

Planning and Environment Act 1987

**FORMER PORT PHILLIP WOOLLEN MILLS
ADVISORY COMMITTEE**

**Report of the Advisory Committee
Pursuant to Section 151 of the Act**

10 MAY 2011

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John Keaney, Chair



Bob Evans, Member



Ann Keddie, Member

10 MAY 2011

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Abbreviations

BAE	BAE Systems Australia
BV	Bureau Veritas
CBD	Central Business District
DDO	Design and Development Overlay
DPO	Development Plan Overlay
DPCD	Department of Planning and Community Development
DPZ	Development Proximity Zone
EAO	Environmental Audit Overlay
EPA	Environmental Protection Agency
HBCC	Hobsons Bay City Council
HBPS	Hobsons Bay Planning Scheme
HSE	Health and Safety Executive
HO	Heritage Overlay
ILMS	Industrial Land Management Strategy 2008
kPa	Kilopascal
LPP	Local Planning Policy
LPPF	Local Planning Policy Framework (MSS/Local Planning Policies)
M2030	Melbourne 2030
MHF	Major Hazard Facility
MoH	Ministry of Housing
MSS	Municipal Strategic Statement
NPV	Nelson Place Village Pty Ltd
OHS	Occupational Health and Safety
PADHI	Planning Advice for Developments near Hazardous Installations
PEAC	Port and Environs Advisory Committee
PGTF	Port Gellibrand Tank Farm

PoM	Port of Melbourne
PoW	Preserve Old Williamstown
PPV	Planning Panels Victoria
PPWMAC	Port Phillip Woollen Mills Advisory Committee
QRA	Quantitative Risk Assessment
R1Z	Residential 1 Zone
Section 173	Legal Agreement – Section 173 <i>Planning and Environment Act</i>
SEPP	State Environment Protection Policy
SRA	Strategic Redevelopment Area
SW	Save Williamstown
SPPF	State Planning Policy Framework
SUZ	Special Use Zone
UK	United Kingdom
VPD	Vehicles per day
VPH	Vehicles per hour
WREIDS	Western Region Employment and Industrial Development Strategy
WNSRA	Williamstown, Newport and Spotswood Residents Association

Executive Summary

The former Minister for Planning approved Amendment C75 to the Hobsons Bay Planning Scheme in April 2010. This amendment rezoned the former Port Phillip Woollen Mills site on Nelson Place Williamstown from an Industrial 1 Zone to the Residential 1 Zone and applied an Environmental Audit Overlay. This site is owned by Nelson Place Village Pty Ltd (NPV) and is referred to as the NPV land.

Other nearby land was retained within either the Residential 1 Zone, Industrial 1 Zone or the Industrial 3 Zone.

There are two existing Design and Development Overlays affecting parts of the land (DDO4 and DDO8) restricting building height to 2 storeys (DDO4) and 3 storeys (DDO8). At present, a permit may not be granted for development to exceed these heights.

The NPV site abuts Point Gellibrand Coastal Heritage Park, which was the first point of European settlement in the Port Phillip Region. Accordingly the site and its surrounds are covered by several heritage overlays addressing historical use of the land as well as built form. The NPV land is directly affected by nine Heritage Overlays.

As part of Amendment C75, NPV provided Council with an indicative development proposal for the subject land which would yield 412 dwellings, including 328 apartments and 84 townhouses. The buildings in the indicative plan varied in height from three to thirteen storeys.

This proposal was not supported by Hobsons Bay City Council at its meeting on 1 December 2009.

Nevertheless, the former Minister for Planning rezoned the NPV land in April 2010 to the Residential 1 Zone.

An Advisory Committee (the 'Committee') was appointed by the former Minister for Planning on 27 May 2010 to advise on planning and urban design matters related to the proposed redevelopment of the NPV land and its surrounds. This wider area is referred to as the 'review land'.

The Terms of Reference of the Committee specify the following task:

The Advisory Committee is to assess the planning and built form/urban design opportunities for the subject land (Part Precinct 20 to the south of Nelson Place) taking into account:

- *The locational considerations of the subject land, the northern section of Precinct 20 and general surrounds;*
- *The appropriateness of the current planning framework and planning controls applying to the subject land (policy, design and development overlays, heritage overlays, responsible authority status) and*
- *The scope for varying the existing planning framework and planning controls in relation to the subject land, having regard to appropriate heights, setbacks, articulation, walkability, traffic, infrastructure impacts, heritage asset protection, acoustic and risk treatments, open space requirements and the need for development contributions.*

The Committee invited submissions from interested parties and it received 146 submissions (including late submissions) expressing an interest in the planning and urban design of the precinct having regard to the matters set out in the Terms of Reference.

The Committee is required to provide a report to the Minister for Planning on the appropriate form of planning controls for the subject land based on its consideration of the relevant issues canvassed in submissions.

Based on its assessment of submissions, the Committee makes the following comments on the key issues.

Planning Policy

The Committee notes that at the state and metropolitan level, the principles of *Melbourne 2030* encourage residential intensification within established residential areas to encourage more effective use of infrastructure including public transport, social and community facilities, activity centres and other services that improve the liveability of the city.

The Committee accepts that the proposal is consistent with this direction as it is located near an Activity Centre, within proximity of public transport and proposes development within the Council designated redevelopment area. A key strategic objective of sustainable development within Melbourne is to encourage a greater proportion of new dwellings at strategic redevelopment sites within established metropolitan urban areas, to reduce pressure for urban expansion.

The Committee accepts that the Industrial Land Management Strategy 2008 (ILMS) is the foundation local strategic document upon which the Committee can rely. The ILMS supports a mixed use residential development on the NPV site. It is apparent that the ILMS was a thorough analysis of the competing interests in relation to industrial land in the municipality and it has had wide ranging consultation.

The Committee therefore considers that state and local policy bring expectations of denser development of the review land. However, this expectation needs to be tempered by acknowledging the other policy constraints within the precinct including a working shipyard and other industries. The Committee does not think that the urban consolidation imperative of the planning scheme means that every site should be developed to its absolute maximum. The Committee agrees that **Clause 10.04** of the planning scheme does not mean 'development at all costs' especially in the context of other state directions which require consideration of a 'net community benefit'.

Site Context and Character

The Committee considers that the NPV site and the immediate area are in urgent need of urban renewal. The area was universally acknowledged as being of importance (in varying degrees) to Williamstown, Melbourne, Victoria and Australia. In that context, a disused industrial site housed in a bland utilitarian building opposite a large surface car park represents a very 'poor return' for a site of such significance.

The Committee accepts that despite the dominance of low scale Victorian buildings in Williamstown (mainly residential) the character of the immediate area is the sum of a number of quite disparate parts including:

- that Victorian built form;
- its seaside setting;
- the Hoddle grid with its wide streets;
- its maritime history that still manifests itself in a strong ship building presence;
- clear permeability throughout the suburb;
- the presence of some other industries which have a relationship with the maritime industry.

The Committee acknowledges that the design in the development plan adopts the characteristic typology of about a three storey built form around the street edges including Nelson Place, Kanowna Street and Ann Street. In that sense, the Committee accepts that the proposed 'podium base' to the design is characteristic of the area and is acceptable.

However, the Committee also agrees with many of the community submitters that there is a strong 'horizontal' theme to the built form on the Williamstown peninsula. This is brought about by a long established pattern of one and two storey houses set on wide streets. There is a spaciousness to Williamstown that is rarely found elsewhere in metropolitan Melbourne. Without question there are exceptions to this including industrial buildings, ship masts, and the MoH towers of the 1960s, but overall the Committee accepts those submissions that referred to the 'village' or 'country town' feel of Williamstown.

The Committee thinks that this horizontal characteristic of Williamstown can be accommodated on a very big and wide site such as this with heights greater than the existing allowable heights of two or three storeys. However, the Committee also thinks that beyond a certain height, that horizontal character will be lost. The Committee considers that beyond about 25 metres (and on a site of this width) buildings inevitably assume a more 'vertical' emphasis. In the view of the Committee this would be 'uncharacteristic' of Williamstown and would be in conflict with the 'village' feel of the suburb.

The Committee therefore concludes that a strong podium base with some taller and spaced elements will respect the site context and neighbourhood character of Williamstown.

Heritage

The Committee considers that the relative isolation of the NPV site and its location at the edge of Williamstown gives it a lower 'redevelopment' sensitivity than other sites in Williamstown. On this basis, a more robust urban design solution can certainly be considered. In other words, within its heritage context, this is one of the few sites in Williamstown that provides an opportunity for a higher built form which does not impact on the undeniable but different heritage qualities of other parts of Williamstown.

The Committee considers that any proposal should be able to meet the heritage challenges in the planning scheme so as to become a valued addition to Williamstown. With respect to heritage, the Committee concludes that:

- development *per se* will not diminish the heritage values of the Government Survey Heritage Precinct or Williamstown at large;
- heritage issues are not determinative in generating urban design and built form outcomes for this site. The site will inevitably generate a scale and type of development atypical of, say, Cecil Street; and
- the *Guidelines for Infill Development in Heritage Areas in Hobsons Bay* are useful where detailed design is proposed, and should be referred to in the control for the land.

Buffer from hazardous facilities

The Committee has adopted a precautionary yet pragmatic approach to the critical safety issue of an appropriate displacement from the Point Gellibrand Tank Farm. The Committee has adopted the WorkSafe Advisory Note of September 2010 as the most appropriate guide. The Committee is reluctant to ignore the advice of the state government agency that has responsibility for Major Hazard Facilities. The WorkSafe Advisory Note was only published in September 2010 and it reflects the most up to date analysis of overseas experience including the devastating 'Buncefield' incident in the United Kingdom.

The Committee can only support a reduced level of residential development within the WorkSafe 'outer area' along the eastern edge of the site. Specifically, the Committee is of the view that the 'balanced' outcome with respect to the safety issue is that of lower density development along the Kanowna Street frontage. Any higher built form should be located entirely to the west of the WorkSafe 'outer area' buffer.

Interface with non-residential uses – Noise

The Committee accepts that the 'reverse buffer' principle is already embedded in the Hobsons Bay Planning Scheme at Clause 21.06-3. The Committee agrees that measures will be needed to ensure that new residential development on the NPV site is in compliance with SEPP N-1 to protect noise. It also agrees with NPV that a testing and compliance regime needs to be included in any planning control and that it would be its responsibility to build the development in accordance with those controls.

The Committee sees no need for BAE Systems Australia (BAE) to be a 'referral authority' for future applications as there will be an agreed position, reflected in the planning control, as to the standards that are to be met for any future development on the site. That said, the views of BAE should be considered as part of any future application.

Interface with non-residential uses - Air Emissions

The Committee considers that the operations at Mobil and BAE will not be a threat to the air environment at the NPV site.

Traffic, parking and public transport

The Committee is satisfied that the traffic and parking issues associated with the NPV development have been adequately addressed subject to inclusion of parking requirements and infrastructure upgrades being specified in the planning control.

In particular, the Committee is satisfied that the traffic generated by the proposed development can be adequately catered for without placing undue stress on the local and regional road network.

Social infrastructure

The Committee acknowledges the community concerns about the 'near capacity' provision of social infrastructure in Williamstown. While this is clearly a pressing local issue, the Committee considers that this is little different from other parts of metropolitan Melbourne. State and local government are responsible for the provision of such infrastructure, not individual ratepayers. The Committee is heartened by the degree to which Hobsons Bay City Council is identifying and quantifying its community needs. The Committee is mindful of the need for affordable housing across Melbourne and urges the Minister for Planning to consider statutory innovations such as 'inclusionary zoning' to help redress this pressing issue.

Urban Design and Built Form

In the context of its consideration of the characteristics of the area, the Committee considers that buildings up to 15 storeys as proposed on the NPV site would offend the flat and horizontal nature of the Williamstown peninsula. This is a strong and defining characteristic of this part of Williamstown. The Committee believes that this is determinant to its assessment. Whatever the design or the new character for the site, elements of 15 storeys would be discordant in the South Williamstown setting. The Committee accepts a 'podium' base of at least 10 metres, above which four taller elements of no more than 25 metres are appropriate.

Responsible Authority status

All parties agreed that the site is important and the Committee thinks that the Minister for Planning must take responsibility for the ultimate decision. The Committee therefore considers that the Minister for Planning should be the Responsible Authority for deciding whether or not to grant a permit. There should be no avenue for review from his decision provided to any party other than the applicant.

Planning control options

The Committee accepts that when contemplating the choice between a Development Plan Overlay (DPO) and a Design and Development Overlay (DDO), the question to be asked is '*...does the future development of this land require further third party scrutiny?*'. The Committee does not consider that there is sufficient definition in the plans provided for any third party to have the confidence to know exactly what is proposed.

The Committee is concerned that NPV's desire for flexibility disqualifies the DPO option as that option could only ever be contemplated if there was such a level of certainty in the plans and such a level of public ventilation of those plans as to warrant excluding third parties. There is no such certainty in this proposal.

However, given that the redevelopment of the NPV land has been explored for a number of years, the Committee accepts that a more refined version of public consultation is appropriate. The Committee will specify in the planning control those parties whom the Minister for Planning (as Responsible Authority) must seek 'the views of' in determining the matter.

The Committee has analysed the use of mandatory height controls in new format planning schemes and a large number of panel reports which have addressed this issue. While the common theme in all of these reports is that mandatory controls are the exception, such exceptions are certainly evident within the Victorian system and are typically to be found in areas of consistently high heritage value, strong and consistent character themes, or in sensitive environmental locations such as along the coast. In the view of the Committee this part of Williamstown is one such area.

Zoning of the land

The Committee notes that while many submissions have opposed the rezoning of the land to Residential 1 (preferring a Mixed Use Zone), it is clear that its Terms of Reference specify that this is not part of its tasks. However, the findings of the Committee on the issues of risk, safety and interface as discussed in this report logically raise doubts as to the zoning of the land.

The Committee notes that one of the most defining elements in its consideration is the WorkSafe Advisory Note which was only issued in September 2010, about five months after the decision to rezone the land to residential. Armed with that advice, and mindful of its other recommendations, it seems to the Committee that an alternative outcome might have been for a 'skin' of lower intensity commercial premises facing onto Kanowna Street and possibly parts of Nelson Place adjacent to the Titanic theatre restaurant. These premises could include some small retail, community, commercial or health related facilities.

The Committee appreciates that these observations are outside its Terms of Reference but it brings them to the attention of the Minister for Planning in light of the numerous submissions on this issue and on the change in circumstances since the land was rezoned.

Planning controls on other land in Precinct 20

The Committee is to review planning and urban design matters related to the proposed redevelopment not only of the former Port Phillip Woollen Mills site but also of land to the south of Nelson Place known as 'Precinct 20'. The Committee considers that all of the 'review land' (other than the NPV site and the Titanic site) be rezoned to Residential 1. The Committee also considers that the Titanic site should be rezoned to Business 1. The Committee also considers that an Environmental Audit Overlay and a Design and Development Overlay be applied to all of the review land.

Changes to other parts of the Hobsons Bay Planning Scheme (HBPS)

The most significant recommendation of the Committee (in a planning control sense) is for a modified DDO which is already addressed in the Municipal Strategic Statement (MSS). The Committee is satisfied that any other consequential changes can be left until the next routine review of the Hobsons Bay Planning Scheme. The only exception to this is the need to delete Character Area No. 5 in **Clause 22.10** from all of the review land so that the preferred character statement does not apply to the NPV site and its abuttals given that a 'new character' will emerge from this redevelopment.

Other Amenity Impacts

The Committee is satisfied that there will be limited off-site amenity affects of the proposal. The Committee rejects those submissions claiming that the winter solstice was the appropriate sunlight test. In a settled urban area, concepts of 'balance' and 'acceptable outcomes' are enshrined in the *Planning and Environment Act* and the Hobsons Bay Planning Scheme. These concepts are fundamental to sound and orderly planning. The Committee believes that the equinox sunlight test best balances the reasonable expectations of residents and the demands of urban consolidation.

Design Panel

The Committee sees great merit in an independent overview of a project of this size, irrespective of the planning mechanisms employed to deliver it. The Committee has included reference to the Design Panel in its modified planning control.

Coastal Sea Rise

The Committee agrees with Council that coastal sea rise is an important matter that should be addressed at the planning permit stage. On this basis, the Committee will include the requirement for a Coastal Hazard Vulnerability Assessment to form part of the planning control.

Tourism

A number of submitters advised that many of the traffic and parking ills of Williamstown were due to its tourist destination. This is brought about by the coastal park, the attraction of Nelson Place eateries and the new Seaworks project nearby. The Committee considers that the redevelopment of the review land will not hinder the tourist potential of the area especially as on-site car parking is adequately catered for on the NPV site.

Process

The Committee envisages the following planning process:

- The Minister for Planning be the Responsible Authority for all of the review land.
- The review land be included in the Residential 1 Zone, other than the Titanic Restaurant site which is to be rezoned to Business 1.
- The NPV land be included in a new DDO.
- The DDO be extended to all other sites in the precinct.
- The new DDO will trigger a buildings and works permit.
- The new DDO will contain a 'Design and Development Plan' and 'Built Form Outcomes' for the five precincts within the review land.
- The new DDO will contain mandatory height controls which cannot be exceeded in any of the precincts.
- The new DDO will list all of the parties whose 'views' the Minister will seek including Hobsons Bay City Council, Port of Melbourne, BAE, EPA, Mobil, WorkSafe, adjoining and abutting landowners.
- The new DDO will require that the Minister for Planning establish a Design Review Panel set up in accordance with Development Assessment Committee (DAC) protocols and made up of:
 - the State Architect (or nominee) who will Chair the Panel;
 - proponent representatives (two architects/urban designers);
 - Council representatives (two parties one of whom has expertise in urban design and/or architecture);
 - community representatives (two parties one of whom has expertise in urban design and/or architecture); and
 - Department of Planning and Community Development (DPCD) representatives (two parties both of whom have expertise in urban design and/or architecture).
- The Design Review Panel is to directly report to the Minister for Planning within a time frame to be determined by the Minister.

- The only right of review of a decision of the Minister for Planning will be for refusal (under Section 77 of the Act) or against conditions (under Section 80 of the Act).

Finally, the Committee refers to the three specific tasks in its Terms of Reference and it makes the following comments in respect of each of them:

Task 1: The locational considerations of the subject land, the northern section of Precinct 20 and general surrounds.

This is a precinct urgently in need of redevelopment and some form of a residential outcome is the best use of the land. The site has a peculiar mix of interfaces ranging from robust industrial built form on one side, to an open air car park on another, to a windswept coastal park of undoubted historic significance, to low rise Victorian cottages and to modern residential town houses. The same precinct hosts a working shipyard of state significance, a crude oil tank farm, a late night entertainment venue, remnant light industrial uses and an attractive residential neighbourhood.

The Committee concludes that that locational context lends itself to a denser form of development than currently allowed by the existing planning controls.

Task 2: The appropriateness of the current planning framework and planning controls applying to the subject land (policy, design and development overlays, heritage overlays, responsible authority status).

The existing choice of planning control applying to the precinct is considered appropriate. That said, the detail of the DDOs need substantial modification to accord with the other Committee recommendations. The Committee considers that the DDO is the best tool to apply to influence the built form outcomes suggested by the Committee. The DDO enables standards and requirements to be specified including height, setbacks and application requirements.

A DPO as suggested by NPV is not an option for the Committee. Given that the lack of precision in the design outcomes, the Committee concludes that parties will be disenfranchised from a proposal about which they presently do not have enough information. The existing heritage overlay is appropriate to retain although Council should reconsider this when next reviewing its planning scheme. The Committee suggests that there will need to be some minor consequential changes to Clause 22.10.

The Committee supports the Minister for Planning being the Responsible Authority for the assessment and decision on the ultimate development of the review land.

The Committee concludes that that the existing planning controls on the site be retained in a modified form with the Minister for Planning as the Responsible Authority.

Task 3: The scope for varying the existing planning framework and planning controls in relation to the subject land, having regard to appropriate heights, setbacks, articulation, walkability, traffic, infrastructure impacts, heritage asset protection, acoustic and risk treatments, open space requirements and the need for development contributions.

Having considered appropriate heights, setbacks, articulation, walkability, traffic, infrastructure impacts, heritage asset protection, acoustic and risk treatments, open space requirements and the need for development contributions, the Committee supports redevelopment of the NPV site. Its preference is for development of between 10 and 13 metres in height along Nelson Place and Kanowna Street; with development of up to only 10 metres on the more sensitive Ann and Cecil Streets. Within the NPV site, the Committee supports development of up to 25 metres but such development must be outside the WorkSafe 'outer advisory area'. Buildings must also be treated with sound attenuation measures to address the nearby working shipyard.

The Committee supports the concept of a series of laneways running through the site to improve permeability and it suggests that 'open' areas be provided on the public realm around the site to help emphasise important places of gathering. The Committee supports a community infrastructure levy of \$900/dwelling, a community meeting room of 100m² and a small convenience shop. The Committee considers that at the time of subdivision, the 5% site area open space levy be totally applied to the adjoining heritage coastal park.

The Committee concludes that a development in accordance with these parameters will be generally consistent with the foundation strategic research for this area as expressed in Council's Industrial Land Management Strategy 2008. Such an outcome will make a substantial contribution to metropolitan urban consolidation policy while protecting character, safety, amenity and industrial interfaces.

The Committee thanks all parties for their submissions and presentations.

The Committee especially thanks its project officers Ms Eastaugh and Ms Cutting for their assistance throughout the process.

The Committee is particularly grateful to the City of Hobsons Bay for its assistance in hosting numerous days of the hearing.

Part 1 – Introduction

1. Background

1.1 The Advisory Committee

An Advisory Committee (the 'Committee') was appointed by the former Minister for Planning under to Section 151 of the *Planning and Environment Act 1987*. The Committee was asked to review planning and urban design matters relating to the proposed redevelopment of the former Port Phillip Woollen Mills, Nelson Place in Williamstown. The Committee was also asked to review planning and urban design matters relating to the land to the south of Nelson Place, within Precinct 20 as identified under the *Hobsons Bay Industrial Land Management Strategy 2008*.

The Committee consisted of:

- Chairperson: John Keaney (with expertise in statutory and strategic planning);
- Member: Ann Keddie (with expertise in architecture, urban design and heritage); and
- Member: Bob Evans (with expertise in civil engineering and urban planning).

The Committee was greatly assisted by its project officers, Ms Briana Eastaugh and Ms Jessica Cutting.

