

- a. when the Parties have complied with all of their obligations under this Agreement; or
- b. by agreement between the Parties in accordance with section 177 of the Act; or
- c. if the Amendment is abandoned by Council under the Act or if the Amendment lapses under the Act.

After this Agreement has ended, Council will, at the Owner's written request and at the Owner's cost, apply to the Registrar of Titles under s 183(1) of the Act to remove the recording of this Agreement from the title to the Residential Lots.



SCHEDULE 1 – DESCRIPTION OF PRECINCT 16 WEST LAND

The whole of the land described as:

9 and 9A Sutton Street, South Kingsville	Lot 1 on Plan of Subdivision 336144B	Volume 10213, Folio 045
	Lot 2 on Plan of Subdivision 336144B	Volume 11586, Folio 288
	Lot 10 Block C on Plan of Subdivision 001015	Volume 7129, Folio 697



SCHEDULE 2 – INFRASTRUCTURE PROJECTS

Description of Infrastructure Project	Provision Trigger	Agreed Project Value
Upgrade of Sutton Street, South Kingsville generally in accordance with the 'Stage 2 Works' shown in the Sutton Street Rehabilitation Drawings and the Approved Plans which for the avoidance of doubt does not include the intersection of Sutton Street and Blackshaws Road.	Prior to the issue of a Statement of Compliance for the 50th lot on the Subject Land.	\$85,800 Indexed to the date of the issue of the Certificate of Practical Completion.
Interim upgrade of Blackshaws Road / Sutton Street, South Kingsville intersection generally in accordance with the (West) Interim Intersection Upgrade Drawings and the Approved Plans	Prior to the issue of a Statement of Compliance for the 50th lot on the Subject Land.	\$270,610.00 Indexed to the date of the issue of the Certificate of Practical Completion.
Removing the existing overhead powerlines and poles on the west side of Sutton Street (near Blackshaws Road) and relocating them below ground.	Prior to the issue of a Statement of Compliance for the 50th Lot on the Subject Land.	\$750,000.00 Indexed to the date of issue of the Certificate of Practical Completion.
	If the Electrical Authority cannot deliver this infrastructure project prior to the issue of a Statement of Compliance for the 50 th Lot on the Subject Land, the Owner must, prior to the issue of that Statement of Compliance, enter into an agreement with the Electrical Authority for this infrastructure project, to the satisfaction of Council.	
Total Cost Of Infrastructure Projects		\$1,106,410.00 Indexed to the date of the issue of the Certificate of Practical Completion.



SIGNING PAGE

Signed, sealed and delivered as a deed by the Parties

Signed sealed and delivered by Mr Arthur)
Vatzakis, Manager Planning, Building and)
Health on behalf of the **Hobsons Bay City**)
Council pursuant to the power delegated)
to that person by an Instrument of)
Delegation in the presence of:)

DocuSigned by:

260685B9E7AA486...

DocuSigned by:

1BC3135DAD9B487

Arthur Vatzakis

(Signature of independent adult witness)

(name of signatory)

Jessica Leane

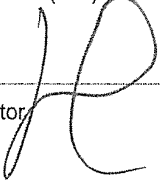
Name of witness

(BLOCK LETTERS)

This document was witnessed by audio visual link in accordance with the requirements of s12 of the *Electronic Transactions (Victoria) Act 2000*.



EXECUTED by ALCEON GROUP NO. 67)
PTY LTD (ACN 621 591 339) in)
accordance with section 127 (1) of the)
Corporations Act 2001 (Cth))

Signature of Director 

Trevor Loewensohn
Full name

32 Plunkett Rd Mosman
Usual address


Signature of Director/Company Secretary
(delete whichever is not applicable)

Melanie Hedges
Full name

1001C 32 Retinery Dr Pyrmont
Usual address


This document was witnessed by audio visual link in accordance with the requirements of s12 of the *Electronic Transactions (Victoria) Act 2000*.



Mortgagee's Consent

Perpetual Corporate Trust Ltd is the registered Mortgagee under instrument AT323762J and consents to the registration of this Agreement on the title to the Subject Land

Executed under Power of Attorney dated 18 September 2014


.....
Attorney

John Newby
Head of Custody



Kelly Wijaya
Witness

This document was witnessed by audio visual link in accordance with the requirements of s12 of the *Electronic Transactions (Victoria) Act 2000*.



JACKSON LANE
LEGAL

Agreement under section 173 of the Planning and Environment Act 1987

Subject Land:

41-59 Stephenson Street, South Kingsville

Hobsons Bay City Council

and

Newport Apartments Vic Pty Ltd
ACN 154 781 094

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AGREEMENT UNDER SECTION 173 OF THE PLANNING AND ENVIRONMENT ACT 1987

DATED / /

PARTIES

Name	Hobsons Bay City Council
Address	115 Civic Parade, Altona, Victoria 3018
Short name	Council

Name	Newport Apartments Vic Pty Ltd ACN 154 781 094
Address	Unit 2401, 68-70 Dorcas Street, Southbank, Victoria 3006
Short name	Owner

BACKGROUND

- A. Council is responsible for the administration and enforcement of the Planning Scheme. Council is also planning authority for the Amendment.
- B. The Owner is or is entitled to be the registered proprietor of the Subject Land.
- C. The Parties have agreed to enter into this Agreement to record the terms and conditions by which Council has agreed to adopt the Amendment and the Owner has agreed to provide Social Housing.
- D. As at the date of this Agreement, the Subject Land is encumbered by a mortgage in favour of the Mortgagee. The Mortgagee consents to the Owner entering into this Agreement.

The Parties agree

1. DEFINITIONS

In this Agreement unless the context admits otherwise:

Act means the *Planning and Environment Act 1987*.

Affordable Housing Trust means the Hobsons Bay Affordable Housing Trust.