Terms of Reference

The Committee's Terms of Reference require it to assess, among other things, the planning and built form/urban design opportunities for the subject land (Part Precinct 20 to the south of Nelson Place) taking into account:

- The locational considerations of the subject land, the northern section of Precinct 20 and general surrounds;
- The appropriateness of the current planning framework and planning controls applying to the subject land (policy, design and development overlays, heritage overlays, responsible authority status); and
- The scope for varying the existing planning framework and planning controls in relation to the subject land, having regard to appropriate heights, setbacks, articulation, walkability, traffic, infrastructure impacts, heritage asset protection, acoustic and risk treatments, open space requirements and the need for development contributions.

The review land is located towards the eastern end of the Williamstown peninsula and is about 7.5 kilometres south-west of the Melbourne Central Business District.

While the review land does not strictly align to the north, for ease of reference throughout this report, the Committee will refer to Nelson Place as being to the north, Kanowna Street to the east, Ann Street to the west and Cecil Street to the south.

The review land contains a mix of the Residential 1 Zone, the Industrial 1 Zone and the Industrial 3 Zone. There are two existing Design and Development Overlays affecting parts of the subject land, DDO4 and DDO8. These overlays restrict building height to two storeys (DDO4) and three storeys (DDO8). At present, a permit may not be granted for development to exceed these heights.

The review land is also directly affected by the following Heritage Overlays:

- HO1 – Cecil Street Precinct
- HO8 – Government Survey Precinct
- HO35 – the former Port Phillip Stevedore Club Hall
- HO43 – the former Telegraph Hotel
- HO162 – the former Britannia Hotel
- HO210 – the former Prince of Wales Hotel
- HO211 – the former Oriental Hotel

The land abuts Point Gellibrand Coastal Heritage Park, which was the first point of European settlement in the Port Phillip Region. Accordingly, the review land and its surrounds are covered by several heritage overlays addressing historical use as well as built form.

The land uses on and surrounding the precinct include:

- Disused industrial land being the former Port Phillip Woollen Mills site.
- The BAE shipbuilding facility to the north, over Nelson Place.
- A combination of industrial and some residential development on Aitken Street.
- Victorian era residential development on Cecil Street to the south.
- The Titanic Theatre Restaurant on the north west corner of Nelson Place and Kanowna Street.
- A large triangular open lot car park to the east of Kanowna Street, currently owned and utilised by BAE.
- The Point Gellibrand Coastal Heritage Park is further east.

- The Mobil Tank Farm (MTF) at Point Gellibrand about 300m to the north east which hosts a number of crude oil storage tanks.

1.3 Amendment C75

On 27 March 2009, Hobsons Bay City Council (HBCC) received a request for a planning scheme amendment from Nelson Place Village Pty Ltd. The amendment (Amendment C75 to the Hobsons Bay Planning Scheme), proposed to:

- Remove the existing Design and Development Overlays, DDO4 and DDO8;
- Rezone land at 3-59 Nelson Place, part of 2-10 Nelson Place (located along Kanowna Street) and 16-20 Kanowna Street from an Industrial 1 Zone (IN1Z) and Special Use Zone 5 (SUZ5) to Residential 1 Zone (R1Z);
- Introduce a Development Plan Overlay 1 (DPO1 – *Former Industrial Area, Nelson Place, Williamstown*) to control the redevelopment of the site; and
- Apply an Environmental Audit Overlay (EAO) to address the contamination and remediation of the site.

As part of the request, the proponent submitted amendment documentation and planning related reports in support of Amendment C75.

At its meeting on 1 December 2009, HBCC resolved not to support the preparation and exhibition of Amendment C75. Its basis for rejection included inconsistencies with the State and Local Planning Policy Framework; failure to justify the removal of DDO4 and DDO8; and failure to address protection of the adjoining state significant port and ship building operations.

The Council report of December 2009 acknowledged that the proposed rezoning of the site to a residential zone was supported by a number of strategies and polices as set out within the Hobsons Bay Planning Scheme. Further, the report considered it worthwhile that further options for the redevelopment of the site be explored and that NPV be given an opportunity to respond to the issues.

On 1 April 2010, the former Minister for Planning approved Amendment C75 under section 20(4) of the *Planning and Environment Act 1987*. The Explanatory Report for the Amendment noted that it was prepared by that Minister for Planning at the request of Nelson Place Village Pty Ltd. Through Amendment C75, the former Port Phillip Woollen Mills site was rezoned to Residential 1 Zone and an Environmental Audit Overlay was applied. Amendment C75 made no changes to the existing Design and Development Overlays or the Heritage Overlay controls affecting the site.

On 27 May 2010, the former Minister for Planning appointed this Advisory Committee to assess the planning, built form and urban design opportunities for the subject land.

1.4 The Development Plan

The Terms of Reference state that a review of the residential rezoning did not form part of the Committee's tasks. The Terms of Reference also made it clear that the Committee was not to consider a specific proposal. That said, the development plans of August 2010 were available for all of the parties to comment on and a brief summary of those plans was provided by Mr Clarke, on behalf of NPV, as follows:

The main features of the proposal will be the comprehensive redevelopment of the site to provide some 451 new dwellings comprising 350 apartments in four higher density buildings and 93 three-storey townhouses.

It is contemplated that the former Williamstown Hotel will be retained in part.

A number of new public streets are proposed to be created to connect with the surrounding street network.

Four apartment buildings are proposed known as Buildings 1-4. Building 1 will extend to 3 storeys at both its street frontages commensurate with the former Williamstown Hotel facade which will serve as a podium above which a further 4 storeys (total: 7 storeys) are proposed.

Building 2 is to be located centrally within the site between a new local street parallel to and south of Nelson Place. It will extend to a total height of 9 storeys (including a 2 level podium).

Buildings 3 and 4 front Kanowna Street. Building 3 comprises 13 storeys (including a 3 level podium) whilst Building 4 comprises 9 storeys (including a 3 level podium).

To implement this into the Hobsons Bay Planning Scheme, NPV proposes to remove the existing Design and Development Overlays from the land (DDO4 and DDO8) and to replace them with a Development Plan Overlay 1 (DPO1 – *Former Industrial Area, Nelson Place, Williamstown*) to control the redevelopment of the site.

2. Procedural Issues

2.1 Notification

As noted, the Committee was appointed by the former Minister for Planning on 27 May 2010.

Public notices regarding the Committee process were placed in state-wide periodicals on 24 July 2010 and local periodicals in the week commencing 26 July 2010. Notification letters were also sent directly to all parties listed in the Terms of Reference. A webpage dedicated to the Committee process was established on the Department of Planning and Community Development website.

The Committee received 146 submissions (including late submissions).

Council conveniently summarised the opposing submissions as raising the following issues:

- Excessive heights proposed are inappropriate for the site and its surrounds which will result in a threat to the aesthetic and cultural heritage of the site (including Aboriginal) and the suburb in general;
- Impact on social infrastructure and services such as childcare, medical services and schools, which are perceived to be at capacity;
- Impact on increased traffic congestion in the municipality, including the wider road network;
- Increase in parking issues within the vicinity of the site;
- Detriment to amenity due to anticipated increase in overshadowing and overlooking, particularly for Cecil Street;
- Detriment to existing views and vistas;
- Detrimental impact on Point Gellibrand Coastal Heritage Park;
- Inappropriate buffers between the existing Mobil tanks and the site;
- Implications on the operations of BAE which may result in unreasonable restrictions being placed on the industrial operations of BAE and result in economic ramifications;
- Creation of conflicting land use interfaces with State Significant Industries including Port of Melbourne (PoM) and BAE, thereby resulting in anticipated increase in future residential complaints which would lead to adverse impacts on the ship building operations of BAE and on the operations of the PoM;

- Negative implications on tourism which would lead to a detriment to the economic viability of the area;
- Potential for a precedent for future development to be set; and
- Access to public transport and the unreliability of the current service.

2.2 Hearings and Inspections

The Committee held a Directions Hearing on 13 September 2010 which was adjourned at the request of some submitters so as to enable further consideration of a number of issues.

A second Directions Hearing was held on 10 November 2010. In a letter dated 17 November 2010, the Committee outlined the outcomes of the second Directions Hearing and directed, among other things, that the hearing would commence on 10 February 2011. The Committee's directions included a request for further information to be supplied by some of the parties including Council, Nelson Place Village (NPV), Mobil, Government Agencies and others.

The Committee Hearings were held over 15 sitting days from Thursday 10 February 2011 until Friday 4 March 2011 at the offices of Planning Panels Victoria and the Altona Civic Centre.

The Advisory Committee inspected the site and surrounding areas, making accompanied visits to the following locations:

- The Titanic Hotel, on 10 December 2010 from approximately 9pm until about 10.30pm.
- The Gellibrand Pier, on 12 January 2011 from approximately 1.00pm until 3.00pm.
- The site and surrounds on 4 March 2011 from approximately 3.00pm to 4.30pm.

The Committee undertook numerous other inspections of the site and area as a group and individually.

2.3 Submissions

The Committee has considered all 146 written and oral submissions and all material presented to it in connection with this matter.

The Committee heard from the parties listed in Table 1.

Table 1 - Parties

Submitter	Represented By
Hobsons Bay City Council (HBCC)	Ragu Appudurai of Russell Kennedy assisted by Natalie Walker and Kathleen McClusky and others of Hobsons Bay City Council.
Nelson Place Village Pty Ltd (NPV)	<p>Jeremy Gobbo QC and Paul Connor of Counsel instructed by Mark Naughton of Planning & Property Partners Pty Ltd who called the following witnesses:</p> <ul style="list-style-type: none"> ▪ Andrew Clarke, Planning, Matrix Planning Consultants ▪ Stuart McGurn, Planning, ERM Australia ▪ Bryce Rayworth, Heritage, Bryce Rayworth Pty Ltd ▪ Mark Sheppard, Urban Design, David Lock and Associates ▪ Tim Biles, Urban Design, Message Consultants ▪ Mike Stokes, Landscape Architecture, Tract ▪ Christian Griffith, Traffic Impact, GTA ▪ Christopher Goss, Visual Amenity, Orbit Solutions ▪ Robert Burton, Acoustic, Burton Acoustic Group ▪ Dr Terry Bellair, Amenity Buffer, Environmental Science Associates ▪ Mark Jarman, Risk Assessment, Bureau Veritas ▪ Robert Panozzo, Social Impact, ASR Research
Port of Melbourne Corporation (PoM)	Peter O'Farrell of Counsel instructed by John Carey of Minter Ellison
WorkSafe	Geoffrey Cooke, Acting Manager – Major Hazards, Hazard Management Division
Environment Protection Agency (EPA)	Quentin Cooke and James Nancarrow

Submitter	Represented By
Mobil Refining Australia Pty Ltd (Mobil)	<p>Peter Willis of Counsel instructed by David Hope of Middletons who called the following witnesses:</p> <ul style="list-style-type: none"> ▪ Lachlan Dreher, Risk Assessment, R4Risk <p>Mobil also circulated the expert witness statement from the following:</p> <ul style="list-style-type: none"> ▪ Christophe Delaire, Acoustics, Marshall Day
BAE Systems Australia (BAE)	<p>Nick Tweedie and Emma Pepler of Counsel instructed by Meg Lee of Allens Arthur Robinson who called the following witnesses:</p> <ul style="list-style-type: none"> ▪ Liz Hui, Acoustics, Marshall Day ▪ Marco Negri, Planning, Contour
Save Williamstown (SW)	<p>Ms C. Gaud, Ms P. Toop and Ms S. Orange, Working Group Members of SW who called the following witnesses:</p> <ul style="list-style-type: none"> ▪ Andrew Davidson, Architectural ▪ Dr Ken Marriott, Community Consultation and Recreation Open Space Planning ▪ Captain William Korevaar, Shipping Safety <p>Save Williamstown also circulated the expert witness statement from the following:</p> <ul style="list-style-type: none"> ▪ Dr Jan Hayes, Safety and Risk Assessment.
C. Gaud and K. Marriot	
Preserve Old Williamstown (PoW)	Ms P Toop
S. Orange	
G. Powick (Point Gellibrand Park Association)	
Williamstown, Newport and Spotswood Residents Association (WNSRA)	David Williams, Gareth Friday, Bill Pride and John Power
Wade Noonan MP, Hon Joan Kirner and Shelley Penn	<p>Wade Noonan MP, Joan Kirner and Shelley Penn who called the following witnesses:</p> <ul style="list-style-type: none"> ▪ Rob Milner, Planning, 10 Consulting Group
G. Mercieca	

Submitter	Represented By
National Trust	Dr C C Curtain, Secretary Inner West Branch
Titanic Restaurant	Mr P Chiappi of Counsel instructed by Andrew Gray of ARG Planning
Aitken/Ann Street Landowners	Andrew Gray of ARG Planning
J Hosking and V. Green	
N Hoadley	
A Davidson	
C Lockey	
S Hicks	
C Kelsall	
G Tucker	
R and V Coghill	
E McKeag	

A list of all submitters is included in Appendix 2.

2.4 Preliminary Matters

A number of preliminary issues arose before and during the hearing which the Committee wishes to briefly comment on.

2.4.1 Port and Environs Advisory Committee

The first Directions Hearing on 13 September 2010 was adjourned with the consent of most parties pending further discussions that revolved around the deliberations of the Ministerial Ports and Environs Advisory Committee (PEAC). The Committee understands that that PEAC Committee has reported to the Minister for Planning but that the report is not yet released.

The PEAC was established by the former Minister for Planning to consider matters relating to the Port interfaces around Victoria. A PEAC discussion paper dated March 2010 noted that there was a need to address Port interfaces with surrounding land uses. The use of 'reverse buffers', zoning and/or overlay controls was discussed at the PEAC.

Submissions to the PEAC were made by the Port, Mobil, WorkSafe, Council, NPV and Save Williamstown. Key stakeholders also participated in a round table discussion about some of the key interface issues raised in the Discussion Paper. A report to the former Minister for Planning was completed at the end of 2010 but to date the report findings have not been

made public. The report has also not been made available to this Committee. Council thinks that it is likely that the report will provide some direction on how some of the interface issues between the Port, BAE and Mobil can be managed including future planning controls that may impact on the future development of this land. Save Williamstown (among others) considered that the Committee hearings should be delayed until the PEAC report was available.

The Committee decided not to delay the hearings pending the outcome of the PEAC report.

2.4.2 Adjournment requests

Save Williamstown raised a number of issues in correspondence to the Committee dated 5 February 2011 and requested that the hearings be deferred pending resolution of these issues. This request was forwarded to other parties on 8 February 2011 so as to enable them to consider and respond. These issues include (and have been grouped for convenience):

Impact of Government and Policy Changes

Save Williamstown asked the Committee to respond to the following issues?

- What impact does the change of Government have on the Port Phillip Woollen Mill Advisory Committee? Is the Port Phillip Woollen Mill Advisory Committee (PPWMAC) covered by the Premier's Media statement above, and if not why not?
- Uncertainty as to what Save Williamstown's responsibilities are in their presentation re Community Safety and Risk in the Gellibrand Peninsula in representing the views of emergency service and other agencies vis a vis what was said at the November Directions Hearing.
- Failure to address issues of concern to the community in formal reports which the committee will rely upon.

In the view of the Committee, these were all matters for submissions which go to the substance of the matter before it and are not preliminary in nature. The Committee noted that there was extensive evidence on planning policy from some parties and this is clearly a matter for it to address including any recent changes to planning policy. As for the adequacy of the safety risk or the adequacy of the traffic material, the Committee was again satisfied that it would be hearing extensively on this issue.

The Committee noted that Save Williamstown was welcome to raise any concerns that it had with any of the reports during its submission to the Committee as well as question the expert witnesses.

Finally, the Committee noted that neither it nor Planning Panels Victoria (PPV) had received any direction from the new Minister for Planning, the Hon Matthew Guy, that the Advisory Committee should be adjourned.

Problems with the website

Save Williamstown asked the Committee to respond to the following issues:

- Removal of Submissions from the Port Phillip Woollen Mill Advisory Committee website. Has the Committee considered the impact on persons presenting at the hearings?
- Many errors on the Port Phillip Woollen Mill Advisory Committee website.

The Terms of Reference require the Committee to *“retain a library of any written submissions or other supporting documentation provided to it, which must be available for public inspection up to the end of the last day of the hearing”*.

Hard copies of all submissions were made available at the Hobsons Bay City Council Offices and its libraries (as well as at PPV). The use of the website was in addition to this library of information. Any party unable to get copies of documents from the website was able to contact Ms Cutting, the Committee’s project officer.

The Committee understands that a renewal of the web site was undertaken by DPCD in November 2010 quite separate from the issue of a change in government.

The Committee acknowledges that copies of all submissions were taken off the site at this time however the submissions were removed well after the second directions hearing and well after parties had advised that they wished to be heard. The Committee confirmed that at all times, hard copies were available at the Council offices, Council libraries and at PPV.

As indicated on the web site, Ms Cutting was always available to respond to any queries and a number of parties took up this opportunity to obtain copies of submissions including one request for a CD copy of all submissions.

The Committee is therefore satisfied that no party was disadvantaged in terms of making their submissions or responding to our Terms of Reference.

Email

Save Williamstown asked the Committee to respond to the following issue:

- Reliance on email for distribution of formal documents relating to the Port Phillip Woollen Mill Advisory Committee procedures.

It is common practice to now use email. The Committee mentioned this at the second directions hearing and numerous parties advised of their email address. As a result, the Committee compiled a distribution list following the Directions Hearing on 10 November 2010. Subsequent actions which were distributed to the parties on that list included:

- 17 November 2010 - Directions Hearing and Timetable.
- 21 January 2011 – Updated with New Timetable and Further Information Request.
- 2 February 2011 – Updated with Expert Witness Reports.
- 3 February 2011 – Letter to all parties regarding recording of the hearing.
- 5 February 2011 – Note concerning consumptions of food and drink in the Council Chamber at Altona.

The Committee is satisfied that the email system has been used extensively and notes that many submitters have similarly used email extensively to contact Ms Cutting.

Plans

Save Williamstown asked the Committee to respond to the following issue:

- What indicative development plans are being considered by the Advisory Committee? Will the PPWMAC be referring to the developer's August 2009 documents which were available during the whole submission period or the developer's August 2010 documents which were not available until the final day of the submission period?

The Terms of Reference for this matter require the Committee to consider the *"planning and built form/urban design opportunities for the subject land"*. The Committee is not considering a specific development proposal but must provide a report on the appropriate form of planning controls for the subject land based on its consideration of the relevant issues that are canvassed in submissions.

Notwithstanding this, NPV decided to provide a preferred development option contained in the Outline Development Plan (August 2009) which formed part of the exhibition documents. The exhibited documents were available on the DPCD website and hard copies were made available at the Council Offices and various libraries.

The written submission from NPV (Submission No. 12) included a modified Development Plan and Visual Analysis dated August 2010. The Committee was advised that this was the document which it wished to rely upon at the hearing.

Nevertheless there was some confusion among the parties as to the date and the status of plans lodged by the proponent. The Committee is not making a recommendation on any plans but is providing advice to the Minister for Planning on a package of planning controls. The Committee is not considering a specific proposal.

NPV made submissions in August 2009 that were assessed and rejected by Council. As part of its consultation process in July 2010, the Committee instructed those plans and accompanying reports to be placed on the website as these had already been in the public domain. NPV then made its submission to the Committee and in August 2010 indicated in its submission that it would now rely on modified indicative plans.

The Committee wishes to make it clear that no plans before it have any formal status but are an indication of how the site might be developed. This is part of the transparent process that the Minister for Planning initiated so that all parties could have something to which they could respond.

Timing

Save Williamstown asked the Committee to respond to its suggestion that insufficient time had been allowed for the preparation of its case, especially given the time of year and the holiday period.

The Committee believes that more than sufficient time had elapsed since the Directions Hearing on 10 November 2010 to allow parties to prepare for the Hearing. The circulation of Further Information and Expert Witness Statements exceeded the normal requirements of 5 working days before the commencement of the hearing.

There was a period of eleven weeks from the second Directions Hearing to the full hearing which the Committee thinks is more than sufficient time for the parties to organise themselves and to arrange their experts.

Assistance for hearing impaired

The Committee received a request from two parties who advised that they had hearing disabilities.

By letter of 3 February 2011, the Committee advised that it was more than happy to provide assistance to any people with a hearing impediment during the proceedings. To this end, Planning Panels Victoria installed a permanent Hearing Loop in Hearing Room 1 at Planning Panels Victoria. Similarly, the City of Hobsons Bay also arranged for a portable Hearing Loop to be available in the Council Chamber. The Committee appreciates the assistance

of Council on this issue. Individual arrangements were made with the affected parties to ensure that their aids and the hearing loop are aligned.

The request also suggested that the hearings be recorded to assist those with a hearing impairment. While it is not common practice to record the Hearing, the Committee indicated in the letter of 3 February 2011 that it did not object in principle to a recording being produced.

Having considered submissions on this issue, the Committee indicated that it would record the hearings at no cost to any party. One digitised copy would be made available as soon as practicable. The expressed written conditions which the Committee imposed on the use of the recordings were similar to those previously used by PPV including:

- the person requesting the recording must make the request in person at the commencement of the day's hearing and that person must be present for the duration of the day;
- a master copy will be signed by the Chair as the official version of the recording and this will be kept by the Committee;
- the recording is not to be used for any purpose other than the personal use of the party;
- no further copies of the recording are to be made;
- the recording is not to be broadcast or quoted or disseminated in the media or in any way other than with the expressed permission of the Chair;
- any transcript of the recording can only be made with the consent of the Chair and is to be at the cost of the party undertaking the transcript; and
- any copy of the transcript is to be made available to the Committee and to any other party requesting it at no cost.

Notice to submitters

On Day 8 of the hearing (22 February 2011) Save Williamstown (SW) advised the Committee that it had identified 23 submitters who were unaware of the hearings and who claimed that they were disadvantaged in that they were not able to attend the hearings or cross examine any witnesses. Names and addresses of those submitters were provided.

The Committee established that most of the names on the list were original submitters although none had been involved in the proceedings beyond lodgement of their submissions. The Committee established that all of the parties had been notified of the first directions hearing but none had attended that hearing or had filed a 'Request to be heard form' which would have ensured that they were kept informed.

The Committee is satisfied that it had given ample opportunity to all submitters to be part of the hearing process. The Committee is also satisfied that all issues raised in submissions were adequately ventilated throughout the course of the hearings.

Expert evidence

Save Williamstown filed expert witness reports from four persons being:

- Captain Korevaar- Shipping and Safety;
- Mr Andrew Davidson - Architecture;
- Dr K.Marriot - Recreation Planning; and
- Dr J Hayes - Safety and Risk Assessment.