Affordable Housing Trustee means Housing Choices Australia Limited as Trustee of the Hobsons Bay Affordable Housing Trust or any other trustee appointed by Council in writing.

Agreement means this Agreement and includes this Agreement as amended from time to time.

Amendment means Amendment C114hbay to the Planning Scheme to (among other things):

- a. rezone the Subject Land from Industrial 3 Zone and part General Residential Zone to part Schedule 4 to the General Residential Zone and part Schedule 2 to the Residential Growth Zone;
- b. apply Schedule 2 to the Development Plan Overlay to the Subject Land;
- c. subdivide part of the Subject Land to align with the proposed zoning; and
- d. amend the Schedule to Clause 53.01 of the Planning Scheme to provide for a 5 percent public open space contribution requirement.

Approval date means the date on which a copy of the notice of approval of the Amendment is published under section 36 of the Act.

Current Address means:

- a. for Council, the address shown on page one of this Agreement, or any other address listed on Council's website; and
- b. for the Owner, the address shown on page one of this Agreement or any other address provided by the Owner to Council for any purpose relating to the Subject Land.

Current Email means:

- a. for Council, strategicplanning@hobsonsabay.vic.gov.au, or any other email address listed on Council's website; and
- b. for the Owner, any email address provided by the Owner to Council for the express purpose of electronic communication regarding this Agreement.

Engagement Principles means the principles set out in Schedule 2 of this Agreement, as amended from time to time.

Market Value means the market value of the Social Housing Dwelling Type as determined by a certified independent valuer engaged at the cost of the Owner with the valuation determination to be conducted no more than 3-months prior to the Social Housing being provided in accordance with clause 6.1.1 of this Agreement.

Ministerial Notice means the Ministerial notice approving the Amendment and published in the Victorian Government Gazette in accordance with the Act.

Mortgagees means the persons registered or entitled from time to time to be registered as mortgagees of the Subject Land.

Not-for-Profit means a Not-for-Profit charity registered with the Australian Charities and Not-for-Profits Commission.

Occupancy Permit means an occupancy permit under the *Building Act 1993 (Vic)*.

Owner means the person registered or entitled from time to time to be registered as proprietor of an estate in fee simple of the Subject Land and includes a mortgagee-in-possession.

Owner's obligations includes the Owner's specific obligations and the Owner's further obligations.

Party or **Parties** means the Parties to this Agreement.

Planning Scheme means the Hobsons Bay Planning Scheme and any other planning scheme that applies to the Subject Land.

Precinct 16 means the Subject Land and the land also comprising Precinct 16 for the purposes of the Hobsons Bay Industrial Land Management Strategy, 2008 located to the east of the Subject Land with a frontage to Sutton Street and Blackshaws Road, South Kingsville.

Registered Agency means a registered agency as defined in section 4 of the *Housing Act 1983* (Vic) as approved by Council in writing.

Residential Lot means a lot improved with, or capable of being improved with, a dwelling.

Schedule means a schedule to this Agreement.

Social Housing means social housing as defined by section 3AA of the Act.

Social Housing Dwellings means 5% of the total number of dwellings constructed on the Subject Land rounded to the nearest whole number which must be identified by the Owner and made available for purchase as Social Housing by Council or a Registered Agency for a price that is a 25% discount to Market Value or a lesser discount as agreed in writing and to the satisfaction of Council provided in accordance with clause 6.1.1 of this Agreement.

Social Housing Dwelling Type means the type of Social Housing Dwellings being purchased by Council or the Registered Agency as Social Housing Dwellings (either an apartment or townhouse typology) with a minimum of 2 bedrooms for townhouses and a mix of 1 and 2 bedroom apartments but not more than 50% 2 bedroom apartments. The number of townhouses and apartments provided as Social Housing Dwellings must be generally proportional to the overall number of townhouses and apartments in the development.

Social Housing Land means the land forming part of the Subject Land on which the Social Housing Dwellings are constructed.

Stage refers to a stage of subdivision or development of the Subject Land.

Statement of Compliance means a Statement of Compliance under the *Subdivision Act 1988*.

Subject Land means the land described in Schedule 1 of this Agreement and any reference to the Subject Land includes any Lot created by the subdivision of the Subject Land or any part of it.

2. INTERPRETATION

In this Agreement unless the context admits otherwise:

- 2.1 the singular includes the plural and vice versa;
- 2.2 a reference to a gender includes all genders;
- 2.3 a reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law;
- 2.4 any agreement, representation, warranty or indemnity by 2 or more persons (including where 2 or more persons are included in the same defined term) binds them jointly and severally;
- 2.5 a term used has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act, it has the meaning as defined in the Act;
- 2.6 a reference to an Act, regulation or the Planning Scheme includes any Act, regulation or amendment amending, consolidating or replacing the Act, regulation or Planning Scheme;
- 2.7 the Background forms part of this Agreement;

- 2.8 the Owner's obligations take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land; and
- 2.9 any reference to a clause, page, condition, attachment or term is a reference to a clause, page, condition, attachment or term of this Agreement.

3. PURPOSES OF AGREEMENT

The Parties acknowledge and agree that the purposes of this Agreement are to:

- 3.1 record the terms and conditions by which Council agrees to the Owner providing Social Housing; and
- 3.2 achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

4. REASONS FOR AGREEMENT

The Parties acknowledge and agree that Council has entered into this Agreement for the following reasons:

- 4.1 the Owner and Council agreed that the Owner would enter into this Agreement as a condition of Council adopting the Amendment; and
- 4.2 the Owner has elected to enter into this Agreement in order to secure Council's adoption of the Amendment.

5. AGREEMENT REQUIRED

The Parties agree that this Agreement will continue to be required until the Owner has complied with all of the Owner's obligations.