Three of the four witnesses were called to present their material on Tuesday March 1, 2011. At the conclusion of the evidence, Mr Gobbo, on behalf of NPV, declined to ask any questions on the basis that the witnesses were not independent experts unlike those called by NPV, BAE and Mobil. In his closing submission Mr Gobbo noted the following in relation to the evidence presented by Captain Korevaar, Mr Davidson and Dr Marriott.

They are submitters – declared opponents of the NPV project. There is a fundamental difference between the role of the submitter or advocate and that of an independent expert. The primary duty of the independent expert is to assist the Committee. The two roles simply cannot be undertaken by the same person, no matter how well intentioned they may be. They are therefore disqualified from having their “expert” opinions received as such by the Committee. Their evidence is no more than submission by well-qualified local residents.

In its initial directions letter to all parties, the Committee distinguished between advocates, experts and submitters and commented as follows:

- Advocates are those who are acting on behalf of a particular client. They generally run the case and may or may not call expert witnesses. They express a view about the proposal but do not provide evidence.
- Expert witnesses are those who provide evidence in a particular field of expertise and who are “called” to give that evidence. Common areas of expert evidence include planning, social impacts, heritage significance and the like.
- Submitters are those who have an opinion about the development of the subject land and who wish to express that opinion.

The directions letter then noted that of the three, it is only expert witnesses who can be cross-examined through questions. The Committee is entitled to

ask questions of clarification to advocates and submitters, but other parties may not.

As is clear from the directions letter, there is a clear distinction between the three roles. In the view of the Committee it is not possible to blur those roles, and the Committee therefore agrees with Mr Gobbo that it is not possible for these roles to be undertaken by the same person.

In this case, at least one submitter who has expressly opposed the development sought to play all three roles. Captain Korevaar made a submission and then acted as an advocate when he cross-examined two NPV witnesses. He was finally called on behalf of SW to give independent expert evidence. Mr Davidson gave evidence one day and then made a verbal presentation as part of his submission the next day.

The Committee concludes that despite the quality of some of the material presented by these three persons, this material cannot be treated as 'evidence' simply because it is not independent. That is not to say that any of these submissions were ignored by the Committee. It is simply to say that their material was considered as a submission to the Committee and not as expert evidence.

The only other comment which the Committee wishes to make regarding expert evidence is the weight that it has attached to such evidence as opposed to other submissions. In all cases, the Committee attaches the greatest weight to independent expert evidence that was able to be cross examined by the other parties.

Late submission

On Day 14 of the hearing (March 3, 2011), the Committee was provided with a late submission from a Mr Nicholas of Altona. Mr Nicholas had been given permission by the Committee to make a late submission but had been advised that he would not be heard in relation to that submission. The Committee received the submission and filed it as Submission No 146.

On the last day of the hearing (March 4, 2011) Mr Nicholas attended the hearing and demanded to be heard. The Chair declined to hear from the submitter but indicated that his submission would be considered along with all other submissions.

Provision of material

The Committee wishes to record its appreciation of the level of detailed analysis undertaken by the parties, especially NPV. Despite criticism from some parties, NPV responded comprehensively to every request of the Committee and it addressed every possible planning issue. The Committee found the large amount of material presented by NPV to be extremely helpful in its deliberations.

In that same context, the community groups are also to be commended for the manner in which they compiled and presented their submissions. The extent of material provided to the Committee has enabled it to respond to all of the issues raised.

Grouping Submissions

As is typically the case where there is a large number of submissions, there is a degree of overlap between many of them. The Committee has read and understood each submission and had the benefit of hearing from many of the submitters at the hearing.

The Committee does not propose to summarise or to individually comment on each submission. The Committee has grouped the common issues and has commented (at Chapters 4 to 15) on each of those issues.

While all submitters might not be individually referred to throughout the report (other than in Appendix 2), the Committee wishes to make it clear that every submission has been thoroughly assessed.

3. Identification of issues

3.1 Summary of issues

The Committee has considered all written submissions, as well as submissions presented during the Hearing. In addressing the issues raised in those submissions, the Committee has been assisted by the information provided as well as its own observations from inspections of specific sites and the general area.

The main issues raised in submissions that require comment are as follows:

- Planning Policy
- Site Context and Character
- Heritage
- Buffer from Hazardous Facilities
- Interface with Non-residential Uses - Noise
- Interface with Non-residential Uses - Air Emissions
- Traffic, Parking and Public Transport
- Social Infrastructure
- Urban Design and Built Form
- Planning Control Options
- Responsible Authority status.

3.2 Approach adopted by the Committee

The Committee considers that it can distribute the issues raised in submissions into four categories being:

- Context
- Constraints
- Opportunities
- Outcomes.

The Committee considers that it is important to work through these categories one by one beginning with context, then constraints, then opportunities and finally outcomes. The Committee thinks this is important as its findings on (say) a constraint will inevitably calibrate its views on opportunities and outcomes. The Committee thinks that it is essential that it 'sieves' the issues in this way so that it does not reach a conclusion on (say)

an opportunity that is later found to be so constrained as to be unworkable or so out of context as to offend policy considerations.

As an example, the assessment of the safety risk factor will inevitably help define the extent to which all of the site, or only part of the site, might be able to be developed.

Accordingly, the committee will consider the following substantive issues within each of the categories.

Context

- Planning Policy
- Site Context and Character
- Heritage.

Constraints

- Buffer from hazardous facilities
- Interface with non-residential uses - Noise
- Interface with non-residential uses - Air Emissions
- Traffic, parking and public transport
- Social infrastructure.

Opportunities

- Urban Design and Built Form

Outcomes

- Planning control options
- Responsible Authority status.

There were other issues raised in submissions and at the hearing and the Committee has grouped these together at Chapter 15 of the report.

Part 2 – Context

4. Planning Policy

4.1 What is the issue?

Is a multi level residential development on this site consistent with state and local policy directions?

4.2 Policy framework

The following section includes a brief appraisal of Ministerial Directions; Practice Notes; the State Planning Policy Framework (SPPF); the Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF); and the current zone and overlay controls.

4.2.1 Ministerial Directions

The Minister for Planning has made directions under Section 12(2)(a) of the *Planning and Environment Act 1987* that contain the following requirements:

Direction No 1 Potentially Contaminated Land

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

Direction No. 9 Metropolitan Strategy

In preparing a planning scheme amendment a planning authority must (among other things):

- *Have regard to the Metropolitan Strategy.*

4.2.2 Practice Notes

The following Practice Notes are also relevant to the consideration of this matter:

- Using the neighbourhood character provisions in planning, July 2004
- Understanding the residential development standards, June 2004
- Applying the Incorporated Plan and Development Plan Overlays, January 2003
- Using the parking provisions, July 2002

- Applying the Heritage Overlay, February 1999
- Review of planning schemes, February 2006
- Potentially Contaminated Land General Practice Note June 2005
- Ministerial powers of intervention in planning and heritage matters, November 2004
- Urban Design Frameworks, September 2002
- Understanding Neighbourhood Character, December 2001

4.2.3 State Planning Policy Framework

The State Planning Policy Framework (SPPF) informs planning authorities and others of those aspects of state level policy which need to be taken into account. Planning policies are directed to land use and development through the *Planning and Environment Act 1987*, a primary objective of which is to provide for the fair, orderly, economic and sustainable use and development of land. The following aspects of state policy are particularly relevant to the Committee's considerations (**with emphasis**).

Clause 10 – Operation of the State Planning Policy Framework

Clause 10.02 (Goal) states:

The State Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the Planning and Environment Act 1987) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

Clause 10.04 (Integrated Decision Making) states:

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

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

Clause 11 – Settlement

The relevant objectives include:

- **Clause 11.01-1 (Activity centre network):** to build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.
- **Clause 11.01-2 (Activity centre planning):** to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.
- **Clause 11.05-5: Coastal Settlement** One of the strategies to achieve the overall objective to plan for sustainable coastal development is:

Encourage urban renewal and redevelopment opportunities within existing settlements to reduce the demand for urban sprawl.

Clause 13 – Environmental Risks

The relevant objectives include:

- **Clause 13.01-1 (Coastal Inundation and Erosion)** The objective is to plan for and manage the potential coastal impacts of climate change. The principal strategy is to **plan for sea level rise of not less than 0.8 m by the year 2100**, and allow for the combined effects of tides, storm surges, coastal processes and local conditions such as topography and geology when assessing risks and coastal impacts associated with climate change.
- **Clause 13.04-1 (Noise Abatement).** The objective seeks to assist the control of noise effects on sensitive land uses. The relevant strategy is to ensure that development is not prejudiced and **community amenity is not reduced by noise emissions**, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area. SEPP N-1 and N-2 are identified as policy guidelines.
- **Clause 13.04-2 (Air Quality)** The objective seeks to assist the protection and improvement of air quality. The relevant strategy is to ensure wherever possible that there is **suitable separation between land uses** that reduce amenity and sensitive land uses.

Clause 15 – Build Environment and Heritage

The relevant objectives include:

- **Clause 15.01-1 (Urban design)** To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

- **Clause 15.01-2 (Urban design principles)** To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.
- **Clause 15.01-3 (Neighbourhood and subdivision design)** To ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods.
- **Clause 15.01-4 (Design for safety)** To improve community safety and encourage neighbourhood design that makes people feel safe.
- **Clause 15.01-5 (Cultural identity and neighbourhood character)** To recognise and protect cultural identity, neighbourhood character and a sense of place.
- **Clause 15.02 (Sustainable development)** To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.
- **Clause 15.03 (Heritage)** To ensure the conservation of places of heritage significance.

Clause 16 – Housing

The relevant objectives include:

- **Clause 16.01-1 (Integrated housing)** To promote a housing market that meets community needs.
- **Clause 16.01-2 (Location of Residential Development)** The objective is to **locate new housing in or close to activity centres** and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. Relevant strategies include:

Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.

- *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*
- *Ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development.*
- *Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.*

- **Clause 16.01-3 (Strategic Redevelopment Sites)** The objective is to identify **strategic redevelopment sites for large residential development** in Metropolitan Melbourne. Strategic redevelopment sites include sites that are:
 - In or within easy walking distance of principal or major activity centres.
 - On or abutting tram, train, light rail and bus routes that are part of the Principal Public Transport Network and close to employment corridors, Central Activities Districts, principal or major activity centres.
 - Able to provide 10 or more dwelling units, close to activity centres and well served by public transport.
- **Clause 16.01-4 (Housing diversity)** To provide for a range of housing types to meet increasingly diverse needs.
- **Clause 16.01-5 (Housing affordability)** To deliver more affordable housing closer to jobs, transport and services.

Clause 17 – Economic Development

The relevant objectives include:

- **Clause 17.02-1 (Industrial Land Development)** To ensure availability of land for industry. Relevant strategies include:

*Protect industrial activity in industrial zones from **the encroachment of unplanned commercial, residential and other sensitive uses which would adversely affect industry viability....***
- The EPA publication Recommended Buffer Distances for Industrial Residual Air Emissions (1990) is included as a policy guideline.
- **Clause 17.02-3 (State significant industrial land)** To protect industrial land of State significance.

Clause 18 – Transport

The relevant objectives include:

- **Clause 18.01-1 (Land use and transport planning)** To create a safe and sustainable transport system by integrating land-use and transport.
- **Clause 18.01-2 (Transport system)** To coordinate development of all transport modes to provide a comprehensive transport system.
- **Clause 18.02-1 (Movement networks)** To promote the use of sustainable personal transport.
- **Clause 18.02-2 (Cycling)** To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.

- **Clause 18.02-4 (Management of the road system)** To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.
- **Clause 18.02-5 (Car parking)** To ensure an adequate supply of car parking that is appropriately designed and located.
- **Clause 18.03-1 (Planning for ports)** To recognise the importance to Victoria of economically sustainable major ports (Melbourne, Geelong, Portland, Hastings) by planning for appropriate access, terminal areas and depot areas.
- **Clause 18.03-2 (Planning for land adjacent to ports)** To plan the land resources adjacent to ports to facilitate the efficient operation of the port and port-related uses and minimise adverse impacts on surrounding urban development and the environment.

4.2.4 Metropolitan Policy

In 2002, the Victorian Government released *Melbourne 2030*, a long-term strategy for growth and development of the metropolitan area. The strategy seeks to protect the liveability of Melbourne in the face of a projected population growth of one million by the year 2030.

In 2007/08, *Melbourne 2030* was reviewed and the Government's response to the independent audit – *Planning for all of Melbourne (May 2008)* – set out a series of commitments and actions to guide the ongoing implementation of *Melbourne 2030*. *Planning for all of Melbourne* acknowledged that the original population forecast would now be reached by 2020 and that Melbourne is expected to have a population of about five million by 2030.

Melbourne @ 5 million (December 2008) meets many of the commitments made in *Planning for all of Melbourne* and sets down a number of actions needed to implement the strategy. *Melbourne @ 5 million* also responds to the 2006 Census and Australian Bureau of Statistics information which projects and increase in population and household growth for the metropolitan area. It has a strong focus on creating jobs and employment corridors that are close to people's homes.

4.2.5 Local Planning Policy Framework

The Hobsons Bay MSS sets out Council's objectives and strategies that relate to the use and development of land within the municipality. Relevant parts of the MSS include:

Clause 21.04 (Strategic Planning Context) which sets out the Hobsons Bay Strategy, Corporate Plan and Strategic Directions by which it aims to achieve its overall vision for the municipality.

Clause 21.05 (The Vision) is particularly important and it provides that Council's vision for Hobsons Bay is:

A community that works together to achieve a sustainable and prosperous future. A municipality of villages which form a strong backdrop for community life and where there is harmony between the old and new.

A place in which big and small industries provide employment and prosperity while respecting the community and environment; where our coast, parks and open spaces with their distinctive natural features are treasured; and where services which are important to people's everyday life and which reflect their particular needs are available.

And above all, a community which embraces a sense of pride and belonging, and celebrates the diversity of its people – their traditions, values and heritage.

Clause 21.06 (Residential) sets the scene of a municipality with a strong neighbourhood focus and sense of community while recognising the importance of providing a diversity of households and the need to protect residential areas from the effects of noise, air, water and land pollution.

Clause 21.07 (Heritage) outlines the depth and diversity of the municipality's cultural heritage, key issues, vision for heritage and strategies to achieve this.

Clause 21.08 (Activity Centres) sets out a vision for a municipality that hosts a mix of vibrant local, neighbourhood and regional activity centres that will attract ongoing employment and business opportunities for the local community, attract visitors and encourage investment.

Clause 21.09 (Industry) recognises the importance of industry to the municipality and its contribution to the economy, employment and prosperity of Hobsons Bay.

Clause 21.10 (Transport and Mobility) outlines Council's vision to achieve an integrated transport network that accommodates the needs of residents, visitors and industry.

Clause 21.11 (Open Space, Environment and Conservation) outlines Council's vision to create a municipality where urban areas are surrounded

and punctuated by an extensive system of public open space, watercourses, the coast and foreshore.

Clause 21.12 (The Coast) details the municipality's relationship to the coastline and includes strategies to protect the integrity and values of the coastal environment.

Clause 21.13 (Community Infrastructure) sets out a vision to maintain a supportive community with a wide range of community services and facilities.

Local planning policies (LPPs) accompany the MSS and provide a framework of objectives and strategies for the assessment of land use and development applications. Relevant policies include:

Clause 22.01 (Heritage Policy) which applies to all areas included in the Heritage Overlay and outlines a detailed policy approach towards conserving and enhancing heritage within the municipality.

Clause 22.10 (Hobsons Bay East Neighbourhood Character Policy) which applies to development (including subdivision) in the Residential 1 Zone in the Hobsons Bay East neighbourhood character area. Part of the review land is contained within Precinct 5 (Williamstown) of the policy which describes the preferred neighbourhood character as follows:

The spacious and informal qualities of the streetscapes, early architectural styles representing the historical development of Williamstown, and the distinctive low scale, lightweight nature of development should be retained and enhanced.

4.2.6 Other Strategic Documents

Victorian Coastal Strategy 2008

The Victorian Coastal Strategy is the State Government's policy commitment for coastal, estuarine and marine environments in Victoria. It provides a long-term vision for the planning, management and sustainable use of the coast, and the policies and actions to be implemented to help achieve that vision.

The strategies include applying the precautionary principle to decision making processes and ensuring that appropriate adaptation measures are provided for development in coastal areas affected by climate change and sea level rise.

As noted above, **Clause 13.01-1** of the state section has a strategy to plan for a sea level rise of not less than 0.8m by the year 2011.

Western Regional Housing Statement 2006

The *Western Regional Housing Statement 2006* (WRHS) provides a regional framework to plan for the housing needs of the Western Region of metropolitan Melbourne including the municipalities of Brimbank, Hobsons Bay, Maribyrnong, Melton, Moonee Valley and Wyndham.

The WRHS notes that while areas such as Williamstown will experience minimal increase in housing demand, there would need to be an emphasis on diversity in housing stock rather than increased housing stock.

The WRHS also identified that Hobsons Bay is under “housing stress” and that most parts of the municipality are unaffordable for the median household income families in Hobsons Bay.

Western Region Employment and Industrial Development Strategy

The *Western Region Employment and Industrial Development Strategy* (WREIDS) outlined a strategy to protect the economic development and employment growth in Melbourne’s west and it identified opportunities for redevelopment.

Industrial Land Management Strategy 2008 (ILMS)

Hobsons Bay City Council advised that the release of *Melbourne 2030* and changing land use conditions in a number of the City’s industrial areas, prompted it to review its 1997 Industrial Land Management Strategy.

Council has evidently also experienced an increase in requests and pressure for the rezoning of industrial land, as well as resident concerns about the operations and impacts of some industries. On that basis, HBCC prepared the ILMS in 2008. Among other things, the ILMS sought:

- to provide clear direction in relation to the future use and development of industrial land in Hobsons Bay over the next 15 years and to set the foundation for continued development beyond that point.
- to decide whether any land currently zoned industrial was better suited to achieve urban consolidation and provide for additional housing or commercial growth.

Council adopted the ILMS in 2008.

Council advised the Committee that key findings of the ILMS included (with Committee emphasis):

- Hobsons Bay currently has 1,782 hectares of land zoned for the purpose of industry which accounts for about one third of all of the land in Hobsons Bay;

- Council has identified 22 industrial precincts in the City, each with its own role and function. While there is industrial land in most of the suburbs, the majority of the core industrial land is concentrated in Altona;
- industrial land in the municipality is an important source of jobs, employing about 27,690 people. The City forms part of the Werribee Growth Area and plays an important role in providing local and regional employment;
- **Hobsons Bay will continue to be a primary location for industries of state significance (such as motor vehicle building, petroleum refining and ship building) and as a consequence they will influence the surrounding land use patterns;**
- the amenity and environmental impacts of all industrial estates in the City can be improved. Opportunities exist to better manage, and in some cases remove conflict between industry and other sensitive land uses;
- **some industries require action to protect the viability of their operations from encroaching sensitive uses; and**
- a review of 22 precincts has identified nine precincts in Hobsons Bay that are considered suitable (in whole or in part) for review for alternative land uses.

Precincts which Council considered could be used differently to implement policy are referred to in the ILMS as 'Strategic Redevelopment Areas' (SRAs). One of these SRAs includes part of Precinct 20 (south of Nelson Place) which is the land bounded by Ann Street, Kanowna Street, Nelson Place and Aitken Street and which was the former Port Phillip Woollen Mill site in Nelson Place Williamstown (excluding the existing Special Use 5 Zone land).

Key recommendations of the ILMS that are of direct relevance to the Committee include that Council "...manage change in Strategic Redevelopment Areas carefully, protect the existing and ongoing viable industrial uses, retain employment-generating uses where possible, and subject to further investigation, introduce new land uses."

Ultimately, the *Hobsons Bay Industrial Land Management Strategy 2008* was introduced through Amendment C33 to the Hobsons Bay Planning Scheme. It made modifications to the Local Planning Policy Framework and it identified several industrial precincts of strategic redevelopment potential.

In its submission to the Committee, Council noted that:

The ILMS provides clear strategic planning direction in relation to the future use and development of industrial land in Hobsons Bay over the next 15 years and to set the foundation for continued development beyond that point. The strategy divided industrial land into 22 precincts

and subsequently into three categories, core industrial, secondary industrial and strategic redevelopment areas (SRAs).

The anticipated outcomes in the three categories are as follows:

Core Industrial Areas

- *Designates major concentrations of industry, which are relatively unconstrained by residential or other sensitive uses.*
- *These areas will be protected and provide opportunities for new growth, including the expansion of existing industries.*
- *Non-industrial protrusions into these areas are not supported and rezoning of land to non-industrial zones will not be permitted.*

Secondary Industrial Areas

- *Designates smaller concentrations of industry, which will continue to be of strategic importance to Hobsons Bay in terms of local economic development and employment.*
- *These areas cater for a wide range of small to medium businesses, which supply both industrial and domestic markets.*
- *Non-industrial protrusions into these areas will not be supported.*

Strategic Redevelopment Areas (SRA's):

- *Designates areas that may evolve from a previous industrial use to provide a wider mix of employment opportunities, including a mix of industry, commercial and office accommodation.*
- *Designates areas that are constrained by surrounding land use patterns or access arrangements and where the opportunity exists for uses to change over time to a residential use.*
- *Designates areas that are not currently industrial, but because of the existing land use conditions are best suited to an industrial zone.*
- *The opportunity may remain for employment generating uses to continue or to re-establish, provided they are compatible with adjacent uses.*
- *Outline Development Plans will be prepared for each area to properly plan the detail of any redevelopment.*

Council advised that Amendment C33 did not rezone any SRAs but it established the strategic context for any future rezoning of these SRAs which would be subject to a separate planning scheme amendment process at a later stage.

As noted already, the subject land was identified as Part Precinct 20 - Port Phillip Woollen Mills, with part of the site identified as an SRA and part as a Core Industrial area.

In a specific sense, the ILMS emphasised that “*..continued industrial activity on the land northeast of Nelson Place is considered appropriate as the existing Tenix facility is of State significance and plays a vital role within Hobsons Bay and the Western Region as a whole.*” The location of the site close to Williamstown Major Activity Centre and foreshore also makes the site desirable for residential use according to Council. Council’s preferred option is a residential outcome within this precinct which will also improve the overall amenity of the area.

Key recommendations of the ILMS for the precinct included:

- *Support the ongoing viability of the shipbuilding and marine industry and have regard to future requirements of this industry.*
- *Improve the public access to the foreshore area.*
- *Improve amenity along Ann Street for the existing residents.*
- *Prepare an Outline Development Plan for the entire precinct.*

Council noted that the ILMS made it clear that prior to consideration of any rezoning request, an Outline Development Plan (ODP) for the precinct needed to be prepared in consultation with key stakeholders, including the Port of Melbourne, BAE, Environmental Protection Authority, key State Agencies and the local community.