6. OWNER'S SPECIFIC OBLIGATIONS

6.1 Social Housing Dwellings

The Owner covenants and agrees that:

- 6.1.1 the Owner must provide the Social Housing Dwellings in accordance with one of the following options (and in the following order):
- (a) Option 1 – making the Social Housing Dwellings available to the Affordable Housing Trust for purchase; or
 - (b) Option 2 – only if the Affordable Housing Trust is not established or the Affordable Housing Trust elects not to purchase the Social Housing Dwellings and the Owner has followed the Engagement Principles, paying the affordable housing payment to the Affordable Housing Trust or if the Affordable Housing Trust is not established, a Registered Agency. The amount of the affordable housing payment must be an amount equal to 25% of the Market Value of the Social Housing Dwellings that have not been purchased by the Affordable Housing Trust at the time the affordable housing payment is to be made;
- 6.1.2 unless with Council's prior written agreement, the Social Housing Dwellings must be:
- (a) of a quality, nature, size and of a construction standard and not otherwise externally distinguishable from, other dwellings in the relevant Stage; and

- (b) of a quality, nature, size and standard of construction approved by Council or Registered Agency;
- 6.1.3 where the Owner provides Social Housing Dwellings in accordance with clause 6.1.1(a), the Social Housing Dwellings must be provided before the issue of the Occupancy Permit for the 100th dwelling on the Subject Land or such other milestone that is agreed in writing by Council;
- 6.1.4 in accordance with clause 6.1.3, the Owner must provide Council with written notice that it will, or is likely, to receive an Occupancy Permit for the 100th dwelling on the Subject Land, a minimum of 14 days prior to receiving the Occupancy Permit for the 100th dwelling on the Subject Land;
- 6.1.5 where the Owner provides an affordable housing payment in accordance with clause 6.1.1(b), the affordable housing payment for all of the Social Housing Dwellings must be paid in full prior to the earlier of the issue of the Occupancy Permit for the 100th dwelling on the Subject Land or a date which is no later than 15 months after the date of the issue of the Statement of Compliance that creates the 100th Residential Lot on the Subject Land;;
- 6.1.6 when the Social Housing Land is identified with ,certainty¹, the Owner of the Social Housing Land must enter into an agreement under s 173 of the Act which is recorded only on the title to the Social Housing Land restricting its use to Social Housing.

7. OWNER'S FURTHER OBLIGATIONS

7.1 Notice and recording

The Owner must bring this Agreement to the attention of all prospective occupiers, purchasers, lessees, licensees, mortgagees, chargees, transferees and assigns.

7.2 Further actions

The Owner:

- 7.2.1 must do all things necessary to give effect to this Agreement;
- 7.2.2 consents to Council applying to the Registrar of Titles to record this Agreement on the certificate of title of the Subject Land in accordance with s 181 of the Act; and
- 7.2.3 agree to do all things necessary to enable Council to do so, including:
 - (a) sign any further agreement, acknowledgment or document; and
 - (a) obtain all necessary consents to enable the recording to be made.

7.3 Council's costs to be paid

The Owner must pay to Council within 14 days after a written request for payment, Council's costs and expenses (including legal expenses) relating to this Agreement, including:

- 7.3.1 preparing, drafting, finalising, signing, recording and enforcing this Agreement;
- 7.3.2 preparing, drafting, finalising and recording any amendment to this Agreement;
- 7.3.3 determining whether any of the Owner's obligations have been undertaken to Council's satisfaction; and

¹ Such as for example by Affordable Housing Trust or Registered Agency entering into a contract of sale to purchase the lot.

- 7.3.4 preparing, drafting, finalising and recording any document to give effect to the ending of this Agreement.

7.4 Time for determining satisfaction

If Council makes a request for payment of a fee under clause 7.3, the Parties agree that Council will not decide whether the Owner's obligation has been undertaken to Council's satisfaction, or whether to grant the consent sought, until payment has been made to Council in accordance with the request.

7.5 Interest for overdue money

- 7.5.1 The Owner must pay to Council interest in accordance with s 227A of the Local Government Act 1989 on any amount due under this Agreement that is not paid by the due date.

- 7.5.2 If interest is owing, Council will apply any payment made to interest and any balance of the payment to the principal amount.

8. AGREEMENT UNDER S 173 OF THE ACT

Without limiting or restricting the respective powers to enter into this Agreement, and insofar as it can be so treated, this Agreement is made as a deed in accordance with s 173 of the Act.

9. OWNER'S WARRANTIES

The Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

10. SUCCESSORS IN TITLE

Until such time as a memorandum of this Agreement is recorded on the certificate of title of the Subject Land, the Owner must require successors in title to:

- 10.1 give effect to this Agreement; and
- 10.2 enter into a deed agreeing to be bound by the terms of this Agreement.

11. GST

The Owner must pay any GST payable in respect to this Agreement or anything done in relation to it and must indemnify Council against any such GST.

12. GENERAL MATTERS

12.1 Notices

A notice or other communication required or permitted to be served by a Party on another Party must be in writing and may be served:

- 12.1.1 personally on the other Party;
- 12.1.2 by leaving it at the other Party's Current Address;
- 12.1.3 by posting it by priority prepaid post addressed to the other Party at the other Party's Current Address; or
- 12.1.4 by email to the other Party's Current Email.

12.2 Counterparts

This Agreement may be executed in counterparts, all of which taken together constitute one document.

12.3 Consent to electronic execution

Each Party consents to the signing of this Agreement by electronic means. The Parties agree to be legally bound by this Agreement signed in this way.

12.4 No waiver

Any time or other indulgence granted by Council to the Owner or any variation of this Agreement or any judgment or order obtained by Council against the Owner does not amount to a waiver of any of Council's rights or remedies under this Agreement.

12.5 Severability

If a court, arbitrator, tribunal or other competent authority determines that any part of this Agreement is unenforceable, illegal or void then that part is severed with the other provisions of this Agreement remaining operative.

12.6 No fettering of Council's powers

This Agreement does not fetter or restrict Council's power or discretion to make decisions or impose requirements or conditions in connection with the grant of planning approvals or certification of plans subdividing the Subject Land or relating to use or development of the Subject Land.

12.7 Inspection of documents

A copy of any planning permit, document or plan referred to in this Agreement is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

12.8 Governing law

This Agreement is governed by and is to be construed in accordance with the laws of Victoria.

12.9 Acknowledgment by Owner

The Owner acknowledges and agrees that the Owner is not entitled to any reimbursement or compensation if the Amendment is not approved by the Minister for Planning.

13. COMMENCEMENT OF AGREEMENT

This Agreement commences when:

- 13.1 Council executes this Agreement; and
- 13.2 the Ministerial Notice is published.

14. ENDING OF AGREEMENT

This Agreement ends:

- 14.1 when the Owner has complied with all of the Owner's obligations under this Agreement; or
- 14.2 otherwise by agreement between the Parties in accordance with section 177 of the Act.

After this Agreement has ended, Council will, at the Owner's written request, apply to the Registrar of Titles under s 183(1) of the Act to cancel the recording of this Agreement.

SCHEDULE 1 – DESCRIPTION OF SUBJECT LAND

The whole of the land described as:

41-59 Stephenson Street,
South Kingsville

Land in Plan of Consolidation
163945E

Volume 9735 Folio 412

SCHEDULE 2 – ENGAGEMENT PRINCIPLES

The Owner must take the following steps in the performance of the Owner's obligations set out in clause 6.1.1. of the Agreement:

- The Owner must work with the Affordable Housing Trustee on grant funding applications, with grant funds to be paired with the affordable housing discount provided by the Owner in accordance with the Agreement.
- The Owner must provide, to the best of its ability and within the timeframes requested, all information requested by the Affordable Housing Trustee as needed to support and supplement any grant funding application.
- The Owner must ensure that the built form requirements outlined in any grant funding terms are incorporated into the design of the Social Housing Dwellings and that the requirements of clause 6.1.2 of the Agreement are otherwise met.
- The Owner must at all times comply with any milestone dates and funding terms for successful grant funding applications specified by the Affordable Housing Trustee.

SIGNING PAGE

Signed, sealed and delivered as a deed by the Parties

Signed sealed and delivered by Mr Arthur)
Vatzakis, Manager Planning, Building and)
Health on behalf of the **Hobsons Bay City**)
Council pursuant to the power delegated)
to that person by an Instrument of)
Delegation in the presence of:)



(Signature of independent adult witness)

ARTHUR VATZAKIS.


(name of signatory)

JESSICA LEANE

Name of witness
(BLOCK LETTERS)

This document was witnessed by audio visual link in accordance with the requirements of s12 of the *Electronic Transactions (Victoria) Act 2000*.

EXECUTED by NEWPORT APARTMENTS)
VIC PTY LTD (ACN 154 781 094) in)
accordance with section 127 (1) of the)
Corporations Act 2001 (Cth))


Signature of Director

Henry G. Townsing

Full name

2401/70 DORCAS ST SOUTHBAK
Usual address VIC 3006


Signature of Director/Company
Secretary
(delete whichever is not applicable)

WAI HAN LOW

Full name

2401/70 Dorcas St Southbank Vic 3006
Usual address

This document was witnessed by audio visual link in accordance with the requirements of s12 of the *Electronic Transactions (Victoria) Act 2000*.

Mortgagee's Consent

National Australia Bank Ltd is the registered Mortgagee under instrument AL636812U and consents to the registration of this Agreement on the title to the Subject Land.



CIARAN O'GRADY
ASSOCIATE DIRECTOR
UNDER POWER OF ATTORNEY
DATED 1/March/2007.

This document was witnessed by audio visual link in accordance with the requirements of s12 of the *Electronic Transactions (Victoria) Act 2000*.

S/ May / 2022

Agreement under section 173 of the Planning and Environment Act 1987

Subject Land:

41-59 Stephenson Street, South Kingsville

Hobsons Bay City Council

and

Newport Apartments Vic Pty Ltd
ACN 154 781 094

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AGREEMENT UNDER SECTION 173 OF THE PLANNING AND ENVIRONMENT ACT 1987

DATED / /

PARTIES

Name	Hobsons Bay City Council
Address	115 Civic Parade, Altona, Victoria 3018
Short name	Council

Name	Newport Apartments Vic Pty Ltd ACN 154 781 094
Address	Unit 2401, 68-70 Dorcas Street, Southbank, Victoria 3006
Short name	Owner

BACKGROUND

- A. Council is responsible for the administration and enforcement of the Planning Scheme. Council is also planning authority for the Amendment.
- B. The Owner is or is entitled to be the registered proprietor of the Subject Land.
- C. The Parties have agreed to enter into this Agreement to record the terms and conditions by which Council has agreed to adopt the Amendment and the Owner has agreed to constructing and completing the Infrastructure Projects.
- A. As at the date of this Agreement, the Subject Land is encumbered by a mortgage in favour of the Mortgagee. The Mortgagee consents to the Owner entering into this Agreement.

The Parties agree

1. DEFINITIONS

In this Agreement unless the context admits otherwise:

Australian Standard means any relevant standard developed by Standards Australia.

Act means the *Planning and Environment Act 1987*.

Agreed Project Value means the amount set out or referred to in Schedule 2 or any other amount which has been specifically agreed in writing by Council.

Agreement means this Agreement and includes this Agreement as amended from time to time.

Amendment means Amendment C114 to the Planning Scheme to (among otherthings):

- a. rezone the Precinct 16 West Land from Industrial 3 Zone and part General Residential Zone to part Schedule 4 to the General Residential Zone and part Schedule 2 to the Residential Growth Zone;
- b. apply Schedule 2 to the Development Plan Overlay to the Precinct 16 West Land;

- c. subdivide part of the Precinct 16 West Land to align with the proposed zoning; and
- d. amend the Schedule to Clause 53.01 of the Planning Scheme to provide for a 5 percent public open space requirement.

approved means approved by Council in writing.