It was Council’s view that to date, an Outline Development Plan had been prepared for only part of the precinct and some of the key agencies had not provided any input into the plan.

Hobsons Bay Heritage Study 2006

The Hobsons Bay Heritage Study identifies over 3,000 properties of heritage significance and is referred to in **Clause 22.01** (Heritage Policy) under the Hobsons Bay Planning Scheme. It is Council policy to protect the properties identified and to ensure that appropriate alterations, additions and infill developments occur in these areas.

The Committee was advised that this study was updated in 2010 and that this update has also now found its way into the planning scheme.

Hobsons Bay Activity Centre Strategy 2006

While the subject land is outside the Williamstown Activity Centre precinct, reference was made in the Hobsons Bay Activity Centre Strategy to the Nelson Place Maritime Area. The Strategy identified the boundaries of Williamstown Central Activity Centre and recognises this area as suitable for uses associated with maritime engineering.

Hobsons Bay Open Space Strategy 2005

The *Hobsons Bay Open Space Strategy 2005* focussed on open space across the Hobsons Bay area. It identified open space reserves in the municipality and noted that Williamstown was well served by the Coastal Trail along the foreshore.

4.3 Planning Scheme Controls

4.3.1 Zones

The NPV land is zoned R1Z as a result of Amendment C75 in April 2010.

Other land in the precinct is zoned Industrial 1, Industrial 3 and Residential 1 as indicated in the map in Section 1.2.

The main parts of the BAE site are zoned Special Use Zone 5 (SUZ 5) in the Hobsons Bay Planning Scheme. Those parts of the BAE site now disposed of to NPV are zoned Residential 1 (having also been rezoned by Amendment C75). The Mobil Tank Farm is within the Special Use Zone 1 (SUZ1) zone in the Port of Melbourne Planning Scheme.

4.3.2 Overlays

The review land is variously affected by the following overlays under the Hobsons Bay Planning Scheme:

- Design and Development Overlay 4 (Foreshore Height Limitation) which provides that a permit may not be granted to construct a building or to construct or carry out works exceeding a height of two storeys.
- Design and Development Overlay 8 (Foreshore Height Limitation) Mill Lane and Garden Street; Nelson Place; Ferguson Street between Nelson Place and the Strand, James and Aitken Streets; and Rifle Range Estate: which provides that the preferred maximum building height for Nelson Place is two storeys and that the maximum building height is three storeys.

- Heritage Overlay 1 (Cecil Street Precinct) located at Cecil Street, Williamstown.
- Heritage Overlay 8 (Government Survey Precinct) located at 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.
- Heritage Overlay 35 (the former Port Phillip Stevedore Club Hall) located at 23 – 25 Aitken Street, Williamstown.
- Heritage Overlay 43 (the former Telegraph Hotel) located at 17 Ann Street, Williamstown.
- Heritage Overlay 162 (the former Britannia Hotel) located at 14 Kanowna Street, Williamstown.
- Heritage Overlay 210 (the former Prince of Wales Hotel) located at 1 Nelson Place, Williamstown.
- Heritage Overlay 211 (the former Oriental Hotel) located at 55 Nelson Place, Williamstown.
- Environmental Audit Overlay (EAO) which requires a certificate of environmental audit in accordance with Part IXD of the *Environment Protection Act 1970* or a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

4.4 Discussion

It was common ground among the parties that the review land is in need of urban renewal. A disused industrial site represents a poor return on planning policy and a particularly poor return for a site of such significance to Melbourne's history.

The Committee notes that at the state and metropolitan level, the principles of *Melbourne 2030* (Direction 1 – A more compact City) encourages residential intensification within established residential areas to encourage more effective use of infrastructure including public transport, social and community facilities, activity centres and other services that improve the liveability of the city.

The Committee accepts that the proposal is consistent with this direction as it is located near an Activity Centre, within proximity of public transport and proposes development within the Council designated SRA. A key strategic objective of sustainable development within Melbourne is to encourage a greater proportion of new dwellings at strategic redevelopment sites within established metropolitan urban areas, to reduce pressure for urban expansion.

The Committee accepts that the ILMS is the foundation local strategic document upon which the Committee can rely. It is apparent that the ILMS was a thorough analysis of the competing interests in relation to industrial land in the municipality and it has had wide ranging consultation. The ILMS has been exhibited, tested by a Panel and now forms part of the Planning Scheme.

The Committee therefore places considerable weight on the ILMS strategy.

By contrast, and while both adopted, the Committee notes that neither the Activity Centres Strategy nor the Open Space Strategy have been included (or attempted to be included) in the planning scheme despite both being in excess of five years old. The Committee notes their content but it does not place much weight on their detailed recommendations given that neither strategy has been tested in any public forum.

In a state and local policy sense, the Committee rejects the submissions of many parties that this site in particular or Williamstown in general could not support density and height increases. Hobsons Bay Council and Williamstown is part of metropolitan Melbourne and it has obligations to accommodate the ever increasing population of the city. While there are many special features of Williamstown, that does not mean that it is disqualified as a candidate for increased densities in the right location.

The Committee also rejects that the NPV site cannot accommodate higher development. Indeed its abuttals to a working shipyard and an at-grade car park are suggestive of at least two interfaces that warrant considerable variations in density.

That said, M2030, Melbourne @ 5 million and the Hobsons Bay MSS all place a caveat on untrammelled development and aim to preserve established residential areas including the “...items of cultural heritage, historic buildings, green spaces and valued suburban streetscapes.” Other critical objectives are to protect amenity and character and to facilitate a sustainable increase in population densities within the inner areas of Melbourne.

It is for this reason that **Clause 10.04** is important, especially the need to ‘balance’ competing objectives in the interest of net community benefit and

sustainable development. Given this, the Committee accepts that while the location of the site and the current policy settings suggest that higher density on the site may be accommodated, it agrees with Council that the policy latitude for greater density is not without its limitations. By contrast, the Committee notes the evidence of Mr McGurn for NPV who concluded that the site should be '*assertively utilized*' to contribute to the wider metropolitan planning objectives. He noted that extensive heritage controls all over Williamstown placed such a constraint on achieving housing goals, that opportunities on a site such as this one should be maximized. Mr Sheppard for NPV also urged intensive development on some areas of the site given the urban consolidation imperatives that apply in the scheme and suggested that it was a case of '*...the more the merrier*'.

In the Committee's view this is too blinkered an approach and does not provide the 'balance' that is sought by **Clause 10.04** of sustainable development and net community benefit. The benefits advanced on behalf of NPV are all one way. The Committee considers that redevelopment of this site has to consider the other policy settings of amenity, character and heritage. Redevelopment also has to take account of the importance to the state of the Williamstown shipyards (which are embedded in the *Planning and Environment Act*), the Mobil refinery and the safety obligations of WorkSafe. The Committee's task is to 'balance' these sometimes competing objectives and not to be distracted by just one of them.

Examples of having to balance other state policies include the recent channel deepening project which has strong state support and which will enable the larger 'Suezmax' tankers to access the Point Gellibrand pier. Mobil advised that it has committed \$15m to contribute to the deepening of its berths so as to take advantage of this initiative. Taking this one example alone, the Committee considers that there are other important pieces of the policy matrix to consider and not just the urban consolidation imperative.

The Committee accepts that while the precinct is certainly well located for more intense development, it does not advocate urban consolidation and intensification of the land 'at any cost'. There are a number of constraints to the development of this site including heritage, environmental risk and industrial interfaces and it is important to achieve a 'balance' between these sometimes conflicting objectives so as to achieve '*net community benefit and sustainable development*'.

4.5 Conclusions

The Committee concludes that state and local policy bring expectations of denser development of the review land. However, this needs to be tempered by acknowledging the other policy constraints within the precinct. The Committee does not think that the urban consolidation imperative means that every site should be developed to its absolute maximum. The Committee agrees that **Clause 10.04** of the planning scheme does not mean ‘development at all costs’ especially in the context of other state directions which require consideration of a ‘net community benefit’.

The Committee returns to the ‘Vision’ for Hobsons Bay at **Clause 21.05** and thinks that this strikes the right balance between opportunity and constraint when it notes:

A community that works together to achieve a sustainable and prosperous future. A municipality of villages which form a strong backdrop for community life and where there is harmony between the old and new.

A place in which big and small industries provide employment and prosperity while respecting the community and environment; where our coast, parks and open spaces with their distinctive natural features are treasured; and where services which are important to people’s everyday life and which reflect their particular needs are available.

And above all, a community which embraces a sense of pride and belonging, and celebrates the diversity of its people – their traditions, values and heritage.

5. Site Context and Character

5.1 What is the issue?

What is the locational context of the review land?

Is there a definable 'character' of Williamstown?

How does the proposed development plan respond to that character?

5.2 Policy context of the issue

The Committee has already identified the higher level policy directions relevant to this issue. Mr Clarke, on behalf of NPV, brought a number of more specific 'character' references of the state and local policy frameworks to the attention of the Committee. These include:

Clause 12.02-2: Appropriate Development of Coastal Areas where the relevant strategy is to ensure development is sensitively sited and designed and respects the character of coastal settlements.

Clause 15.01-5: Cultural Identity and Neighbourhood Character where the objective is to recognise and protect cultural identity, neighbourhood character and sense of place.

Mr Clarke also noted that at various locations in the MSS, '*...the village identity and character of Williamstown is identified as distinct*' (**Clause 21.02-2**). The first objective for residential development (**Clause 21.06-2**) is to ensure that new development respects and enhances the *preferred neighbourhood character* of the residential areas of Hobsons Bay. One of the relevant strategies to achieve this is to encourage high-quality contemporary and innovative architectural responses, and avoid period reproduction styles.

Various strategies are said to achieve this including:

- support medium density residential development where the character and amenity of the neighbourhood is not prejudiced; and
- support opportunities for residential development of former industrial sites adjacent to established residential areas....

Clause 21.12 of the MSS deals with the Coast and a relevant objective is to '*...ensure that development in proximity to the coast protects the environmental and*

landscape values of the coast'. Accompanying strategies include (with emphasis):

- **ensure that the bulk, scale and finish of new development does not compromise the generally modest scale of the area, especially along the foreshore where there is likely to be continued pressure to build large developments to exploit water and city views;**
- ensure that new development is designed and sited to enhance the coastal landscape....
- develop a height control policy for development along the Williamstown and Altona foreshore to **protect these special areas from inappropriate building height** and overshadowing of adjacent land use.

The Committee is also mindful of the Hobsons Bay Neighbourhood Character Study, December 2002 which is a reference document in the Planning Scheme. As noted in Chapter 4, there is a local policy at **Clause 22.10** (Hobsons Bay East Neighbourhood Character Policy) which applies to Residential 1 Zones over the south-eastern portion of Hobsons Bay. The policy does not apply to that part of the NPV site and precinct north of Aitken Street, so about two-thirds of the precinct is currently outside this policy area. That part of the Woollen Mills precinct that is in the policy area is included in Precinct 5: Williamstown. The policy describes the preferred neighbourhood character as follows (with emphasis):

*The spacious and informal qualities of the streetscapes, early architectural styles representing the historical development of Williamstown, and the **distinctive low scale**, lightweight nature of development should be retained and enhanced.*

5.3 Evidence and submissions

The Committee was left in no doubt about the community's views that a low rise built form was the defining characteristic of Williamstown (SW, WNSRA, PoW etc). This is despite there being evidence of higher built forms near the site.

NPV pointed to the overwhelming policy support for the redevelopment of its site for a level of residential development that was much higher than that which surrounds it due to its relatively large size and because of its industrial abutments. NPV submitted that as an SRA, the land should be optimised especially as it is not constrained by sensitive abutments.

Mobil and BAE reminded the Committee of the importance of their respective industries to the local and state economy and opposed any redevelopment which would in any way jeopardise those industries.

The Committee was taken to the details of the site by numerous submitters and it also conducted its own detailed inspections. Some of the Committee's observations on that inspection are as follows.

The Nelson Place frontage of the precinct comprises the former Oriental Hotel, a panel beater and 2 and 3 storey industrial buildings which were used as the former Port Phillip Woollen Mills. These are built right onto the Nelson Place frontage. The three level Titanic Restaurant which forms part of the precinct (but not part of the NPV site) is located at the south-west corner of Nelson Place and Kanowna Street.

The Kanowna Street frontage of the precinct, south of the Titanic Restaurant, includes mainly two-storey former industrial buildings built onto the Kanowna Street frontage. The two-storey former Britannia Hotel is located at the south-west corner of Kanowna Street and Aitken Street.

A vacant site at the south-west corner of Cecil Street and Kanowna Street forms the southernmost part of the precinct and of the NPV site. Evidently this site was formerly a woodyard and it retains some mature vegetation.

Aitken Street includes, on its north side, single and double storey industrial buildings built to the frontage, an open lot storage area and the two-storey former Telegraph Hotel building at the north-east corner of Ann Street. The south side of Aitken Street, west of the former Britannia Hotel, comprises two-storey former industrial buildings built to the property frontage, an open lot storage area, single and double storey industrial buildings and the Port Phillip Stevedore Club Hall.

Ann Street, south of the former Oriental Hotel, includes part of an open lot storage area, the former Telegraph Hotel building and some low-key retail/commercial buildings fronting Ann Street south of Aitken Street. Ann Street opposite the site comprises of recently constructed 1 to 3 storey town houses.

To the south of the precinct on both sides of Cecil Street there are attractive Victorian and Edwardian single-storey dwellings that are typical of the residential building stock of Williamstown.

To the east of the subject site across Kanowna Street is a large open lot car park associated with BAE. South and east of the car park is the Point Gellibrand Coastal Heritage Park.

Other uses surrounding the precinct include BAE Systems which is a major naval ship building operation on the north side of Nelson Place. It includes a number of substantial buildings along its entire Nelson Place frontage attaining heights of up to about 21m near the Ann Street corner. Further east

at Point Gellibrand are the Mobil storage tanks reaching heights of about 14m.

It was apparent to the Committee on inspection that the built form on the north side of Nelson Place is 'robust industrial'. There is no binding built form or urban design element on this north side of Nelson Place, save for the impressive row of deciduous street trees.

The NPV site is also located opposite the Port of Melbourne (PoM). The Port of Melbourne Corporation manages the land and channel assets associated with the Port of Melbourne. PoM facilities within the area include the Ann Street Pier, Gellibrand Pier and Breakwater Pier. All of these assets are expected to remain operating port facilities for the foreseeable future. Furthermore, the PoM operations are anticipated to increase in the future. Concerns regarding the interfaces with the port, BAE and Mobil were raised in submissions to the Committee by the Department of Transport (DoT), Department of Industry, Innovation and Regional Development (DIIRD), PoM, Mobil, BAE, WorkSafe and the EPA.

The precinct and site are close to a number of local features including the Williamstown foreshore and Port Phillip Bay, the Ferguson Street Williamstown major activity centre, the Seaworks facility on Ann Street (north of Nelson Place) and the Williamstown railway station.

To the west and east of the site, it was common ground that two high rise Ministry of Housing (MoH) residential towers create a dominant and intrusive element in the built form pattern in the area.

The Committee also undertook a much wider inspection of Williamstown in order to confirm the repeated submissions about the 'special' nature and character of the suburb.

5.4 Discussion

The Committee accepts that despite the dominance of low scale Victorian buildings in Williamstown (mainly residential) the character of the immediate area is the sum of a number of quite disparate parts including:

- that Victorian built form;
- its seaside setting;
- the Hoddle grid with its wide streets;
- its maritime history that still manifests itself in a strong ship building presence (and countless corner hotels);
- clear permeability throughout the suburb;

- the presence of some other industries which have a relationship with the maritime industry.

The Mobil Tank Farm at Point Gellibrand which has been present on the site for over 50 years falls into that latter category and the Committee accepts the submission of Mobil that its facilities are as much a part of the character 'mix' in Williamstown as other buildings, even though it might not be the most physically attractive part of that mix.

Another characteristic of the precinct is its viewing opportunities. Council noted that these views are extremely attractive, and from varying locations, provide a range of panoramas to the south-east and the north-east of Port Phillip Bay. Towards the northern end of Breakwater Pier, views of the city skyline can be gained with little foreground impediment, while the tops of city buildings can be seen from other portions of the site with a foreground of the BAE Shipyard area. Excellent views are also available from the adjacent street network across and through the site to the bay. These view corridors are particularly important for locals, especially the 'framed' views to the coastal park and the Timeball Tower as they provide an important sense of connection of the town to the water.

The site and character context is therefore critical to the Committee's assessment and it notes that NPV inherits a settlement pattern including shipyards, a crude oil storage area, parkland, industrial uses and extensive residential areas all layered by a rich post European history.

The Committee acknowledges that this is a particularly important and sensitive site that all parties felt should be redeveloped. Almost without exception, every opposing submitter qualified its opposition by expressing some degree of support for the residential redevelopment of the site. This level of support ranged from low rise development more or less in accordance with the existing planning controls; to some low rise and some higher (about five storeys central to the site); to the preferred outcome of the developer with a low rise podium supporting four buildings of up to 15 storeys in height.

Given its site context and zoning, the Committee strongly supports the residential redevelopment of the site. The site is an ideal urban renewal and urban consolidation opportunity. It presently suffers from making little or no contribution to the fabric of Williamstown. That said, the site is unusual in the high number of abuttals that are sensitive in differing ways. Any redevelopment has to take account of its proximity to a state supported ship yard, to crude oil storage facilities which support about half of all Victoria's petrol requirements, to low rise heritage building stock, to an attractive coastal setting and to a location that is steeped in history.

This issue was addressed by Amendment C11 Panel ten years ago and the Committee thinks that the C11 Panel observations remain as relevant today as they were then:

The Panel undertook an inspection of the coastline of Port Phillip Bay as it related to Hobsons Bay, particularly where there was existing or proposed residential development. It did not inspect those areas that were undeveloped or where they were not zoned for residential or other development purposes.

In undertaking these inspections, it was obvious to the Panel that generally, the form of development along the coast has been of a modest scale and there is very little residential development that exceeds three storeys. However there are some pockets of residential development along the Strand in Williamstown and the Esplanade in Altona where three stories is the predominant height. Apart from one or two specific developments, the Panel does not consider this development to be intrusive or inappropriate for the local area in which it sits.

The Panel also makes the observation that one of the key strengths of Hobsons Bay, and in particular the Williamstown foreshore area, is the existence of a number of tall elements that are interspersed with each other. These elements include church steeples, development in Nelson Place, various industrial activities, trees, ship masts, cranes, monuments and the like. The maritime features and characteristics of the Williamstown foreshore area contribute significantly to its character and development and provide an unruly softness to the urban edges of the foreshore area. The informality of this building form appears to the Panel to be the essence of Williamstown, and it is that which is to be protected. These disparate elements in the foreshore area juxtapose together and create a special character. The Panel would not like to think that this is threatened by the imposition of stricter planning controls that may take away some of the uniqueness, spontaneity and interest of the foreshore area.

One of the key issues for the Committee is how to seamlessly merge a new development with the old character of a seaside village settled around the Hoddle grid of wide tree lined streets with a strong theme of Victorian built form. There is already an interface between the Victorian ‘residential’ character and the Port ‘industrial’ character, and this interface is accepted by the community even though it gives rise to some ‘amenity friction’ from time to time.

The Committee acknowledges that the design in the development plan adopts the characteristic typology of about a three storey built form around the street edges including Nelson Place, Kanowna Street and Ann Street. In

that sense, the Committee accepts that the proposed 'podium base' to the design is characteristic of the area and is acceptable.

However, the Committee also agrees with many of the community submitters that there is a strong 'horizontal' theme to the built form on the Williamstown peninsula. This is brought about by a long established pattern of one and two storey houses set on wide streets. There is a spaciousness to Williamstown that is rarely found elsewhere in metropolitan Melbourne. Without question there are exceptions to this including industrial buildings, ship masts, and the MoH towers of the 1960s, but overall the Committee accepts those submissions that referred to the 'village' or 'country town' feel of Williamstown. The Committee agrees with Mr Milner that it is the low scale and village characteristics of Williamstown that sets it apart. The Committee also agrees with Mr Biles that Williamstown is a 'special place' in Melbourne that needs to be respected.

The Committee thinks that this horizontal characteristic of Williamstown can be accommodated on a very big and wide site such as this with heights greater than the existing allowable heights of two or three storeys. However, the Committee also thinks that beyond a certain height, that horizontal character will be lost. The Committee considers that beyond about 25 metres (and on a site of this width) buildings inevitably assume a more 'vertical' emphasis. In the view of the Committee this would be 'uncharacteristic' of Williamstown and would be in conflict with the 'village' feel of the suburb.

5.5 Conclusions

The Committee concludes that the subject site and the immediate area are in urgent need of urban renewal. The area was universally acknowledged as being of importance (in varying degrees) to Williamstown, Melbourne, Victoria and Australia. In that context, a disused industrial site housed in a bland utilitarian building opposite a large surface car park represents a very 'poor return' for a site of such significance.

In a character sense, the Committee strongly endorses development with at least a three storey (about 10m) podium base so long as it tapers to the south near the Cecil Street properties. Higher elements up to 13 metres (four storeys) are appropriate as part of this 'podium' (on Nelson, Kanowna and Aitken) so as to introduce some variety.

The Committee accepts that some degree of greater height can be accommodated above this podium level but such a height must maintain the 'horizontal' characteristic of the Williamstown built form. In the view of the Committee, this evaporates at about 25 metres.

6. Heritage features of the site and area

6.1 What is the issue?

What is the impact of higher built form on the heritage significance of the site and the surrounding area?

6.2 Policy context of the issue

The Committee has already identified the higher level policy directions relevant to this issue at Chapter 4. State Planning Policy at **Clause 15** sets out the implementation of heritage policy. At the local level, the Municipal Strategic Statement at **Clause 21** sets out the heritage vision and how it will be achieved for specific precincts and places, including that for the Government Survey Heritage Precinct. **Clause 22.01** outlines Council's heritage policy.

The Committee notes that nine heritage overlays affect the site and surrounds. The following directly cover the NPV site:

- HO1 - Cecil Street Precinct;
- HO8 – Government Survey Precinct;
- HO211 - The former Oriental Hotel; and
- HO162 - The former Britannia Hotel.

The following Heritage Overlays directly abut the NPV site:

- HO25 - Point Gellibrand Heritage Precinct;
- HO35 - Former Port Phillip Stevedore Club Hall;
- HO43 - Former Telegraph Hotel;
- HO44 – Point Gellibrand Lighthouse (former) - The Timeball Tower; and
- HO210 - Former Prince of Wales Hotel.