Approved Plans means plans approved by Council under clause 6.5 of this Agreement.

Bank Guarantee means an unconditional bank guarantee in the amount of 5% of the Infrastructure Project Value from an Australian Bank or other form of security to the satisfaction of Council.

Building has the same meaning as in the Act and includes any Building in a Stage.

Certificate of Practical Completion means a written certificate issued by Council stating that an Infrastructure Project has been completed to the satisfaction of Council.

complete in respect of any works or any part of any works means the completion of those works or the specified part of those works in accordance with plans and specifications approved by the Council to the satisfaction of the Council.

Consent Fee means the fee specified on Council's internet web site which is payable by a person to Council for deciding whether to give consent or secondary consent for anything in an agreement or where a permit provides that something must not be done without Council's consent.

Current Address means:

- a. for Council, the address shown on page one of this Agreement, or any other address listed on Council's website; and
- b. for the Owner, the address shown on page one of this Agreement or any other address provided by the Owner to Council for any purpose relating to the Subject Land.

Current Email means:

- a. for Council, strategicplanning@hobsonsby.vic.gov.au, or any other email address listed on Council's website; and
- b. for the Owner, any email address provided by the Owner to Council for the express purpose of electronic communication regarding this Agreement.

Designs means the detailed design and engineering plans and specifications of an Infrastructure Project approved by Council under clause 6.5 of this Agreement.

Estimated Cost means:

- a. for the purpose of calculating the Plan Checking Fee, the estimated cost, as agreed by Council, of constructing a Infrastructure Project shown on the plans to be checked; and
- b. for the purpose of calculating the Supervision Fee, the estimated cost, as agreed by Council, of constructing a Infrastructure Project to be supervised.

Indexation means an adjustment to an amount carried out:

- c. using the PPI – Road and Bridge Construction Victoria as the adjustment index; and
- d. on the 1st of July each year.

Infrastructure Levy means a contribution to the cost of infrastructure projects relating to the Precinct 16 West Land equal to the sum of \$42,985.80 subject to Indexation.

Infrastructure Project means a project to be delivered by the Owner under this Agreement which is identified in the relevant column of the table to Schedule 2 of this Agreement.

Lot means a lot created by a subdivision of the Subject Land whether in accordance with any planning permit for the Subject Land or otherwise.

Maintenance Period means a period of 12 months from the issue of a Certificate of Practical Completion.

Ministerial Notice means the Ministerial notice approving the Amendment and published in the Victorian Government Gazette in accordance with the Act.

Mortgagee means the person registered or entitled from time to time to be registered as mortgagee of the Subject Land.

Occupancy Permit has the same meaning as in the *Building Act 1993* (Vic).

Owner means the person registered or entitled from time to time to be registered as proprietor of an estate in fee simple of the Subject Land and includes a mortgagee-in-possession.

Owner's obligations includes the Owner's specific obligations and the Owner's further obligations.

Party or **Parties** means the Parties to this Agreement.

Plan Checking Fee means a fee payable to Council by the Owner for checking the Approved Plans and which is payable at the rate of 0.75 per cent of the Estimated Cost.

Planning Scheme means the Hobsons Bay Planning Scheme and any other planning scheme that applies to the Subject Land or Precinct 16 West Land.

Precinct 16 Land means the land identified as 'Precinct 16' in the Hobsons Bay Industrial Land Management Strategy – June 2008, being the land bounded by Blackshaws Road, Stephenson Street and the railway line in South Kingsville.

Precinct 16 West Land means the land described in Schedule 1 of this Agreement and any reference to the Precinct 16 West Land includes any Lot created by the subdivision of the Precinct 16 West Land or any part of it.

Pre-Ultimate Intersection Upgrade Drawings means the Sutton Street South Kingsville Concept Plan – Ultimate, prepared by Traffix Group, drawing no G27836-01-03, issue D, dated 1 February 2021, or any amendment to those drawings agreed by Council.

Provision Trigger means the milestone or provision trigger set out in the relevant column of the table in Schedule 2 of this Agreement.

Residential Lot means a lot which is occupied by a dwelling or which in the opinion of Council is of a size and configuration such that it is intended to be occupied as a dwelling rather than to be developed further.

Residential Subdivision means a subdivision of the Subject Land that creates a lot that is occupied by a dwelling or is intended to be occupied by a dwelling and does not include a subdivision to create a super lot or stage lot.

Satisfaction Fee means a fee specified on Council's internet web site which is payable by a person to Council for deciding whether any one of obligation in a permit, agreement or any other requirement has been undertaken to Council's satisfaction.

Schedule means a schedule to this Agreement.

Stage followed by a reference to a stage number is a reference to a specified stage of the development of the Subject Land as identified in any staging plan forming part of the plans endorsed under a future planning permit granted for the Subject Land.

Statement of Compliance means a Statement of Compliance under the *Subdivision Act 1988*.

Subject Land means the land described as 41-59 Stephenson Street, South Kingsville being Land in Plan of Consolidation 163945E in Certificate of Title Volume 09735 Folio 412.

Supervision Fee means a fee payable to Council by the Owner for supervision of a Infrastructure Project and which is payable at the rate of 2.5 per cent of the Estimated Cost.

Sutton Street Rehabilitation Drawings means the scope of works, LD Eng Ref: 135600 prepared by LDeng Land Development Engineering and the detail plan & longitudinal section plans prepared by JDS Civil Designs & Surveys drawing no. JDSS1910-C2, Rev B, Sheet 2 and drawing no. JDSS1910-C3, Rev B, Sheet 3 both dated 15 June 2017 and marked up to show the three stages and roundabout, or any amendment to those drawings agreed by Council.

Total Cost Of Infrastructure Projects means the total cost of each Infrastructure Project set out in the table in Schedule 2 of this Agreement together with the applicable Supervision Fee, Plan Checking Fee and Satisfaction Fee.

2. INTERPRETATION

In this Agreement unless the context admits otherwise:

- 2.1 the singular includes the plural and vice versa;
- 2.2 a reference to a gender includes all genders;
- 2.3 a reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law;
- 2.4 any agreement, representation, warranty or indemnity by 2 or more persons (including where 2 or more persons are included in the same defined term) binds them jointly and severally;
- 2.5 a term used has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act, it has the meaning as defined in the Act;
- 2.6 a reference to an Act, regulation or the Planning Scheme includes any Act, regulation or amendment amending, consolidating or replacing the Act, regulation or Planning Scheme;
- 2.7 the Background forms part of this Agreement;
- 2.8 the Owner's obligations take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land; and
- 2.9 any reference to a clause, page, condition, attachment or term is a reference to a clause, page, condition, attachment or term of this Agreement.

3. PURPOSES OF AGREEMENT

The Parties acknowledge and agree that the purposes of this Agreement are to:

- 3.1 record the terms and conditions by which Council agrees to the Owner constructing and completing the Infrastructure Projects, facilitate the Amendment, the rezoning of the Subject Land and its redevelopment; and

- 3.2 achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

4. REASONS FOR AGREEMENT

The Parties acknowledge and agree that Council has entered into this Agreement for the following reasons:

- 4.1 the Owner and Council agreed that the Owner would enter into this Agreement as a condition of Council supporting the Amendment; and
- 4.2 the Owner has elected to enter into this Agreement in order to secure Council's support of the Amendment.

5. AGREEMENT REQUIRED

The Parties agree that this Agreement will continue to be required until the Owner has complied with all of the Owner's obligations.

6. OWNER'S SPECIFIC OBLIGATIONS

Infrastructure Projects

6.1 Construction of Infrastructure Projects

The Owner covenants and agrees that:

- 6.1.1 the Owner must complete all the Infrastructure Projects set out in Schedule 2 of this Agreement:
- (a) at the full cost of the Owner;
 - (b) in accordance with the Approved Plans;
 - (c) prior to the relevant Provision Trigger; and
 - (d) to the satisfaction of Council.

6.2 Standard of work

The Owner covenants and agrees that in addition to any other requirement in this Agreement, all work for an Infrastructure Project must:

- 6.2.1 accord with the Approved Plans unless otherwise agreed in writing by Council; and
- 6.2.2 be structurally sound, fit for purpose and suitable for its intended use; and
- 6.2.3 comprise best industry practice to the extent required by the Approved Plans; and
- 6.2.4 not encroach upon any land other than the land shown in the Approved Plans; and
- 6.2.5 comply with any relevant current Australian Standard unless otherwise agreed in writing by Council.

6.3 Time for completion of Infrastructure Projects

The Owner covenants and agrees that if the Owner does not construct and complete the Infrastructure Project by the relevant Provision Trigger for an Infrastructure Project, Council may:

- 6.3.1 at its absolute discretion, consent in writing, to extend the timeframe; and/or
- 6.3.2 refuse to issue any Statement of Compliance for any Residential Subdivision of the Subject Land until the Infrastructure Project is completed to the satisfaction of Council or Council is satisfied that appropriate security is provided to ensure the completion of the Infrastructure Project;

6.4 Obligation to complete Infrastructure Projects once commenced

The Owner covenants and agrees that when the Owner commences to provide an Infrastructure Project, the Owner must complete the Infrastructure Project in accordance with this Agreement regardless of whether the total cost of completing the Infrastructure Project exceeds the Infrastructure Project Value.

6.5 Design of Infrastructure Projects

The Owner covenants and agrees that:

- 6.5.1 the Owner must, at the full cost of the Owner, prepare the Designs of an Infrastructure Project and submit the Designs to Council and any other relevant authorities for their approval at least two months prior to the Owner's intended commencement date for each Infrastructure Project;
- 6.5.2 once to Council's satisfaction, approval of the Designs must be reflected in a set of plans and specifications endorsed by Council as the Approved Plans;
- 6.5.3 the Owner must obtain all necessary permits and approvals for each Infrastructure Project; and
- 6.5.4 prior to awarding any contract for the Infrastructure Projects, the Owner must submit to Council for its approval:
 - (a) a copy of the terms and conditions of the contract to be awarded; and
 - (b) copy of the proposed construction program which accompanies the contract.

6.6 Variation of Approved Plans

The Owner covenants and agrees that upon the approval by Council of the Designs under this Agreement there must be no further variations to the Approved Plans without the prior written consent of Council.

6.7 Construction of Infrastructure Projects

The Owner covenants and agrees that in providing the Infrastructure Projects:

- 6.7.1 the Owner is responsible for all design and construction risks in relation to construction and completion of the Infrastructure Projects; and
- 6.7.2 Council is released from liability to pay, and the Owner holds Council harmless in respect of, any costs that exceed the Infrastructure Project Value.