There are also a number of significant properties near to the review land that are listed on the Victorian Heritage Register including:

- H0697 - Alfred Graving Dock;
- H0894 - Former Customs House;
- H1088 - Gellibrand Pier and Breakwater Pier; and
- H1649 - Timeball Tower.

6.3 Evidence and submissions

Hobsons Bay City Council submitted that the Hobsons Bay Planning Scheme (HBPS) protects its heritage areas by ensuring that future development respects the existing character and built form. Council's heritage advisor was not called to give any evidence to the Committee but in relation to the Amendment C75 proposal (August 2009) for the NPV site, had evidently advised that:

- *the scale of the proposal should not exceed the scale of the existing built form;*
- *the proposed development should be sympathetic to the existing style of building, form, scale, proportions and height;*
- *the proposed built form should reflect the industrial fabric which has a historical association with Williamstown;*
- *the proposal..... does not acknowledge the historic importance of the area; and*
- *the height proposed does not address the existing context of the site.*

Council would like to see heritage buildings associated with the NPV site, in particular the Oriental and Britannia Hotels, refurbished and included as part of any new development.

The Committee was advised that Amendment C34 to the HBPS introduced the current heritage controls applying to the subject site about five years ago. It is noted that most of Williamstown is covered by some form of a heritage overlay, given the historic and social significance of the township and its peninsula.

Council and nearly all other submitters advocate the retention of the existing HO controls over the NPV site and the review land. The maintenance of these heritage controls was never really questioned by any party. The Point Gellibrand Coastal Heritage Park Master Plan highlighted the importance and significance of this part of Williamstown. Point Gellibrand was the site of the first permanent European settlement within the Port Phillip Region. The site was strategically important in terms of the defence of the infant Colony of Victoria and was the first landfall and primary entrance point to the colony up until the 1850s. For that reason alone, Williamstown is of undoubted local and state heritage significance.

The National Trust was concerned about the impact of the proposed development on Point Gellibrand Park (HO25) and the former Prince of Wales Hotel (HO210). It submitted that the NPV proposal was an example

of a development which did not meet the planning scheme objective of ensuring that development in proximity to the coast ‘protects’ the environment and landscape values of that coast. Hobsons Bay’s heritage is intimately related to the coast according to many submitters. The National Trust submission discussed the importance of Point Gellibrand as the place where many European migrants first set foot after long voyages. With almost all of the remarkable collection of 19th century government structures now gone, it considers that the open windswept park at Point Gellibrand now resembles that which greeted the first European immigrants.

The Committee heard a number of very helpful submissions from residents and community groups about the importance of the Coastal Park which emphasised the varied active and passive recreational uses that are available to Williamstown residents. This is in addition to its widely appreciated heritage status. The National Trust, and other submitters including the Port Gellibrand Park Association want the feeling of ‘openness’ of this place to be retained and consider that elements which preserve these characteristics should be built into future planning controls for the site.

NPV submitted that no heritage overlay controls needed to be removed or even modified as part of its proposal. Mr Raworth gave expert evidence for NPV. His evidence was that heritage is not a primary issue in assessing proposals for this site as it is unusual in both scale and the absence of heritage fabric. He acknowledged that there were interfaces that require heritage assessment, but he considered that application of Council’s *Heritage Infill Guidelines* was inappropriate for that assessment, because they had been prepared to address the more common occurrence of infill sites adjacent to heritage buildings. Those guidelines are not easily applied to this site given its size and its abutments. However, Mr Raworth shared the view of other submitters that the existing planning controls could properly address heritage matters, as long as they were applied with discretion.

Council took issue with this suggestion, submitting that a ‘discretionary’ approach to heritage controls is already achieved by the requirement to consider such variables as the locational context, the integrity of the heritage fabric and the strength of historical or cultural connection in any application.

The submission of Messrs Noonan, Kirner and Penn emphasised that while the special character of Williamstown is largely informed by the one and two storey built form of the overall area, Williamstown’s heritage is far more than this. It highlighted the importance of any development complementing both the existing built form heritage of Williamstown and the natural surrounds of the site, including the nearby tree lined streets. They were concerned that the proposal ignored both the opportunity for adaptive reuse of the existing industrial buildings and the views of heritage structures from both within

and without the site. Their submission was that Council's *Guidelines for Infill Development* contained principles and practices that were directly applicable to a heritage assessment of strategic sites such as the NPV land.

The Committee acknowledges that there are difficulties in engaging with the richness of heritage on the site, in particular as there is so little remaining built form. Ms Lardner's assessment, contained in the Noonan submission, noted that Aitken Street as depicted on a Board of Works plan in about 1900 appeared to contain housing among the industrial workshops and storage sheds, none of which remain today.

Save Williamstown's (SW) submission was that the unique heritage qualities displayed by the mix of residential and industrial heritage in Williamstown could be destroyed by an alien development such as the one proposed. It drew the Committee's attention to Williamstown's long standing association with the development of the Port of Melbourne, its importance as an early defence facility, its early association with the railways, the distinctive Hoddle grid of the street pattern with its remnant street plantings, and the unifying effect of groups of Victorian and Edwardian houses which display similar characteristics and form many homogenous streetscapes. It particularly emphasised the importance of the former hotels on the corners of the NPV site as reminders of the nature of Williamstown's early history. SW supported the retention of the existing suite of heritage controls.

Williamstown, Newport and Spotswood Residents Association (WNSRA) and the Point Gellibrand Park Association were concerned that the cultural heritage and coastal values which the hard-won park represents will be diminished if the NPV site is developed to the extent envisaged by the proposal. In a related submission, both Save Williamstown and WNSRA raised the possibility of the presence of aboriginal heritage from the time of the Yalukit-willam people of the Kulin nation and queried whether a detailed archaeological survey may reveal more of Williamstown's pre-European heritage.

6.4 Discussion

The Committee acknowledges that the site is affected by numerous heritage overlays and that it sits aside one of the most important post European settlement sites anywhere in Victoria. This distinctive cultural significance, derived in part from its strong associations with migration and the maritime and railway industries was not in dispute in the submissions made or at the hearing.

However, the Committee agrees with Mr Raworth that this is not a typical site in Williamstown in that heritage 'fabric' is absent from much of the NPV

site even though it is evident on some surrounding sites. It is also apparent that the site interfaces are atypical in a heritage context. On the other side of Nelson Place are the Williamstown shipyards, much of Kanowna Street faces a car park, Aitken Street has an industrial streetscape and the north end of Ann Street is opposite contemporary infill housing resulting from the redevelopment of another area of former industrial land. This is undoubtedly an unusual site context when compared to the Victorian and Edwardian streetscapes found elsewhere in Williamstown. Even the large size of the NPV land (at about 2.7ha) is unusual in terms of the typical infill development site found in Williamstown.

Many submitters however, were concerned that development of the site exemplified by the NPV proposal would adversely affect the significance, character and appearance of the place, to the extent that all heritage values would be lost, or at the very least substantially diminished. They feared destruction of, rather than a reworking or renewal of the industrial and maritime heritage which had distinguished the site.

The Committee acknowledges that a strong feature of the immediate area is that corner hotels 'anchor' the NPV block and it accepts the proposition that this gives them a level of importance beyond their listing as buildings of heritage significance. They are an important characteristic of this site and their form, scale and corner location has strong impacts on the streets, particularly Nelson Place. The Committee thinks that these buildings need to be carefully considered in any design. The only one of the former hotels under threat is the Oriental and the Committee is attracted by the evidence of both Mr Sheppard and Mr Biles that redevelopment of this hotel (if indeed it were to be redeveloped) should not exceed a height that diminishes this level of importance.

While it appears from inspection that the Oriental Hotel has been poorly maintained over a considerable period, and is thus in poor structural condition, it is the Committee's preference to see both the Oriental and the Britannia hotels retained (if practicable) in any new development, not least because of the lack of older built form on the site. NPV tendered structural advice from Aurecon Pty Ltd concerning the integrity of the Oriental Hotel which said that it is unsafe and will in all likelihood need to be demolished. NPV requested that the Committee recommend a form of control which does not "lock in" the continued presence of this building as a valuable heritage asset. The Committee is not in a position to make a definitive recommendation on the Oriental Hotel other than to ensure that its redevelopment (or renovation) complements its present role as an important 'anchor' building.

Other than the former hotels (and perhaps parts of the Nugget building), the Committee does not see much scope for the ‘adaptive re-use’ of the existing industrial buildings as advocated by Noonan and others. Much of the present built form is unattractive and makes little contribution to the streetscape or the area. However, the scale of that existing built form remains very important and the Committee supports the retention of a hard street edge that reflects this scale.

The Committee does not think that every part of the NPV site should be developed to the same extent. For example, the Cecil Street Precinct (HO1) abuts the NPV site to the south. It forms an attractive and largely homogeneous streetscape, typifying what residents and visitors alike find attractive about Williamstown with its predominantly low scale Victorian and Edwardian housing set in a wide tree lined street. The Committee agrees with Mr and Mrs Green, Ms Hoadley and other submitters that it is important that any development of the NPV site does not visually dominate or unreasonably reduce the amenity of these Cecil Street properties. The Committee also considers that any development at the Kanowna Street end of the Cecil Street Heritage Precinct should reflect the predominant subdivision pattern, form and scale of the precinct, albeit in a contemporary manner.

The Committee finally notes that Clause 22.01 will still require an assessment of any proposal against the local heritage policy of Council. The Committee will cross reference this policy in the decision guidelines of the planning control.

6.5 Conclusions and recommendations

The Committee concludes that the relative isolation of the site and its location at the edge of Williamstown gives it a lower ‘redevelopment’ sensitivity than other sites in Williamstown. On this basis, a more robust urban design solution can certainly be considered. Within its heritage context, this is one of the few sites in Williamstown that provides an opportunity for a higher built form which does not impact on the undeniable but different heritage qualities of other parts of Williamstown.

The Committee has considered whether assessing an application under Council’s existing heritage controls over the land is the most effective way to address current heritage issues while at the same time seeking to ensure that the renewal of this site represents a worthy future heritage for Williamstown.

Overall, the Committee has formed the view that any proposal should be able to meet the heritage challenges inherent in this site and the objective of

becoming a valued addition to Williamstown. The Committee concludes that:

- development *per se* will not diminish the heritage values of the Government Survey Heritage Precinct or Williamstown at large;
- heritage issues are not determinative in generating urban design and built form outcomes for this site. The site will inevitably generate a scale and type of development atypical of, say, Cecil Street; and
- that the *Guidelines for Infill Development in Heritage Areas in Hobsons Bay* is useful where detailed design is proposed, and should be referred to in the control for the land.

Recommendations

In relation to heritage matters, the Committee recommends that:

- **The existing suite of heritage controls be retained.**
- **Clause 22.01 be included as a specific decision guideline in the planning control for the land.**

Part 3 - Constraints

7. Buffer from hazardous facilities

7.1 What is the issue?

Is it appropriate to develop the NPV site for higher density housing given its proximity to a Major Hazard Facility (MHF) at the Point Gellibrand Tank Farm (PGTF)?

7.2 Policy context of the issue

The Committee has already identified the higher level policy directions relevant to this issue at Chapter 4. **Clause 13** seeks to assist in controlling adverse impacts on residentially zoned land from noise and seeks to separate such land and those uses which reduce amenity. **Clause 17** seeks to ensure the availability of land for industry and preserve the viability of industry in the long term.

Gellibrand Pier and the related tank farm are operated by Mobil Refining Australia Pty Ltd on long term leases from the Port of Melbourne Corporation and are zoned Special Use Zone 1 in the Port of Melbourne Planning Scheme.

By virtue of the large quantity of flammable liquids present, the PGTF is a MHF under the Occupational Health and Safety (OHS) Regulations 2007. To operate a MHF, a licence must be granted by WorkSafe Victoria. The licensing process includes assessment, clarification and verification of a 'Safety Case' prepared as a requirement of the OHS Regulations. As a result of this process, WorkSafe is the state agency with the relevant information about the nature and extent of risks that may potentially affect surrounding land.

WorkSafe prepared a 'Land Use Advisory Note' (September 2010) based on the extent of risk areas around an MHF. The Advisory Note identifies two planning advisory areas as follows:

- Inner planning advisory areas were the individual risk of fatality from potential incidents is greater than or equal to one 1 in 10 million years; and
- Outer planning advisory area where fatalities are unlikely but persons present may suffer some adverse effects or have difficulty responding to an emergency that may result in harm.

In the case of Point Gellibrand, WorkSafe defines the inner advisory area as that within 185m of the bunds surrounding the western side of the tank farm. The outer advisory area is that within 300m of the tank farm bunds. As can be seen from Figure 2, the NPV development site is outside the inner advisory area but is partly within the outer advisory area.

Figure 2 Gellibrand Tank Farm Williamstown (WorkSafe)

Annex Map 2: Land use planning advisory areas for Gellibrand Tank Farm, Williamstown



7.3 Evidence and submissions

Before turning to submissions and evidence, the Committee wishes to comment on the many submissions that referred to the devastating 'Buncefield' incident in the United Kingdom in 2005.

'Buncefield' was a major incident in 2005 caused by the ignition and explosion of a petroleum vapour cloud from an overflow of petroleum

product as well as sounding an audible alarm should petrol in the tank reach an unintended high level. The IHLS also failed to register the rising level of petrol so the 'final alarm' did not sound and the automatic shutdown was not activated. By 0537 hrs on (Sunday) 11 December (2005) the level within the tank exceeded its ultimate capacity and petrol started to spill out of vents in the tank roof.

CCTV evidence showed that soon after that a white vapour cloud was seen to emanate from the bund around the tank. In windless conditions this vapour cloud.....gradually spread to a diameter of about 360m.....

The vapour cloud was noticed by members of the public off-site and by tanker drivers on-site waiting to fill their vehicles. They alerted employees on the site. The fire alarm button was pressed at 0601 hrs which sounded the alarm and started the firewater pump. A 'vapour cloud explosion' occurred almost immediately probably ignited by a spark caused by the firewater pump starting. By the time the explosion occurred, over 250,000 litres of petrol had escaped from the tank.

The severity of the explosion was far greater than could reasonably have been anticipated based on knowledge at the time and the conditions at the site.

After the initial explosion, fire engulfed over twenty fuel tanks on the site and the fires burnt for several days.

The relevance of the Buncefield incident to the Committee relates to the initial formation of the vapour cloud and the subsequent explosion. The extension of the incident to the larger tank farm is not so applicable to the Point Gellibrand site. The Buncefield research suggests that a similar explosion may generate a side-on overpressure in the range of 5 to 8kPa at the NPV land. These pressures are generally described as causing damage varying from minor structural damage to partial demolition.

A large number of submitters drew the Committee's attention to the need to maintain an adequate buffer between the Point Gellibrand wharf and tank farm and any development on the NPV site.

Council and Save Williamstown both compared Williamstown with the Caltex Refinery at Kurnell in New South Wales. While the Kurnell Peninsula and Williamstown are not identical, according to Council the similarities are striking. It referred the Committee to the full text of the *Kurnell Peninsula Land Use Study 2007* (prepared by the NSW Department of Planning) which included the following recommendations:

- *There should be no increase in residential capacity (i.e. no new land releases or subdivision) within the Kurnell Village.*
- *Sutherland Shire Council should specifically consult with the Department of Planning before approving any significant new development within 500 m of the Refinery boundary.*
- *The assessment of all major new developments or land releases on the Kurnell Peninsula should take into account the need to ensure adequate road access in times of emergency, including access to the Kurnell Village [underlining added by Council].*

Council did not advocate a freeze on new residential development on the NPV land or other land within Williamstown especially as it is zoned Residential 1. It submitted however, that there was a need to “avoid avoidable risk”.

Council submitted that none of the risk experts called by Mobil or NPV were prepared to entirely discount the chance of a Buncefield-type event at Gellibrand. Council said that the Kurnell Study proceeded on the basis that:

Notwithstanding the low level of risk, the principle of ‘avoiding avoidable risk’ needs to be applied through consideration of technical and management measures to reduce the frequency and impact of major accidents; and

Taking into consideration the single access road to the Peninsula and especially, the possible need to evacuate as a result of an emergency at the Refinery or an extreme natural event, future development will need to take account of current emergency management requirements for the Kurnell Peninsula as a whole.

WorkSafe did not offer any independent expert evidence to the Committee. Mr Cooke, Principal Safety Analyst for WorkSafe Victoria, made a submission on its behalf. WorkSafe noted that its general position was that buildings for residential use should not be located within its outer planning advisory area. Given the potential significant increase in population density at the subject land, WorkSafe noted that any redevelopment of the site should have regard to:

- opportunities to locate residential buildings outside WorkSafe’s identified outer planning advisory area; and
- opportunities to ensure that persons are able to safely evacuate any buildings at the request of the emergency services.

It acknowledged that there is no standard methodology or criteria for the provision of advice on land use planning near to MHF’s. However, it relied

on a number of other jurisdictions that define planning or buffer distances to inform its decisions on land use or development near hazardous industries.

WorkSafe principally relied on the UK HSE in forming its advice. The key reference is *“Planning Advice for Developments near Hazardous Installations (PADHI) – HSE’s Land Use Planning Methodology”*, September 2009. An update was issued in December 2009 *“Land use planning advice around large-scale petroleum storage sites SPC/TECH/Gen/38.”* PADHI sets up a simplified process by defining a number of zones (or rings) surrounding a site and providing a list of uses which may establish within each ring. There are four rings in the PADHI assessment:

- Development Proximity Zone (DPZ): 150m from the tank bund;
- Inner Zone: 250m from the tank bund;
- Middle Zone: 300m from the tank bund (which coincides with the WorkSafe ‘Outer Advisory Area’); and
- Outer Zone: 400m from the tank.

UK HSE also lists four levels of ‘sensitivity’. A table sets out the sensitivity levels within each ring. Within each category is a recommendation of either ‘advise against’ or ‘don’t advise against’. ‘Sensitivity Level 3’ is for residential developments of more than 30 dwellings at a density of more than 40 dwellings per hectare. In the case of that part of the NPV site which is partially inside the Middle Zone and with a Sensitivity Level of 3, the UK HSE would ‘advise against’ development.

In order to determine the risks to the proposed development from the Mobil tank farm, NPV engaged Mr Jarman of Bureau Veritas to undertake a Quantitative Risk Assessment (QRA) of the tank farm operations. He was asked to investigate the UK HSE land use separation distances applicable to the Mobil site involving *‘factual evaluations into the actual risk profiles applicable rather than using generic information’*. This required contact with WorkSafe Victoria and Mobil Refining Australia for information pertinent to the study. In his evidence to the Committee, Mr Jarman said that both WorkSafe and Mobil declined to assist him by providing information about the Mobil operation.

Mr Jarman’s evidence included a detailed resume of his QRA modelling with a description of the assumptions he used and the outcomes of his modelling.

As a consequence of the lack of information from WorkSafe and Mobil, Mr Jarman had to rely on generally available data from similar facilities around the world. One particular aspect was the estimation of failure frequencies for various types of equipment. He relied upon selected failure frequencies from the UK HSE database and applied these to each of the key tanks at

Gellibrand as well as the export pipeline. Other probabilities such as release duration and ignition were based on a range of sources and were said by Mr Jarman to be 'conservative'. Mr Jarman's summary of vapour cloud explosion parameters indicated that at Buncefield, the estimated flammable mass was 23,275kg whereas for the GTF (and assuming a Buncefield type incident), the assumed flammable mass was only 1372kg.

In terms of the 'tolerable risk', Mr Jarman applied the PADHI specifications. His original assessment was that the NPV site would be classified at 'Sensitivity Level 2'. At the hearing he agreed with the evidence of Mr Dreyer (for Mobil) and WorkSafe that it would, in fact, be classified as a 'Sensitivity Level 3'. As noted, and based on the HSE matrix, this would make the eastern edge of the NPV site subject to an 'advise against' classification.

Mr Jarman's QRA addressed the criteria for risks up to 1 in 10 million years which defines HSE's Inner Zone. He criticised WorkSafe's approach to the Outer Advisory Area, noting:

The outer advisory area provided by WorkSafe, unlike the inner advisory area, does not appear to be developed from risk based approaches. WorkSafe has indicated that the outer advisory area is an arbitrary area that has no regard for the risk profile of a particular facility or in the context in which a particular facility sits within. As such, the WorkSafe outer advisory area cannot be supported by the work undertaken by Bureau Veritas (BV).

His conclusion was that:

The Land Use Planning Advisory Area for Gellibrand Tank Farm Map issued by WorkSafe was developed without the use of a specific QRA. The separation distances were derived using recommendations from the Buncefield Investigation, which given the significant differences between Buncefield and Gellibrand Tank Farm are not directly applicable in this instance and are unnecessarily conservative. The guidance does not prescribe allowances for different sensitivity levels and is considered inappropriately conservative when compared against other national and international land use planning criteria.

Based on this analysis, the risk of a Major incident at the Gellibrand Tank Farm to residents at the proposed NPV site are shown to be well below accepted tolerability criteria.

When questioned about the implications of his QRA analysis on the development of the NPV site, Mr Jarman agreed with the Committee that the optimal orientation of a tower on the NPV site would be 'end on' towards the east, located at '...the other end of the site'.

NPV criticised WorkSafe's planning advice which was, in part, based on a misconception in that it refers to EPA buffer distances. These distances apply to residual air emissions from a fixed roof tank which has no relevance in establishing risk contours for property damage, injury or fatalities according to NPV.

Further, NPV maintained that WorkSafe's submission was generally dismissive of a QRA assessment despite the fact that its own advisory pamphlet for development within defined risk areas encourages '*...a qualitative or quantitative assessment of relevant risk considerations for the proposed development or land use.*' The Committee notes that this does not necessarily call for a QRA but for some further form of assessment to be resolved with WorkSafe. In this case, the Committee notes that WorkSafe has approved Mobil's Safety Case for the Altona refinery which, it understands, includes an assessment of this Point Gellibrand facility.

NPV relied on the advice from the UK HSE which said that:

The full scope quantified risk assessment (QRA) and the production and interpretation of FN curves is the accepted best means for studying societal risk, but it is relatively costly, time-consuming and requires a high level of technical capability.....

To integrate societal risk into land use planning around major hazard facilities, a site-specific QRA will be needed.

In acknowledging that his analysis was based on a number of assumptions, Mr Jarman emphasised that no assumptions had been made concerning safety infrastructure or operating procedures that either were not in the public domain, or were not communicated at the site inspection of the Mobil Tank Farm in January 2011. According to NPV, if Mobil had provided its full safety case, the risk contours which resulted from Mr Jarman's modelling would have been located even closer to the facility. In other words, his evidence was based on a worst-case scenario.