6.8 Certificate of Practical Completion

The Parties agree that:

- 6.8.1 upon the completion of an Infrastructure Project, the Owner must notify Council and any other relevant authority;
- 6.8.2 within 14 days of receiving notice of the completion of an Infrastructure Project from the Owner, Council will arrange for it and any other relevant authority to inspect the Infrastructure Project and determine whether Council will issue a Certificate of Practical Completion;
- 6.8.3 prior to Council being required to issue a Certificate of Practical Completion, the Owner must provide to Council:
 - (a) a copy of any maintenance information, operational manual or other material which is reasonably required for the ongoing operation and maintenance of the Infrastructure Project;
 - (b) a copy of any certificate, consent or approval required by any authority for the carrying out, use or occupation of the Infrastructure Project;
- 6.8.4 if Council is not satisfied with the Infrastructure Project, Council may refuse to issue a Certificate of Practical Completion provided Council:
 - (a) identifies in what manner the Infrastructure Project is not satisfactorily completed; and
 - (b) what must be done to satisfactorily complete the Infrastructure Project;
- 6.8.5 Council may, notwithstanding a minor non-compliance, determine to issue a Certificate of Practical Completion if Council is satisfied that the proper construction of the Infrastructure Project can be secured or otherwise guaranteed to its satisfaction;
- 6.8.6 before accessing land owned by Council or a third party for the purpose of constructing an Infrastructure Project or undertaking any maintenance or repair of defects in respect of the Infrastructure Project in accordance with this Agreement, the Owner must satisfy Council or if requested by a third party, that person, that the Owner has:
 - (a) consent of the owner of land to access such land;
 - (b) satisfied any condition of such consent;
- 6.8.7 the Owner must put in place all proper occupational health and safety plans as may be required under any law of the State of Victoria for that purpose;
- 6.8.8 subject to the Owner satisfying any conditions of consent to access land owned by Council, Council will provide all reasonable access as may be required to its land in order to enable an Infrastructure Project to be constructed and completed, maintained or repaired in accordance with this Agreement.

6.9 Obligations following Certificate of Practical Completion

Following the issue of a Certificate of Practical Completion for an Infrastructure Project, the Owner is responsible for the maintenance of the Infrastructure Project in good order, condition and repair to the satisfaction of Council until:

- 6.9.1 the end of the Maintenance Period; or
- 6.9.2 until the provision of the land containing the Infrastructure Project to Council by a transfer or by a vesting –

whichever is the later.

6.10 Bank Guarantee

The Owner covenants and agrees that:

- 6.10.1 prior to the issue of a Certificate of Practical Completion for an Infrastructure Project, the Owner must provide Council with a Bank Guarantee in respect of the maintenance liability under Clause 6.9 of this Agreement of that Infrastructure Project;
- 6.10.2 if the Owner fails to comply with a written direction from Council to undertake maintenance to an Infrastructure Project, Council may at its absolute discretion use the Bank Guarantee to correct any defects; and
- 6.10.3 the Bank Guarantee will be returned to the Owner after the Maintenance Period, less any amount applied to correcting any defects in the Infrastructure Project.

Infrastructure Levy

6.11 Payment of Infrastructure Levy

The Owner covenants and agrees that the Owner must pay the Infrastructure Levy to Council prior to the issue of a Statement of Compliance for any Residential Subdivision.

7. OWNER'S FURTHER OBLIGATIONS

7.1 Notice and registration

The Owner must bring this Agreement to the attention of all prospective occupiers, purchasers, lessees, licensees, mortgagees, chargees, transferees and assigns.

7.2 Further actions

The Owner:

- 7.2.1 must do all things necessary to give effect to this Agreement;
- 7.2.2 consents to Council applying to the Registrar of Titles to record this Agreement on the certificate of title of the Subject Land in accordance with s 181 of the Act; and
- 7.2.3 agree to do all things necessary to enable Council to do so, including:
 - (a) sign any further agreement, acknowledgment or document; and
 - (b) obtain all necessary consents to enable the recording to be made.

7.3 Fees

The Owner must pay to Council within 14 days after a written request for payment, any:

- 7.3.1 Plan Checking Fee;
- 7.3.2 Supervision Fee; and
- 7.3.3 Satisfaction Fee.

If any Supervision Fee or Plan Checking Fees are paid under this Agreement in respect of Infrastructure Projects for which equivalent fees are payable under the *Subdivision Act 1988*, Council will not seek the payment of any further Plan Checking Fee or Supervision Fee under the *Subdivision Act 1988* in respect of those Infrastructure Projects.

7.4 Council's costs to be paid

The Owner must pay to Council within 14 days after a written request for payment, Council's reasonable costs and expenses (including reasonable legal expenses) relating to this Agreement, including:

- 7.4.1 preparing, drafting, finalising, signing, recording and enforcing this Agreement;
- 7.4.2 preparing, drafting, finalising and recording any amendment to this Agreement;
- 7.4.3 determining whether any of the Owner's obligations have been undertaken to Council's satisfaction; and
- 7.4.4 preparing, drafting, finalising and recording any document to give effect to the ending of this Agreement.

7.5 Time for determining satisfaction

If Council makes a request for payment of:

- 7.5.1 a fee under clause 7.3; or
- 7.5.2 any costs or expenses under clause 7.4,

the Parties agree that Council will not decide whether the Owner's obligation has been undertaken to Council's satisfaction, or whether to grant the consent sought, until payment has been made to Council in accordance with the request.

7.6 Interest for overdue money

- 7.6.1 The Owner must pay to Council interest in accordance with s 172 of the Local Government Act 1989 on any amount due under this Agreement that is not paid by the due date.
- 7.6.2 If interest is owing, Council will apply any payment made to interest and any balance of the payment to the principal amount.

8. AGREEMENT UNDER S 173 OF THE ACT

Without limiting or restricting the respective powers to enter into this Agreement, and insofar as it can be so treated, this Agreement is made as a deed in accordance with s 173 of the Act.

9. OWNER'S WARRANTIES

The Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

10. SUCCESSORS IN TITLE

Until such time as a memorandum of this Agreement is recorded on the certificate of title of the Subject Land, the Owner must require successors in title to:

- 10.1 give effect to this Agreement; and
- 10.2 enter into a deed agreeing to be bound by the terms of this Agreement.

11. GENERAL MATTERS

11.1 Land Registry

No plan of subdivision of the Subject Land or any part of it or instrument of transfer of the Subject Land or any part of it or mortgage or caveat or charge or priority notice relating to it or plan of consolidation affecting the Subject Land may be lodged at the Land Registry for registration, recording or approval until this Agreement has been lodged by or on behalf of the Council and recorded on the certificate of title to the Subject Land.

11.2 Notices

A notice or other communication required or permitted to be served by a Party on another Party must be in writing and may be served:

11.2.1 personally on the other Party;

11.2.2 by leaving it at the other Party's Current Address;

11.2.3 by posting it by priority prepaid post addressed to the other Party at the other Party's Current Address; or

11.2.4 by email to the other Party's Current Email.

11.3 Counterparts

This Agreement may be executed in counterparts, all of which taken together constitute one document.

11.4 Consent to electronic execution

Each Party consents to the signing of this Agreement by electronic means. The Parties agree to be legally bound by this Agreement signed in this way.

11.5 Amendment

The Owner acknowledges and agrees that the Owner is not entitled to any reimbursement or compensation if the Amendment is not approved.

11.6 No waiver

Any time or other indulgence granted by Council to the Owner or any variation of this Agreement or any judgment or order obtained by Council against the Owner does not amount to a waiver of any of Council's rights or remedies under this Agreement.

11.7 Severability

If a court, arbitrator, tribunal or other competent authority determines that any part of this Agreement is unenforceable, illegal or void then that part is severed with the other provisions of this Agreement remaining operative.

11.8 No fettering of Council's powers

This Agreement does not fetter or restrict Council's power or discretion to make decisions or impose requirements or conditions in connection with the grant of planning approvals, consents or certification of plans subdividing the Subject Land or relating to use or development of the Subject Land.

11.9 Inspection of documents

A copy of any planning permit, document or plan referred to in this Agreement is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

11.10 Governing law

This Agreement is governed by and is to be construed in accordance with the laws of Victoria.

12. GST

The Owner must pay any GST payable in respect to this Agreement or anything done in relation to it and must indemnify Council against any such GST.

13. COMMENCEMENT OF AGREEMENT

This Agreement commences when the Ministerial Notice is published.

14. ENDING OF AGREEMENT

This Agreement ends:

- 14.1 in relation to a Residential Lot, when the Residential Lot is created; and
- 14.2 one of the following occurs:
 - a. when the Parties have complied with all of their obligations under this Agreement;
or
 - b. by agreement between the Parties in accordance with section 177 of the Act; or
 - c. if the Amendment is abandoned by Council under the Act or if the Amendment lapses under the Act.

After this Agreement has ended, Council will, at the Owner's written request and at the Owner's cost, apply to the Registrar of Titles under s 183(1) of the Act to remove the recording of this Agreement from the title to the Residential Lots.

SCHEDULE 1 – DESCRIPTION OF PRECINCT 16 WEST LAND

The whole of the land described as:

41-59 Stephenson Street, Land in Plan of Consolidation 163945E Volume 09735, Folio 412
South Kingsville

SCHEDULE 2 – INFRASTRUCTURE PROJECTS

Description of Infrastructure Project*	Provision Trigger	Agreed Project Value
Upgrade existing road in Sutton Street, South Kingsville (including but not limited to new asphalt pavements, roundabout, stormwater drainage (from Blackshaws Road to Moresby Street, South Kingsville), concrete kerb and channelling, nature strip and footpaths) generally in accordance with the 'Stage 3 Works' shown in the Sutton Street Rehabilitation Drawings	Prior to the issue of a Statement of Compliance for Stage 3	\$303,323.00 indexed to the calendar year, as at the date of practical completion.
Pre-ultimate intersection upgrade (including signalisation) of Blackshaws Road / Sutton Street, South Kingsville intersection generally in accordance with the Pre-Ultimate Intersection Upgrade Drawings	Prior to the issue of a Statement of Compliance for the 150 th Residential Lot on the Precinct 16 West Land.	\$643,160.00 indexed to the calendar year, as at the date of practical completion.
Total Cost Of Infrastructure Projects		\$946,483.00 indexed to the calendar year, as at the date of practical completion.


SIGNING PAGE

Signed, sealed and delivered as a deed by the Parties

Signed sealed and delivered by Mr Arthur)
Vatzakis, Manager Planning, Building and)
Health on behalf of the **Hobsons Bay City**)
Council pursuant to the power delegated)
to that person by an Instrument of)
Delegation in the presence of:)



.....


.....
(Signature of independent adult witness)

ARTHUR VATZAKIS
.....
(name of signatory)

JESSICA LEANE
.....
Name of witness
(BLOCK LETTERS)

This document was witnessed by audio visual link in accordance with the requirements of s12 of the *Electronic Transactions (Victoria) Act 2000*.

EXECUTED by NEWPORT APARTMENTS)
VIC PTY LTD (ACN 154 781 094) in)
accordance with section 127 (1) of the)
Corporations Act 2001 (Cth))

Signature of Director

Henry G. Townsing

Full name

2401/70 DORCAS ST SOUTH BANK
Usual address VIC 3006

Signature of Director/Company
Secretary

(delete whichever is not applicable)

WAI HAN LOW

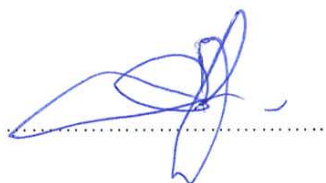
Full name

2401/70 Dorcas Str, Southbank VIC 3006
Usual address

This document was witnessed by audio visual link in accordance with the requirements of s12 of the *Electronic Transactions (Victoria) Act 2000*.

Mortgagee's Consent

National Australia Bank Ltd is the registered Mortgagee under instrument AL636812U and consents to the registration of this Agreement on the title to the Subject Land.



CIARAN O'GRADY
ASSOCIATE DIRECTOR
SIGNED UNDER POWER OF
ATTORNEY DATED 1 MARCH 2007

S/S/2022

This document was witnessed by audio visual link in accordance with the requirements of s12 of the *Electronic Transactions (Victoria) Act 2000*.