The Committee notes that Mr Jarman's risk contour for a fatality (a 1 in 10 million year risk for a 'tethered man') extends for about 185m from the bund wall and falls well short of the NPV land. NPV criticised Mr Dreher's evidence (for Mobil) and pointed to earlier evidence (co-authored by him) in relation to the Sandbar case (discussed below) where a buffer of 250m was accepted by his firm. NPV submitted that his insistence on a 300m buffer now is both arbitrary and difficult to rationalise especially given that he appeared to support (like Ms Penn and others) some three storey townhouses on the eastern edge of the site with taller forms set further away. NPV criticized Mobil for not producing its own QRA, for refusing to provide copies or relevant excerpts of its Safety Case and for not calling evidence on

its operations. In the opinion of NPV, Mobil did not do so because these exercises would not have advanced its position.

NPV accepted that the Buncefield event was relevant and, as such, it was considered by Mr Jarman in his analysis. However, NPV submitted that as operations at Mobil occur under the supervision of a minimum of three Mobil staff at all times, many systematic failures would need to occur before a spill of any significance was to occur at Point Gellibrand. NPV also pointed out that the meteorological data for Point Gellibrand, submitted by Mr Bellair shows low wind speeds which would make an event similar to Buncefield unlikely. The Committee accepts the views of the parties that low wind speeds are more conducive to the formation of a vapour cloud, providing one of the factors that could lead to an incident.

On the question of maritime vessel safety, NPV noted that the Mobil ship berth facility is approximately 500m from its site and was substantially shielded by the buildings on the BAE site. In the event that any incident aboard a ship escalated to the tank farm, modelling by Mr Jarman demonstrated that sufficient separation exists.

Mobil submitted that its operations at the Gellibrand Pier and the tank farm are a long-established, pre-existing use. Mobil advised the Committee that its installation represents a substantial and ongoing investment which requires protection. It is an essential and integrated part of the Mobil Altona Refinery which is of State significance, supplying about 50% of Victoria's automotive petroleum.

Mobil submitted that it operates the MHF in accordance with carefully developed and monitored procedures to avoid harm or amenity impacts to people, the environment and property. Notwithstanding this, Mobil's operational and safety processes and procedures may still remain a source of potential hazard and amenity impact because risk and failure of processes can never be ruled out.

Such emergencies will require the attendance of emergency services who will manage the event and make decisions on the extent of precautions (such as evacuation or restrictions on access) for surrounding areas. This would be managed in accordance with the principle of 'escalation' under which resources are marshalled and precautions are undertaken as if a higher level of risk were present for as long as the emergency services consider necessary for the proper management and control of the event.

Mobil submitted that these propositions have profound implications for the appropriate controls on development on the NPV site. It noted that the

following principles should govern the planning controls applicable to the site:

- *Give priority to existing users, including allowing changes to use in the future within the framework of the law from time to time, in a way which avoids sterilising existing sites or confining them to the current operations.*
- *Recognise the economic significance of Mobil's Gellibrand operations to Williamstown and environs, Victoria and the nation.*
- *Take a prudent and conservative approach to hazard by establishing a safety buffer zone. In particular, expressly adopt WorkSafe's guidance, which is specific to the Mobil Gellibrand operations, of a buffer zone of 300 metres from the Mobil bund wall to the nearest residential or sensitive use.*
- *Take a prudent and conservative approach to amenity impacts by both applying a 'reverse buffer' zone and by requiring the developer of the Woollen Mills site to abate the impact on its site of it bringing sensitive uses within the zone of amenity impacts of existing industrial uses (including foreseeable impacts from future uses of significant industrial sites).'*

Mobil therefore strongly supports the outer advisory zone (300m) as identified by WorkSafe. Mobil noted that the QRA did not make allowance for changes in use of Mobil's site. Mobil submitted that the QRA was highly dependent on assumptions which were not verified and it used a model which was not able to deal adequately with the two principal hazards that have the greatest consequences – a vapour cloud explosion and a boilover.

Mobil noted that in future its Tank 707 might be used for other purposes and that because of the channel deepening, much larger ships, which take longer to unload cargo, will be able to access Gellibrand Pier.

Mr Dreher of R4Risk gave expert evidence for Mobil. He was asked to provide his opinion on:

- The potential risk exposures from the facilities operated by Mobil at Point Gellibrand; and
- Appropriate land use for the former Port Phillip Woollen Mills site to minimise risk exposures to people within the site and the surrounding areas.

Mr Dreher discussed a number of potential major incidents including full-surface tank fires, 'boilovers', full bund fires and explosions and large vapour cloud explosions.

He advised that the large floating roof tanks at Gellibrand (Tanks 900 and 901) are fitted with rim seals and foam protection. Rim-seal fires can be managed but if they escalate, the floating roof may sink exposing a larger surface area. Mr Dreher said that while such fires will not expose persons at the NPV site to excessive heat radiation, there is the potential for such fires to produce an additional hazard which can lead to a 'boilover'. A boilover may happen when water is present within the tank, which is not uncommon in the bottom layer of a tank. The water boils rapidly, causing large amounts of burning crude oil to be violently ejected from the tank. The potential impact distances may vary considerably depending on the scenario but a potential impact zone of about 150-200m could be expected. According to Mr Dreher there is a possibility that the impacts of a boilover could extend to the subject site. That said, he acknowledged that there would be a delay between the initiation of a full-surface tank fire and the occurrence of a boilover. This would leave some time to evacuate.

If a full bund fire were subsequently to occur, it would expose the surrounding area to significant levels of heat radiation which may extend about 150-200m from the bunded area. It would not, however, expose persons at the NPV site to excessive heat radiation.

Mr Dreher also addressed the possibility of a vapour cloud explosion. He said with respect to the Buncefield explosion:

The overpressure resulting from an explosion of the type that occurred at Buncefield could damage buildings and structures significant distances from the site e.g. major structural damage to buildings 300-400 metres away from the explosion centre and broken windows up to several kilometres away.

...

The effects of such an explosion event of this magnitude would certainly be experienced at the subject site. As stated above, the experience of Buncefield showed that buildings may suffer major structural damage 300-400m away from the explosion centre. Therefore, it is certainly credible that this type of event could cause major damage at the subject site.

Mr Dreher further noted that Mobil had submitted a Safety Case to WorkSafe and this had been accepted. Given the acceptance of the Safety Case, Mr Dreher felt that it was reasonable to assume that the likelihood of any high consequence events is "low" which, coupled with the separation between the tank farm and the NPV site, implies that the safety risk to persons present at the subject site would also be "low".

In applying the PADHI criteria to the site, Mr Dreyer considered that the development actually exceeded the Level 3 criteria for developments of more than 30 dwellings or 40 dwellings per hectare as the proposal is for high density in excess of 400 dwellings. On that basis he considered that the development should be classified at Sensitivity Level 4. This sensitivity level extends up to 400m which would include most of the NPV site and exclude development of most of the NPV site. He conceded under cross-examination however that a Level 4 rating is for large outdoor numbers or large and contained indoor numbers neither of which is relevant in this case.

Mr Dreyer agreed with Mr Jarman's view that ideally the high rise apartment blocks should be oriented with the main face away from the Mobil site and that they should be located as far as possible away from the Kanowna street frontage. He concluded by noting that *".....the apartment towers are not considered suitable development for the subject site, particularly along Kanowna Street that faces towards GTF."*

Many of the community submissions of SW, WNSRA etc raised concerns regarding the need for an adequate safety buffer between the Mobil facility at Point Gellibrand and the residential development proposed at the NPV site. Many submitters put to the Committee that it was essential to have arrangements in place if there was a need to evacuate the NPV site. They were concerned that emergency vehicles may not be able to access the site in the event of an exodus of residents from the NPV site blocking the limited access routes to the Mobil facility.

The key community group submission was made by Save Williamstown. It included a presentation by Captain John Korevaar on shipping and port operation safety issues which included a considerable amount of well researched information. He provided information on a number of international shipping incidents which might cause concern for people living within the vicinity of a petroleum shipping facility. He was concerned that the QRA assessment fell short of assessing impacts beyond the zone where fatalities may occur (i.e. the 1 in 10 million year contours assessed by Mr Jarman), that emergency services organisations had not been consulted and that a proper risk assessment had not yet been undertaken.

Captain Korevaar noted that the ship berthing facility at Gellibrand Pier was separated from the NPV site by about 500m. Based on the evidence of Mr Dreher and Mr Jarman, and on the advice from WorkSafe, the Committee considers that any mishaps at the berthing facility (or on board a ship berthed there) pose no serious threat to the NPV site.

The Committee was provided with a witness statement prepared by Ms Jan Hayes of Halcyon Risk Management Pty Ltd for the Save Williamstown

group. This was a short report with no appended technical support, and Ms Hayes did not appear before the Committee.

Ms Gaud and Mrs Green raised a number of issues with the two 'risk' witnesses. In particular, the Committee notes Mr Jarman's acknowledgement that damage to buildings at Buncefield was recorded at more than 300m from the site of the explosion.

The Committee has also taken account of concerns relating to the need for the emergency services authorities to be involved (in close consultation with Mobil, NPV and the surrounding community) in the formulation of evacuation plans for the broader area in case of a serious incident.

7.4 Discussion

Two matters are clear to the Committee:

- The inner advisory area nominated by WorkSafe as the 1 chance in 10 million years of an event causing death to a tethered person standing in the open within 185m of the tank farm bund is a similar to that found by Mr Jarman and falls well outside the NPV site; and
- The outer advisory buffer nominated by WorkSafe extends for 300m from the outer edge of the tank farm and it trespasses into the NPV site at the point where the tallest tower (Building 3) facing Kanowna Street and the Point Gellibrand facility is proposed. (Building 4, the lower tower facing Kanowna Street, will also be marginally inside the 300m buffer).

In terms of the threat posed to the NPV site by its proximity to a MHF, the main issue in dispute is how such a risk should be quantified. WorkSafe is informed by UK HSE who determine the setbacks for such facilities in the UK. The HSE methodology has been updated to take into account 'Buncefield' type incidents and is regularly reviewed. WorkSafe particularly recognises the advice regarding the HSE 'middle zone' which approximately corresponds to the WorkSafe outer advisory area.

The issue for the Committee is whether to accept Mr Jarman's QRA analysis, which did not address the likelihood of property damage outside the 1 in 10 million year zone, or the advice of WorkSafe, supported by Mobil, Council and the community.

The findings of the investigations into the Buncefield incident were central to this debate. The Committee acknowledges that there are many local variations between Buncefield and Point Gellibrand including Buncefield's inland location, different meteorological conditions, greater tank farm size and the housing of more flammable products in its tanks, including butane. Nevertheless, the Committee believes Buncefield does provide a valuable

comparison and that it is therefore a useful guide. The Committee sees the most relevant aspect of this incident was the initial vapour cloud explosion at Buncefield rather than the ensuing escalation which caused fires in about twenty storage tanks. The Committee is particularly mindful of the fact that the initial explosion caused considerable damage more than 400m away with overpressures of up to 8kPa at over 300m (see Figure 3). Applying these raw figures to the NPV site brings into serious question the wisdom of allowing the highest density of development within this setback area.

With respect to the application of the UK HSE PADHI guidelines, both Mr Dreher and Mr Jarman ultimately agreed that the proposal should be properly classified as having a Sensitivity Level 3 category despite Mr Dreher originally suggesting that the sensitivity level could at be Level 4. The Committee supports the use of a Level 3 sensitivity. Using this HSE guide, the planning matrix recommends that higher densities of residential development be '*advised against*' in Level 3 Sensitivity areas. This result is consistent with the advice from WorkSafe. In other words, both WorkSafe and the UK HSE guidelines concur that there should be no intense development within 300m of the nearest corner of the bund at the Mobil facility. This again brings into question the appropriateness of the highest density of development within this 300m setback area.

The Committee appreciates that Mr Jarman's QRA analysis suffered from a lack of access to information. While Mr Jarman insists that a QRA is the most appropriate form of analysis, he acknowledged that he had only considered Mobil's current (not future) operations. The Committee also cannot consider his QRA to be a site specific assessment because of the number of assumptions that have had to be made. Instead of using the Mobil 'Safety Case' data in his analysis (which admittedly was not made available to him), Mr Jarman had to use the HSE data base to determine inputs including the likely frequency statistics for the failure of different equipment within the site. As an example of this, the Committee was advised that the Buncefield incident resulted in a 300 tonne overspill of petroleum product resulting in the formation of a 30 tonne vapour cloud whereas Mr Jarman's QRA is based on a cloud of less than 2 tonne.

Mr Jarman also did not have access to detailed weather data for the site but relied upon information from an inland site about 5km away which did not provide night-time wind speeds. Instead he used afternoon wind conditions in his model. The Committee considers that this can be a critical ingredient as the likely onset of still periods slows the dispersal of vapour clouds especially as the Buncefield incident occurred at minimum wind speeds in the early morning. Mr Jarman acknowledged that his model was unreliable at low wind speeds.

While the above inconsistencies on their own may not be significant, the Committee considers that, taken cumulatively, these issues indicate that his QRA analysis was not site specific enough for the Committee to completely rely on it.

Mr Gobbo criticised the ‘assault’ that was made on the QRA approach quoting extensively from the Buncefield report and its recommendations for a site specific QRA analysis. The Committee agrees that this is supported to some extent by WorkSafe’s own advisory note which suggests (in effect) that a QRA should form the basis of any proposal or scheme amendment. The Committee commends NPV for undertaking a QRA, and notes that they were not assisted at all by denial of access to Mobil and WorkSafe information. However, for a QRA to be definitive it must include all specific site information and this unfortunately not been available in this case.

The Committee is also mindful of the Buncefield report and recommendations which note that the “.....use of QRA is not without its own difficulties. For example, assigning frequencies to rare events, such as major equipment failures, can introduce a high degree of uncertainty”.

The Committee notes that even prior to the release of its Advisory Note, WorkSafe’s guidance had been adopted by VCAT in comparable circumstances (see Sandbar Properties Pty. Ltd. v Maribyrnong City Council (No. 2) [2010] VCAT 678). The ‘Sandbar’ case was an application to construct two three-storey buildings for 66 dwellings within 250m of an MHF at Mobil’s Yarraville terminal. Maribyrnong Council refused the application, based in part on the conclusion that:

The density of residential development on the site is inappropriate as the site is affected by low frequency-high consequence events involving dangerous goods at the Mobil Yarraville Terminal. The proposal will pose an unacceptable level of risk to future residents in the development.

This conclusion was based on advice from EPA and WorkSafe and was of a similar nature to that received by this Committee. The Tribunal accepted that an appropriate buffer of 300m should apply concluding that ‘...it is our conclusion that the land is an unsuitable site for a medium to high density residential development’.

As noted above, in urging the Committee to adopt a QRA, NPV relied on recommendations of the Buncefield Board of Inquiry which suggested that Britain adopt a QRA system for land use planning around large scale petroleum storage sites. While that may be, the fact is that the Buncefield Inquiry’s recommendation was not adopted. Instead, the UK HSE refined the model and adopted the 4 zone advisory system that ultimately

influenced WorkSafe's Advisory Note. Both the UK HSE and WorkSafe have adopted zones that extend beyond those which a QRA alone would suggest.

The Committee notes the low risk figures used by all parties in the assessment. Suggestions that the 'chance' of an event causing a fatality are about one in 1 million years or one in 10 million years seem to be very conservative meaning that an event was most unlikely to happen. However, the Committee was advised of several such events over recent decades, including at Buncefield. These events were not anticipated by any authorities or QRA models, but were all the result of a chain of events involving human error, equipment malfunction or adverse weather conditions. When the probabilities of (say) human error, equipment failure and conducive weather conditions combine, recent history suggests that these accidents do happen. The QRA model is designed to anticipate this likelihood but when asked about confidence levels in his model, Mr Jarman answered that it was 'about 1 in 5'.

In light of all of the evidence and submissions, the Committee does not think it prudent to locate the densest parts of this development in that part of the site that is contained within the outer area of WorkSafe. The Committee prefers to err on the side of caution and to apply the more conservative 'precautionary principle' given the risks involved.

The Committee's view is supported by the recent findings of the Maribyrnong Amendment C82 Panel (report of January 2011) who similarly adopted the 'precautionary principle' in setting out a long term strategic framework for land uses near an MHF. That Panel specifically recommended prohibition of residential use in the inner and outer advisory areas in accordance with the WorkSafe Advisory Note.

In order to address this matter on the NPV site, the Committee prefers that there only be a low rise building form along the Kanowna Street frontage with higher levels further west, outside the 300m buffer.

The Committee also suggests that the lower rise Kanowna Street buildings be constructed in such a way that the façade (including windows) facing towards the Point Gellibrand facility is engineered to withstand overpressures of up to 6kPa. This is based on WorkSafe's submission that the Buncefield research suggests that a side-on overpressure in the range 5kPa to 8kPa at the subject land may be generated. The building specifications would be similar to those used for buildings in tropical Queensland and the Northern Territory to withstand similar pressures from cyclones. The Committee emphasises that this is only for buildings within the 300m buffer.

The Committee concludes that it must be guided by the advice of the state authority with most responsibility for this issue. The WorkSafe Advisory Note, published as recently as September 2010, makes it clear that its prescribed 'outer area' is that within 300m of the nearest point of the Mobil facility within which area WorkSafe "*advises against*" residential development where large numbers of people are present.

The Committee finally wishes to make comment on the role of WorkSafe in decisions that are relevant to its obligations. There is presently no statutory requirement for planning or responsible authorities to contact WorkSafe on any proposed development of land. WorkSafe's advice is simply a guide to assist the Responsible Authority in deciding on the appropriateness of a proposed use of land close to an MHF. In the UK there is a statutory requirement for the planning authority to consult UK HSE in the case of a proposal in close proximity to a large scale petroleum site, similar to a MHF.

The Committee finds it curious that WorkSafe is presently not a referral authority for applications within its inner or outer advisory areas. Referral authority status is a serious role in the planning process and it is only conferred if the input from a nominated agency is central to the outcome of an application. Such status is common in flood prone areas and in bushfire prone areas. It seems to this Committee that there is a gap in the planning process if the agency that is responsible for something as serious as a potentially life threatening event is not required to be informed.

7.5 Conclusions and recommendations

Overall, and in the absence of a comprehensive and site specific QRA, the Committee is reluctant to ignore the advice of the state government agency that has responsibility for MHFs. The advice was only published in September 2010 and it reflects the most up to date analysis including of the Buncefield incident.

The Committee therefore supports a reduced level of development within the WorkSafe 'outer area' being the eastern edge of the NPV site based on the information put to it on the potential impacts of an event at the Mobil PGTF site.

Specifically, the Committee is of the view that the 'balanced' outcome with respect to the safety issue is that of lower density development along the Kanowna Street frontage. Any higher built form should be located entirely to the west outside the WorkSafe 300m buffer.

The Committee has adopted a precautionary yet pragmatic approach to this issue. It has adopted the WorkSafe Advisory Note of September 2010 as the

most conservative approach. In the view of the Committee, the onus is on any party to justify a modification to this standard. In saying this, the Committee freely acknowledges that the 300m line is not an exact measure of where unsafe conditions all of a sudden become safe. The 300m line is no more than an indication.

The Committee finally notes that it not convinced that this important issue has been exhaustively analysed simply because of a lack of specific information. The Committee therefore strongly suggests that if the Minister for Planning wishes to pursue this matter further, he should convene a facilitated discussion between the relevant parties, (Mobil, WorkSafe, Port of Melbourne, the EPA and NPV) to ascertain an agreed position based on all of the relevant information including Mobil's Safety Case.

Recommendations

In relation to buffer matters, the Committee recommends:

- **That only 'lower rise' built form of up to 13m be allowed along Kanowna Street within the 300m buffer area.**
- **That any development within the WorkSafe Outer Advisory Area be designed to withstand overpressures of up to 6kPa.**
- **That any buildings in excess of 13m be located outside the 300 buffer area.**
- **That WorkSafe be included as a Referral Authority under Section 55 of the *Planning and Environment Act* and be listed in the Hobsons Bay Planning Scheme for all applications for use, development or subdivision within the 'Inner Area' or the 'Outer Area' specified in its Advisory Note of September 2010.**

8. Interface Issues - Noise

8.1 What is the issue?

Is a high density residential development likely to impact on the existing operations of the Port of Melbourne?

In particular, what are the implications of locating a noise sensitive residential use in close proximity to the Williamstown Shipyard site occupied by an industry of State significance and the Mobil fuel import/export facility at Point Gellibrand?

Can conditions or requirements be included in any planning controls to address noise issues?

8.2 Policy context of the issue

The Committee has already identified the higher level policy directions relevant to this issue in Chapter 4. **Clause 10.04** of the Hobsons Bay Planning Scheme requires a balancing of conflicting objectives in favour of net community benefit. The conflicting objectives with respect to this proposal are:

- The SPPF encourages higher density development on sites such as this which are well located in relation to activity centres and public transport (**Clause 16.01-2**).
- The SPPF seeks to assist the control of noise effects on sensitive land uses and requires consideration of SEPP N-1 in decision making (**Clause 13.04-1**).
- The SPPF requires the protection of industrial land of State significance (such as the BAE site) and includes a strategy directed at maintaining adequate buffer distances between sensitive or incompatible uses (**Clause 17.02-3**).

Applicable SPPF policies regarding the proximity of industrial activities including ports include:

- **Clause 17.02-2 (Industrial Land Development)** aims to provide separation and buffer areas between sensitive uses and offensive or dangerous industries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.
- **Clause 17.02-3 (State Significant industrial land)** protects large areas of land of state significance from inappropriate development and to maintain adequate buffer distances from sensitive or incompatible uses.

- **Clause 18.03 (Ports)** recognises the importance to Victoria of economically sustaining ports. It states the need to protect options for future development and ensure port areas are protected by adequate buffers to minimise land-use conflict and emphasise the physical separation of ports and industrial areas from sensitive urban development by the establishment of appropriate buffers which reduce the impact of vibration, intrusive lighting, noise and air emissions from port activities.
- **Clause 18.03-2 (Planning for land adjacent to ports)** protects the land resources adjacent to ports to preserve their value for uses which depends or gain significant economic advantage from proximity to the port's particular shipping operations.

These state policy directions are reflected in the Hobsons Bay LPPF with repeated references including:

- **Clause 21.02 (Profile of Hobsons Bay)** describes shipbuilding as a major enterprise and notes the importance of the industry to the local economy and surrounding areas.
- **Clause 21.03-1 (Hobsons Bay in the Region)** highlights that important industries are of fundamental significance to the local economy but they also have the potential to cause off-site impacts on adjoining residential areas which contribute to the liveability of Hobsons Bay.
- **Clause 21.09-9 (Industry)** outlines the vision, objectives and strategies for Hobsons Bay including the importance of facilitating appropriate industrial activity and generating employment while maintaining the amenity of the municipality.
- **Clause 22.09 (Industry)** applies to all land designated Special Use Zone-Schedule 5 and supports the continuing use of the Williamstown Shipyard site.

The Committee notes that the Implementation section of **Clause 21.06-3** sets out the relevant zones and overlays that should apply for various activities. These include:

Apply the Design and Development Overlay to implement the Hobsons Bay Industrial Land Management Strategy June 2008, to ensure that new, refurbished and converted developments for residential and other noise sensitive uses in proximity to existing industry include appropriate acoustic measures to attenuate noise levels within the building and private open space areas.

Noise emissions from industrial facilities are governed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No N-1 (SEPP N-1). EPA is responsible for administering this

policy. SEPP N-1 applies to both the BAE ship building premises and the Mobil facility at Point Gellibrand.

It is also noted that the Williamstown Shipyards has strong Victorian Government legislative support. BAE advised the Committee that apart from Melbourne (Tullamarine) Airport, the shipyard is the only facility specifically recognised as significant by the *Planning and Environment Act* which in turn reflects its degree of significance to the State economy. In 2005 the State Government passed the *Planning and Environment (Williamstown Shipyard) Act 2005* and inserted a new Part 3D into the Act being “Part 3D – Williamstown Shipyard Site Strategy Plan”. Section 46Z of the Act provides:

The purpose of this part is to ensure that the Williamstown Shipyard Site continues to be used for industrial and marine engineering purposes and ancillary purposes.

Part 3D also contemplates the development and approval of a Strategy Plan for the shipyard site. The Strategy Plan is required to provide for the continued use of the shipyard site for “*industrial and marine engineering purposes and ancillary purposes*”. The Committee was advised that to date, no Strategy Plan has been prepared by the Minister for Planning.

8.3 Evidence and submissions

Concerns regarding noise were raised by PoM, Mobil, BAE, KAS, Save Williamstown and numerous residents.

NPV submitted an acoustic report indicating that appropriate acoustic attenuation measures could be adopted within buildings facing Nelson Place so as to protect new residential buildings from noise. Further, the exhibited Development Plan of NPV included a provision requiring an acoustic report addressing potential noise sources.

The EPA submission to the Committee raised concerns about the lack of assessment of noise from BAE or other commercial and industrial premises. EPA noted that the need for acoustic shielding should be addressed at the permit application stage.

Port of Melbourne (PoM) leases the Gellibrand and Breakwater Piers to Mobil for the transfer and storage of liquid petroleum products. The port is specifically referenced in the Planning Scheme and the *Planning and Environment Act 1987* and various zones (such as specific Special Use Zones) underline the particular treatment given to the port by the planning framework.

PoM made a 'global' submission about the proximity to the port inclusive of noise, air emissions and risk factors. The PoM position is that a 300m distance should be used to determine the Buffer Land and that this should provide the basis for a subsequent Ports Environs overlay control. This buffer is based upon a combination of:

- planning policy, in particular the importance of the Port and the protection of its operations to the State economy;
- AQ2/86 Recommended Buffer Distances for Industrial Residual Air Emission in that both fixed and floating roof tanks are present at the Mobil facility;
- Clause 52.10 of the Planning Scheme in that both fixed and floating roof tanks are present;
- the concept of a reverse buffer;
- a sensible town planning outcome for appropriate separation distances between industrial and residential land; and
- approaches to orderly planning for risk including guidelines prepared by WorkSafe.

PoM's position is that maintenance of an adequate buffer between sensitive land use development and Gellibrand Pier is essential for the ongoing operation of the port.

In support of its submission to have tighter controls, BAE urged the Advisory Committee to acknowledge that:

- the WS Site supports an industry which is of State significance;
- the development of the NPV site for residential purposes would create a sensitive interface (where none now exists) between those new residences and a significant industry;
- this new sensitive interface must be managed so as to ensure the ongoing viability of the WS industry; and
- this new sensitive interface must also be managed to allow for the efficient use and development of the NPV site and for a reasonable level of amenity for future residents.

In the view of BAE, these competing interests can be balanced and an appropriate interface can be achieved by applying to reverse buffer principle. In the view of BAE the burden of protection lies with the "agent of change" (being the new NPV residential development) and not on the operator of the existing industrial use on the BAE site. BAE submitted that an appropriate suite of planning controls for the NPV site must, as a minimum, provide for the following:

- *dwellings to be constructed so that they provide for an appropriate standard of amenity with regard to noise levels when measured both internally, and externally on balconies or in open space areas; and*
- *an appropriate regime for testing and verification that these standards have been achieved; and*
- *the owner of the WS Site to have an ongoing, meaningful role in the assessment and approval of future planning permit applications for residential development. In this regard, a requirement for mere notification, or consultation, would not be sufficient.*

As an alternative, BAE suggested that there could be a variation to SEPP N-1 so that it were exempt from complying with the external noise provisions of the EPA in much the same way as an exemption had been provided at Docklands for protection of noise from music under SEPP N-2. BAE suggested a number of options as to how its issues could be addressed by way of the planning controls. Finally, BAE considered that it is essential that it be kept informed of future development on the NPV site by being included as a 'referral authority' under Section 55 of the Act for all applications.

The Committee was assisted by expert witness statements from Mr Robert Burton of Burton Acoustic Group (provided by NPV) and Ms Elizabeth Hui of Marshall Day Acoustics (provided by BAE). BAE also provided an expert witness statement from Mr Marco Negri on statutory planning processes to deal with noise issues. These three were all available for cross examination at the hearing. In addition, Mobil presented an expert witness statement from Mr Christoph Delaire but did not call him to give evidence.

Mr Burton and Ms Hui were in general agreement that appropriate recommendations have been provided in the exhibited DPO to take into account future development proposals of the site. These controls provide high levels of internal amenity and are designed to avoid sleep disturbance during conventional sleeping hours. Subject to clarification of the future operational modes of the various noise sources during the night period, recommendations were provided to allow compliance with the requirements of SEPP N-1. The incorporation of these recommendations are calculated to allow good internal acoustic conditions within the NPV site without hindering the existing industrial and entertainment uses in the area.

Both Mr Burton and Ms Hui agreed that a process should be put in place which first establishes the future predicted noise emissions from BAE to be used in the detailed assessment at the permit application phase. This will provide a basis for determining noise level excesses and suitable noise control treatments to be included in any development on the NPV site.

Compliance must be tested in situ to verify the design and then to make any necessary adjustments.

However, Ms Hui was concerned that following the detailed assessment of the actions required to limit the noise levels to meet SEPP N-1, there may still be complaints and breaches by BAE at a later date. This could lead to a curtailment of operations at BAE resulting in the need to contain noisy activities. As a result, it was her opinion that BAE should be provided with an exemption from meeting the SEPP N-1 requirements at outdoor areas like balconies on the development site by using an indoor noise measurement point for the assessment. NPV noted that the requirements for outdoor areas could be met by enclosing the balconies facing BAE with glass acoustic panels. That said, NPV submitted that it remains debateable whether the additional cost would be warranted due to the limited week-night use of typical balconies in apartment buildings.

Mr Negri cited examples including Melbourne Planning Scheme's DDO (Schedule 26) which places an obligation on new residential developments to incorporate acoustic measures to attenuate noise so as not to affect the viability of existing industry in the area. He also cited a variation to SEPP N-2 to exempt music noise from any outdoor venue in the Docklands Area from complying with the standard noise levels. He said this exemption appears to operate in tandem with DDO12 in the Melbourne Planning Scheme.

NPV accepted the need to design its buildings to comply with SEPP N-1 but stated that on completion of the buildings (incorporating all the agreed sound attenuation treatments) any noise from BAE in the new residential building in excess of the agreed levels should be entirely the responsibility of BAE.

Mobil submitted that noise emanating from its Point Gellibrand facility was well within the limits of SEPP N-1. The noise from the site was from the operation of the pumps which moved petroleum product from ship to storage and into the pipeline to the Altona refinery. This conclusion was verified by Mr Delaire's statement and was apparent to the Committee on its inspection in January 2011.

Various other submitters made comment about noise. It was apparent that noise is of greatest concern to those residents who live near to the site like the Green's and Ms Orange.

KAS are the operators of the Titanic Theatre Restaurant. The restaurant is on the north east corner of Nelson Place and Kanowna Street and is abutted on its west and south sides by the NPV property. It operates mainly on Friday and Saturday nights with up to 200 patrons attending and it emits a loud

ship horn, gas guns and live music often until after midnight. KAS submitted that while the adjacent residential zone may generate complaints, the 'reverse buffer' principle should apply being that the developer should be responsible for shielding its own residents from the existing noise emissions. Otherwise, the onus would be on the restaurant to comply with SEPP controls.

On the final day of the hearing the Committee was advised, in a letter from ARG Planning on behalf of KAS, that an agreement had been reached between NPV and KAS which provided that NPV, prior to occupation of any part of its development, would carry out, at its cost, works to the land at 1 Nelson Place to ensure that the existing use will be compliant with SEPP N-1 and SEPP N-2. KAS also considered that the Development Plan Overlay should contain a design objective that development not impinge on or adversely affect the viability of existing industrial and other uses of adjoining or nearby land.

8.4 Discussion

The Committee accepts that the 'reverse buffer' principle advocated by the parties is already embedded in **Clause 21.06-3** of the scheme which notes:

Apply the Design and Development Overlay to implement the Hobsons Bay Industrial Land Management Strategy June 2008, to ensure that new, refurbished and converted developments for residential and other noise sensitive uses in proximity to existing industry include appropriate acoustic measures to attenuate noise levels within the building and private open space areas.

The Committee also accepts that at the permit application stage there needs to be a process such as that proposed by Mr Burton and Ms Hui. This process will take into account reasonable estimates of noise emanating from the BAE site, with due allowance for foreseeable future works and processes on the BAE premises. This will determine the design parameters for the apartments on the NPV site facing towards the BAE site. The process would then include testing on the NPV site to verify compliance with SEPP N-1 and to make any necessary adjustments. The Committee appreciates that in order to comply, this may mean that external areas (balconies etc) may have to be specially designed with higher balustrades, seals or the like.

The Committee considers it reasonable that once this process is completed, BAE will thereafter be responsible for remedying any breaches of SEPP N-1.

The Committee accepts that it is entirely appropriate that BAE and other industrial operators be further involved in responding to proposals for the detailed development of this site. However, it sees no benefit in having BAE

as a formal referral authority. The precedents cited by BAE in its request for referral authority status around Victoria all related to regional airports and typically these are managed and owned by the local Council. The Committee thinks that it would be highly unusual for a private entity to be a referral authority, even when it is an important state industry. The Committee is satisfied that BAE's objective can be met by ensuring that its 'views' on any application considered.

In regard to the submission from the Titanic Theatre Restaurant, the Committee is of the view that the rezoning of the land to Residential 1 has given rise to the problems confronting KAS, not the development control package proposed on the land. The closeness of the restaurant to the residential boundary of the site makes it inevitable that the ship horn, the gas guns and/or the live music will cause some level of resident complaint. That said, the Committee notes the agreement reached between NPV and KAS to address this issue.

8.5 Conclusions and recommendations

The Committee agrees that measures will be needed to ensure that new residential development on the NPV site is in compliance with SEPP N-1. It also agrees with NPV that a testing and compliance regime needs to be included in the planning controls and that it would be its responsibility to build the development in accordance with those controls. It can do no more than that.

The Committee sees no need for BAE to be a 'referral authority' for future applications as there will be an agreed position, reflected in the planning control, as to the standards that are to be met for any future development on the site.

Recommendations

In relation to noise matters, the Committee recommends that the planning controls for the site include requirements for:

- **An appropriate noise attenuation design objective.**
- **An acoustic report from the applicant demonstrating how compliance will be achieved.**
- **Compliance of any new residential building with SEPP N-1 (internal and external).**
- **A process of verification to be supervised by a qualified acoustic consultant upon completion of works.**
- **Seeking the 'views' of nearby owners and occupants of any application including BAE and Mobil.**

9. Interface Issues - Air Emissions

9.1 What is the issue?

Will odours and air-borne particulates from port related industries impact on residential development on the NPV site?

9.2 Policy context of the issue

The Committee has already identified the higher level policy directions relevant to this issue in Chapter 4. The EPA referred the Committee to the EPA Publication No AQ2/86 *Recommended Buffer Distances for Industrial Residual Air Emissions* that sets recommended buffer distances for odour and nuisance dust emissions to protect amenity.

The recommended buffer distances from petroleum product storage tanks with fixed roofs is 300m. The recommended buffer distances from petroleum product storage tanks with floating roofs is 100m.

The publication also recommends that air emissions such as fine metal dust and spray paint be contained within the emitting industry site.

9.3 Evidence and submissions

EPA submitted that the proposed NPV development was within 300m of fixed roof tanks 304 and 506 at the Mobil Point Gellibrand facility. EPA also submitted that BAE must ensure that metal dust and spray paint emissions are controlled so that pollution does not occur at the new NPV residential development.

NPV called expert evidence from Dr Terry Bellair who explained that he prefers to use the EPA's buffer distances rather than Clause 52.10 of the Planning Scheme as the EPA measure:

- *Is designed to be applied both as a buffer and a 'reverse-buffer';*
- *It is the 'parent' of the threshold distances; and*
- *It provides a more definitive approach for setting buffers (by considering the location, uses and characteristics of each tank) than Clause 52.10, which is essentially a crude screening measure for planners.*

With regard to the Mobil site, Dr. Bellair pointed out that petroleum product is currently stored only in tanks 900 and 901 both of which have floating roofs. As a result, the EPA buffer of 100m applies. While he acknowledged that tank 707 may also be used for petroleum product in the future, this is also a floating roof tank. Of the fixed roof tanks, tank 304 is not bunded and cannot therefore be used for anything other than clean water storage, which is its current use. He noted that tank 506 has also recently been used to store wastewater collected from the bunds. If tank 506 was to be brought back into service for petroleum storage, it would need to be fitted with an emission control system which would make it equivalent to a floating tank in terms of controlling vapour emissions. In any event, tank 506 is beyond 300m from the NPV site.

Dr Bellair also pointed out that the occurrence of wind from the east, the direction that would bring emissions onto the NPV site, was only a 5.3% occurrence and therefore the movement of pollution towards the site would be minimal. He concluded that the distance from the NPV site to the Mobil site clearly complied with the EPA AQ2/86 requirements. With respect to the BAE site, he concluded that:

The emission controls employed by BAE in connection with its abrasive blasting (sand-blasting of metals) and painting operation are equal to or better than 'best practice' –in particular, the emission controls on the newest facilities buildings 3, 123 and 139 are 'state-of-the-art'.

9.4 Discussion

Dr Bellair's findings were not really disputed by any party and his conclusions are accepted by the Committee.

The Committee is satisfied that any air emissions from Mobil's operations are unlikely to have any adverse effects on local amenity including at the NPV site.

The Committee is also satisfied that any air emissions from BAE's operations are unlikely to have any adverse effects on local amenity including at the NPV site.

9.5 Conclusions

The Committee concludes that the operations at Mobil and BAE will not be a threat to the air environment at the NPV site.

10. Traffic, parking, public transport

10.1 What is the issue?

Will the residential development of the subject site place an unsustainable load on the existing traffic and parking situation in Williamstown?

10.2 Policy context of the issue

The Committee has already identified the higher level policy directions relevant to this issue in Chapter 4. SPPF transport objectives, strategies and policy guidelines are set out in **Clause 18** of the Hobsons Bay Planning Scheme. The key objective is that planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movement of people and goods, and is safe. The emphasis is on the integration of land-use and transport (**Clause 18.01-1**) and coordinating all transport modes to provide a comprehensive transport system (**Clause 18.01-2**). Particular provision is made for the planning of land adjacent to ports (**Clause 18.03-2**).

Hobsons Bay LPPF also has a broad range of transport objectives at **Clause 21.10-2** including providing access to, through and within the municipality by all modes of transport, to protect residential and other sensitive land uses from adverse effects of vehicular traffic and to encourage increased use of public transport.

10.3 Evidence and submissions

Council had commissioned a report on traffic and parking from the Traffix Group. Council submitted that, the proposal must improve the permeability (and walkability) of the street network by establishing new north-south through links to alleviate additional vehicular use. This would also reduce the impact of the proposed development on the existing road network. Bicycle parking facilities must be provided on the site to provide future residents with alternative modes of transport.

Council and others also noted that public transport access should be integrated with the development. Provision of clear, safe and accessible connections between the site and the existing public transport services including bus stops and Williamstown train station should be made.

VicRoads also made a submission but was not present at the hearing. VicRoads' concern is the cumulative effect of several residential developments within the City of Hobsons Bay. This may impact on the traffic levels on the surrounding arterial road network, particularly Williamstown Road. VicRoads suggested that Council should consider Development Funded Contributions to assist in alleviating any detrimental effects that a development has on the arterial road network in order to maintain the efficiency of the road network, post development.

Traffic issues raised in submissions by many community representatives, including SW, WNSRA etc covered aspects including:

- added congestion on the access roads to/from the Williamstown peninsula, particularly during peak periods;
- increased traffic on local streets due to shopping and other local trips by the residents of the proposed development;
- the need for adequate parking provision on the NPV site (including residents and visitors). This is especially so with respect to weekends and evenings when there is often a high demand for parking in the Nelson Place restaurant precinct. It also applies to the anticipated increase in the work-force at the BAE shipyards due to new ship-building contracts;
- increased parking demands around the Ferguson Street/Douglas Parade shopping centre;
- increased safety problems around schools due to traffic increases;
- traffic difficulties in the event of an emergency at Mobil's Point Gellibrand facility where traffic carrying those evacuating from NPV and surrounds will be in direct conflict with emergency vehicles wishing to enter the site; and
- the inadequacy of the public transport system to provide a reasonable level of service for existing and future residents. It was submitted that public transport is not presently a reasonable alternative to using private cars for trips especially to work.

Other technical issues raised as a result of submissions included:

- the calculation of traffic likely to be generated by the site;
- the determination of an appropriate parking ratio for the site; and
- the adequacy of the capacity of the local and arterial road networks to carry the additional traffic generated by the site.

Mr Griffith (GTA Consultants), on behalf of NPV, described the street network within the subject site. Nelson Place is identified by the Council as a *'high activity collector road'*. It has one lane in each direction and passes through the restaurant precinct facing the foreshore. It carries up to 12,000 vehicles per day (vpd) at Ferguson Street and about 3,850vpd in the vicinity

of the NPV site. It provides the main access route to the BAE ship-yard, the Mobil facility and the Point Gellibrand Coastal Park. The other streets surrounding, through and close to the site (Ann, Kanowna, Aitken, Hanmer and Cecil Streets) are all classified as local streets, each consisting of one lane in each direction and each carrying between 300-600vpd near the site. Hanmer Street is classified as a collector road west of Thompson Street and carries about 950vpd on that section.

Traffic on arterial roads near the site include:

- Nelson Place west of Ann Street (370 vehicles per hour (vph) in PM peak, capacity 1,800vph and 3,860 vehicles per day);
- Melbourne Road north of Parker Street (580vph in PM peak, capacity 1,800vph, and 5,690vpd);
- Ferguson Street east of railway crossing (1,000vph in PM peak, capacity 3,800vph); and
- Melbourne Road north of Ferguson Street (1,010vph in PM peak, capacity 3,800vph, 11,900vpd).

Mr Griffith reported the results of a parking demand survey on roads within and immediately surrounding the NPV site taken at 10.00am, 2.00pm and 9.00pm on Thursday 16th and Sunday 19th December 2010 and at 9.00pm on Saturday 18th December. The peak demand was 182 occupied spaces at 2.00pm on Thursday at a rate of 63% of the total of 287 available spaces. This compared with a peak of 66 occupied spaces at the 9.00pm surveys (25% occupancy rate), indicating that the day-time figures related mainly to the demand for work/business parking, with a low demand in the evenings. Earlier surveys were carried out in July 2010 on Kanowna Street and Nelson Place with similar results.

An intersection analysis was also carried out for intersections surrounding the site. This indicated that they all operated well with minimal delays. Mr Griffith advised that there were no traffic accident records that indicated an intrinsic problem with local intersections.

Existing train and bus services in the area are as follows:

- train to Williamstown, nearest station 400m from site, 20 minute peak service, 30-40 minute off-peak service;
- bus route 415, Williamstown/Altona/Laverton, 800m from site, 45 minute peak and 80 minute off-peak service; and
- bus route 471, Williamstown/Newport/Altona Gate/Sunshine, with a stop in Ann Street next to the site, 20 minute peak and 30-40 minute peak service.

Mr Griffith's evidence was that the State Government recently announced increases in bus and rail services in Williamstown but that these would not significantly affect the level of service. He also addressed pedestrian and bicycle paths with particular emphasis on access to nearby schools to which the site has good access.

Access and mobility requirements of the planning scheme are guided by **Clause 56.06** which aims to contribute to reduced car dependence, greenhouse emissions and air pollution. While the site is within an easy walk to the Williamstown rail station, the 471 bus service and local primary schools, it is nevertheless at least 900m to the Ferguson Street shopping centre and even further to secondary schools. Mr Griffith's analysis of the requirements for bicycle spaces (**Clause 52.34-3**) suggested a need for 105 spaces in the 'high rise' buildings in the indicative proposal based on one bike space per five dwellings for residents plus 1 space per ten dwellings for visitors.

The Department of Transport has prepared an advisory note identifying that an Integrated Travel Plan be prepared for new major developments, including residential proposals of more than 200 units. Mr Griffith said this should be prepared as part of the permit application process for this development and should address actions to enhance sustainable transport such as access to public transport, the preparation of a 'Green Travel Plan', enhanced access to walking, cycling and public transport networks etc.

In relation to potential transport infrastructure contributions by the developer, in addition to the usual provision of street/footpath improvements, street landscaping, kerb upgrades, formalised parking and the like, Mr Griffith suggested contributions towards:

- signage and streetscape improvements on streets within and surrounding the site;
- internal bicycle facilities and contributions to signage etc. for bicycle lanes into and around the site; and
- a footpath on the western side of Ann Street to connect between Hanmer Street and Williamstown Station, including improvements to pedestrian facilities/pram crossings and improvements to the bicycle racks at the station.

On the matter of car parking supply, Mr Griffith noted that the indicative proposal for NPV included 2 on-site spaces per town-house and a total of 527 spaces for 395 apartments. He also said that there were 175 on-street spaces available on street immediately surrounding the site. He pointed out that while **Clause 52.06-5** requires two spaces per residential dwelling, there is provision for variations to this via decision guidelines that allow an

empirical assessment of parking demand. In this context, Mr Griffith relied upon an empirical assessment with information from:

- the Inner Melbourne Parking Study, which suggests 0.49 spaces/1-bedroom dwelling, 0.98/ 2 bedrooms and 1.47/3 bedrooms;
- ABS data for Williamstown and Williamstown North which shows demands for 0.55 spaces/ 1 bedroom apartment dwelling, 0.85 spaces/2 bedrooms and 1.10 spaces/3 bedrooms;
- Melbourne CAD rates which specifically provide for 1 space per 1 bedroom dwelling, 1 space/2 bedrooms and 2 spaces/3 bedrooms; and
- the GTA survey of a similar 162 apartment block at Beacon Cove indicated a peak resident parking rate of 0.93 spaces / apartment and other surveys indicating visitor parking demands of 0.12 spaces per dwelling.

Based on his assessment of this information, Mr Griffith recommended rates of 2 spaces per town house and 0.7 spaces per apartment. His evidence was that the parking provision shown in the indicative development plan for each apartment building was actually well in **excess** of these recommended rates. He also suggested that there be suitable provision for motor cycle and scooter parking and for car-share spaces for providers such as Flexicar and Go-Get. Any surplus spaces could be offered for sale to residents or managed on a short-term lease basis.

Regarding visitor parking, he recommended a rate of 0.1 spaces per dwelling which would equate to about 40 spaces for apartments and 10 spaces for townhouses. As noted previously, he suggested that there is enough underutilised on-street spaces to cater for this demand.

In order to assess the likely traffic impact of the development on traffic on the surrounding road network, Mr Griffith estimated the likely traffic that would be generated by the site. To do this he referenced surveys carried out on four apartment blocks at Port Melbourne and two at South Yarra. He claimed that the rates from these developments would be 'indicative' of rates generated by the NPV site due to similar characteristics such as its inner suburban location with good access to public transport. He used rates of 0.6 vehicle movements/ town houses in the peak hour and 6 movements per day; and 0.29 vehicle movements /apartment in the peak hour and 3.34/day. These rates indicated that the site would generate 1,930 vehicle movements/day and 180 vehicle movements during each of the AM and PM peak hours on a typical week day.

He distributed these trips to the network by considering a number of factors including access points to the site, the configuration and characteristics of the local road network, the location of key local land uses (employment

locations, retail centres, schools etc) and the arterial network servicing Williamstown. This provided a basis for assessing the likely impact of generated traffic on the wider road network.

Having done this analysis, he found that the intersections around the NPV site would still operate well. The Local road network would see significant increases of up to or more than 100% on all surrounding streets but all would still be well below their indicative capacities as defined in the 'Williamstown Transport Strategy' and **Clause 56.06-8**. The only exception to this was on Nelson Place which already carries 3,650vpd past the site. This would increase to 4,010 as part of the 'Base Case' (which allows for additional traffic to/from the BAE site and for normal growth) plus 966vpd as a result of the current proposal giving a total of 4,976 against an indicative capacity of 12,000+vpd.

The assessment of the likely impact on the wider road network suggested that traffic on Melbourne Road north of Ferguson Street would increase by about 10% as a result of the NPV proposal. Douglas Parade north of Ferguson Street would increase by about 6% and Ferguson Street west of Melbourne Road by about 1%. At the request of the Committee, Mr Griffith carried out a further assessment of the roundabout at Ferguson Street/Melbourne Road. The findings were that while there would be increases in traffic using the roundabout, its operation would remain well within the 'acceptable' range and increased traffic delays would be minimal.

The 'Traffic Impact Assessment Report' prepared by the Traffix Group for Hobsons Bay City Council generally agreed with the findings of Mr Griffith. Council did not call expert evidence however there were only minor variations between the two reports.

Regarding the provision of car spaces, Mr Griffith recommended 2 per town house and 0.7 per apartment. Traffix has no argument with the town house provision but considers that, based on Census data, the typical Williamstown rates for units and apartments is 0.6 for single bedroom, 1.0 for 2 bedroom and 1.2 for 3 bedrooms 'Journey to Work' data indicates that about 75% of work travel is by car, a figure very similar to the metropolitan average. This supports the submission of many community groups including SW, WNSRA, PoW etc that Williamstown derives little advantage from its proximity to public transport and this does not necessarily suggest that local residents are likely to have lower than average car ownership. Therefore the use of parking rates derived from high public transport access areas are not applicable, according to Traffix.

Traffix stated that the trip generation rates used by GTA are low and suggests trip generation rates for town houses of 0.6 trips/dwelling/peak

hour and 6 trips/dwelling/day (same as GTA) and for apartments 0.5 trips/dwelling/peak hour and 5.0 trips/dwelling/day, as opposed to the GTA figures of 0.29 and 3.4. This difference will result in 260 car trips/peak hour and 2,600 car trips/day compared to GTA's estimates of 176/hour and 1,931/day.

10.4 Discussion

The NPV site is bounded by Nelson Place, Kanowna Street, Cecil Street and Ann Street, and includes Windsor Terrace and other laneways within. Two new access streets are proposed by the proponent being an east/west street (labelled X Street) between Ann Street and Kanowna Street and a short north-south street between Aitken Street and X street (labelled Y Street). Local access to the NPV site will be mainly via Nelson Place and Hanmer Street although other options are available via Aitken Street, Cecil Street and, to a lesser extent, via Cole Street-Osborne Street-Victoria Street to access Kororoit Creek Road.

The NPV site is located at the eastern end of the Williamstown peninsula. As such, there is no inter-suburban traffic through Williamstown but there is limited access only from the north and west. Williamstown is serviced by two major arterials under the control of VicRoads being Melbourne Road to the north and Kororoit Creek Road to the west. Kororoit Creek Road becomes Ferguson Street east of the railway level crossing and is a major arterial road up to the Melbourne Road roundabout. Melbourne Road extends north to the overpass of the railway at Newport then it interchanges with the West Gate Freeway. It then changes its name to become Williamstown Road further to the north.

Douglas Parade is also a major access route into Williamstown from the north and is also classified by VicRoads north of North Road. It extends north to pass under the West Gate Freeway to become Hyde Street north of Stony Creek. The Strand is another north-south road which is a northerly extension of Nelson Place. The Strand traverses the River Yarra estuary to eventually join Douglas Parade.

Access to the inner metropolitan area, the Central Business District (CBD) and the eastern suburbs is usually via the Melbourne Road/Williamstown Road interchange and West Gate Freeway although Douglas Parade/Hyde Street/Whitehall Street/Footscray Road is an alternative route. Access to the west is usually via Kororoit Creek Road (which interchanges with the Princes Freeway) and Millers Road (which interchanges with West Gate Freeway and hence to the Western Ring Road).

The *Victorian Transport Plan* (2008) includes six priorities for action. Action 4 'Moving Around Melbourne' includes:

- an alternative to West Gate Bridge, a project which involves the two stage construction of a new freeway standard road link from east of the Maribyrnong River in West Melbourne to the Western Ring Road in Sunshine. A preferred route was released to the community in October 2010 for the *WestLink* project. The route was developed after months of detailed investigations and community consultation. It will soon undergo a review by an Assessment Committee appointed by the Minister for Planning to consider the draft Comprehensive Impact Statement for the project. The first stage is intended to be a tunnel between Geelong Road/Sunshine Road and Dynon Road/Footscray Road; and
- delivery of a truck action plan in stages to remove several thousand truck trips from the inner-western suburbs. Stage one involves the construction of new ramps connecting the West Gate Freeway and Hyde Street, enhancing connectivity to the Port of Melbourne. These ramps will face west to reduce pressure on the West Gate Bridge. Hyde and Whitehall Streets will be upgraded and Shepherds Bridge strengthened to ensure appropriate access for heavy vehicles. Stage one of this project is being managed and delivered by VicRoads.

The above longer term actions are expected to help alleviate wider area traffic congestion on the primary and secondary arterial road network in the areas west of the Yarra and Maribyrnong Rivers and these actions are a State responsibility.

The Committee notes the overall consistency in the traffic submissions and evidence and agrees that the variations between the two reports were relatively minor.

In terms of the trip generation rates, the Committee prefers the Traffix assessment provided by Council. The Committee is of the view that more car trips will be generated per dwelling by development at the NPV site than at the Port Melbourne or South Yarra sites (used by Mr Griffith) because the Williamstown shopping precinct at Ferguson Street/Douglas Parade is further from the NPV site than the shops at Port Melbourne and South Yarra are from the developments he referenced in his empirical study.

This generated traffic will result in more travel on the road network with some potential increased minor problems on the local road network. While the roads immediately adjacent to the NPV will still be well within their desirable capacity, Melbourne Road south of Ferguson Street is likely to carry about 7,500vpd which just exceeds its desirable maximum of 7,000vpd.

If delays due to congestion at the Ferguson Street/Melbourne Road roundabout reach a level where remedial action is required, then this is a VicRoads responsibility. Action may be required as a result of general traffic increases over time and because of a number of new developments in Williamstown (including the NPV development).

The Committee also agrees with Traffix that a detailed traffic assessment report should be lodged with any planning application.

On the basis of submissions and evidence and its own inspections, the Committee is satisfied that the traffic generated by the proposed development can be adequately catered for without placing undue stress on the local and regional road network.

With the gradual implementation of new arterial road network improvement projects within the region there will be adequate provision of capacity in the arterial road network to cater for this and other developments which may occur in the Spotswood-Newport-Williamstown corridor. That is not to say that there will not be the occasional incident on the arterial network that may disrupt peak hour traffic; however this happens from time to time throughout the network but is relatively uncommon at any one location.

An example of this is the information provided by Mr Davidson in his presentation. He showed a short video of congestion and a long queue of traffic waiting to enter the West Gate Freeway in-bound on ramp from Melbourne Road in the morning peak on Thursday 3 March 2011. Clearly, there was a problem that morning. Next morning, the Committee did an inspection at the same location and at about the same time of day. The Committee found no congestion and a very short waiting time for access to the same on-ramp. This demonstrates the randomness of such events and probably indicates a problem on the Thursday morning possibly related to an event or works on West Gate Bridge.

In relation to the distance of the NPV site from the Ferguson Street retail centre, the evidence presented demonstrates that the local road system linking the development to the Ferguson Street shopping centre and beyond is adequate and will not suffer undue congestion. Again, the odd problem may arise but generally, the local road system will cope well. The fact that people at the NPV site may need to access the Ferguson Street supermarkets by car is no different to many other residents of Williamstown and most other residents in metropolitan Melbourne who regularly access their weekly shopping destination by car.

Safety around schools was of great concern to many submitters and the Committee agrees that this is an issue that will need the attention of the

Council and the individual schools to properly address it. However, there are adequate processes in place to ensure this is done.

With respect to the need to cope with an emergency at Point Gellibrand, it will be necessary for the developer of NPV to liaise directly with the State emergency agencies, PoM, Mobil and BAE to put in place an emergency plan. It is likely that such a plan would require the evacuation of the site into the Ann Street area as a safeguard and to allow emergency vehicles immediate access to Point Gellibrand. Such a plan already exists between Mobil and BAE. The need for a 'panic' evacuation by car from the NPV site would not be part of such a plan, but rather an orderly evacuation to allow the necessary actions to alleviate the problem to be put in place. Emergency service authorities deal with this issue on a regular basis.

In terms of car parking, while the Committee agrees with the on-site parking provision for town houses of 2 per unit, it disagrees with Mr Griffith regarding the parking provision for the apartments. The Committee thinks that the proposed rate of 0.7 per unit is insufficient and should be 1.0 for 1 and 2 bedroom apartments and 2.0 for 3 bedroom apartments. When questioned on this point, Mr Griffith agreed with this change.

The Committee is therefore of the view that for this development, there needs to be an allocation of 1 space per 1 and 2 bedroom dwelling; and 2 spaces per 3 bedroom dwelling.

For the indicative proposal put forward by NPV, there are 191 X 1 bedroom apartments, 172 X 2 bedroom apartments and 31 X 3 bedroom apartments giving a parking requirement for 425 spaces (i.e. $191 + 172 @ 1 \text{ space each} + 31 @ 2 \text{ spaces} = 191 + 172 + 31 \times 2 = 425 \text{ spaces}$). The indicative development provides 527 spaces which is at a higher rate.

The Committee's view is that such an excess is unnecessary and not in keeping with the need to promote 'green travel plans' to lessen the reliance on private car travel. The Committee considers that any provision above the required rates should be limited to an oversupply of no more than 10%. Accordingly, in the case of the indicative plan, with 425 dwellings a maximum of 468 spaces is appropriate.

The Committee is also firmly of the view that the provision of on-site parking should be allocated in the basement of each separate building to match the apartments located in each building. In other words, each building on the site should accommodate its own on-site car parking requirements.

With respect to visitor parking, the Committee is satisfied that there will be adequate kerb-side parking along the streets within and immediately surrounding the site. It is noted that the developer proposes a number of

new streets within the development site that will include sufficient spaces to adequately provide for visitors. Therefore there is no need for any parking spaces on-site to be allocated specifically for visitor parking.

The Committee suggests that there be as many options as possible to approach and leave the site. This is relevant from a traffic point of view as well as re-enforcing to 'grid' layout of Williamstown. The proposal has an access focus on Ann Street, with access via X street and Aitken Street. In the Committee's view, this can be moderated to some degree by extending the alignment of Windsor Terrace north to Nelson Place, thereby providing another access/egress point directly on Nelson Place. This would be in place of, rather than in addition to, the proposed walkway to Nelson Place opposite Building 2. This further access point would reduce traffic and turning movements on Ann Street and could also relieve Cecil and Hanmer Streets to a minor degree. While Nelson Street is busy at shift changeover times at BAE and occasionally during the evening due to the restaurant trade further west, it is a relatively quiet street during the remainder of the day. The Committee believes that it would cope with any additional traffic due to this re-arrangement of the street system.

10.5 Conclusions and recommendations

Overall the Committee is satisfied that the traffic and parking issues associated with the development have been adequately addressed subject to the following matters that require attention.

Recommendations

In relation to traffic and parking matters, the Committee recommends that the planning control include requirements for:

- **on-site parking provided at the rates of 1 space per one and two bedroom dwelling; and 2 spaces per 3 bedroom dwelling;**
- **each apartment block is to provide the required number of car spaces for the apartments in that block;**
- **the maximum number of on-site spaces to be provided should not exceed 10% of the number required in accordance with the above rates;**
- **no specific on-site provision need be made for visitors;**
- **the extension of Windsor Terrace to Nelson Place;**
- **a detailed traffic assessment report to be carried out to assess the impacts of the final proposal;**
- **a legal agreement with the City of Hobsons Bay regarding improvements to the local road network, footpaths, improved**

pedestrian access to the Williamstown railway station, provision of a bus-stop shelter in Ann Street adjacent to the NPV site, road signage etc;

- **the preparation of an emergency evacuation plan in close consultation with Council, PoM, Mobil, BAE and emergency services agencies;**
- **the preparation of an Integrated Travel Plan (including a Green Travel Plan);**
- **the provision of adequate on-site bicycle facilities and improvements for resident cyclists to access the cycle network; and**
- **the provision of on-site motor-cycle parking.**

11. Social infrastructure

11.1 What is the issue?

Will intensive residential development on the subject site place an unsustainable load on the existing social infrastructure of Williamstown?

11.2 Policy context of the issue

The Committee has already identified the higher level policy directions relevant to this issue in Chapter 4. **Clause 10** of the SPPF seeks to achieve a balance between conflicting objectives in favour of net community benefit.

Clause 11 addresses the equitable provision of Open Space. **Clause 16** includes the need for integrated, diverse and affordable housing. It has an objective of locating new housing close to activity centres in well serviced areas. **Clause 19** includes the need for social and physical infrastructure.

The Municipal Strategic Statement at **Clause 21** includes provision of a range of dwelling types and the implementation of a Development Contributions Plan to provide funds for infrastructure.

11.3 Evidence and submissions

Many of the submissions to the Committee including Ms Kirner, the Green's, Ms Gaud, SW, PoW and WNSRA, noted that the capacity of the general services and infrastructure within the vicinity of any site needs to be considered prior to any intensification of densities.

These submissions noted that increased density will place additional pressures on infrastructure. Many submitters highlighted that schools, kindergartens and child care centres in Williamstown are already at or near capacity; that local and arterial roads are congested; that parking is at capacity; and that access to health professionals is limited. It was repeatedly submitted that the proposed increase in density would have a significant impact on these existing infrastructure services which are already stretched.

M2030 (Direction 6) focuses on increasing the supply of affordable housing. Notably, the proposal before the Committee does not include an affordable housing component and this was the subject of considerable discussion at the hearings. Council noted that in light of M2030 and state and local policy, the

developer should include affordable housing in the development to accord with **Clause 16.01-5** of the Hobsons Bay Planning Scheme.

Council also noted that the Western Regional Housing Statement identified that Hobsons Bay is under “housing stress” and that most parts of the municipality are unaffordable for the median household income families. The provision of affordable housing in the design may mitigate Council and resident concerns and enhance the proposal while also satisfying **Clause 12.01-6** (A Fairer City) and **Clause 16.01-5** (Affordable Housing) within the State Planning Policy Framework.

Council submitted that it has recently adopted the ‘*Improving Housing Choices for Residents on Low Incomes (Housing Affordability) Policy Statement*.’ Evidently, the Policy Statement is to replace its current Affordable Housing Policy Strategy (adopted in 2002) by providing a response to the recent housing affordability crisis affecting many inner Metropolitan Melbourne areas. As Ms Kirner observed in her submission, Action 7 of the policy statement is to encourage at least 10% of affordable housing for low income households in all redevelopment sites identified in the Industrial Land Management Strategy as well as key development sites across the municipality.

The Committee was advised by Council that its affordable housing policy statement will inform a future housing strategy although it remains unclear to the Committee as to whether the policy statement (or its predecessor) has any status within the Hobsons Bay Planning Scheme.

Council also noted that as part of the Amendment C75 documentation, the proponent had identified that a likely increase in older population numbers would have an impact on aged care facilities. On this basis, Council submitted that a proportional contribution from NPV should be allocated towards future provision of the aged care facilities.

Other community services identified by Council and others including Ms Kirner, the Green’s, Ms Gaud, PoW, SW and WNSRA included kindergartens, educational facilities, libraries and other community facilities. Where the need for improvement to existing services was identified then, according to Council, a required developer contribution should be explored.

Ms Kirner characterised Williamstown’s ‘liveability’ as an ability to integrate and balance past heritage with sustainable future development. She was concerned that the present proposal was not one which would integrate with, nor enhance Williamstown’s existing assets and qualities. She submitted that the suburb has a past that ensured social integration and it is equally important that it does so in the future. Ms Kirner rhetorically asked

the question: how will Williamstown meet the needs of the new residents? Her research indicated that facilities, including local child care, kindergarten, primary and secondary schools were at or near capacity. She suggested that a community meeting room and a small convenience store would be sensible and welcome additions to the NPV development.

A number of local residents, including WNSRA, Ms Mercieca and Ms Hicks commented on the lack of local parks. On its accompanied inspection, it was drawn to the Committee's attention that portable classrooms to accommodate children at the local primary school have had to be located on adjacent parkland.

The pressures of future population increases on the existing open space network and the foreshore was also extensively discussed. Council considered that this could also be addressed by developer contributions, with the funds used to upgrade the existing open spaces or foreshores. Dr Marriot, for Save Williamstown, said that the open space deficiencies in the NPV proposal alone were fatal to the NPV's proposal. This was because the open space provided by the Port Gellibrand Coastal Park is entirely unsuited to local residential play uses or social family recreation. The small playground within it attracts an *'almost exclusively regional visitor market'*. He asserted that there was an existing lack of open space in this area of Williamstown. He considered that the development should in some way be required to redress this shortage. Mr and Mrs Coghill were concerned that additional use of the park would adversely affect its importance as a haven for numerous birds.

Mr Panozzo conducted a Social Impact Assessment and gave expert evidence to the Committee on behalf of NPV. He had reviewed State and Council strategies and plans in this area and conducted a desk top audit of community infrastructure in Williamstown. His audit broadly confirmed residents' submissions, identifying a short term need for community meeting spaces, health care and services for youth and the elderly.

However, in addressing these issues, he noted that Council is still at the discussion stage and has yet to nominate or commit to specific infrastructure projects which could address the constraints it and others have identified. Mr Panozzo indicated that there were a diverse range of services and facilities within 2 kilometres of the site almost all of which have capacity constraints, particularly those for the young and the old. He recommended that the proponent make a financial contribution towards increasing the capacity of local kindergartens, the construction of a playground in the Point Gellibrand Coastal Heritage Park, and to improving bicycle paths.

Mr Panozzo accepted the need for a legal agreement for off site development contributions and also suggested a contribution equivalent to the maximum community infrastructure levy which would be payable if a Development Contribution Plan (DCP) were applied to the site. The Committee was advised that the maximum allowable contribution is set at \$900 per dwelling and that this fee would be in addition to any public open space contribution under **Clause 52.01**.

Mr Stokes suggested at the hearing that, as the proponent was proposing to implement a considerable amount of public realm landscaping, assisting the Council in the upgrade of the Williamstown Station street access might be another appropriate open space contribution.

11.4 Discussion

The Committee noted that many individual and community group submissions lamented the lack of adequate capacity in community infrastructure within the local area. This was especially apparent for primary schools, child care and kindergartens which were said to be at or near capacity.

The Committee acknowledges the genuine basis of these concerns and does not doubt for a moment that this a pressing local issue. That said, the Committee also notes that this issue is not unique to Williamstown. State and local government are responsible for the provision of such infrastructure, not individual ratepayers and it is a chronic problem in all developing parts of the metropolitan area. It appears that Hobsons Bay City Council is in the process of identifying and quantifying these community needs.

Of those facilities that are said to be lacking in the area, the lack of community meeting area is one that can be redressed. One of the options put to the Committee by the developer was to allocate 100m² within the new development for a community meeting facility and this has the strong support of the Committee. The Committee feels that incorporating community facilities, or at the very least, providing an opportunity for them to occur within the development, is a realistic and attainable goal. In the view of the Committee, a renovated Britannia Hotel may well be a good location for the community space provided by the developer, combined with Council provided services or other uses such as a general practice medical clinic.

In terms of open space provision, the Committee notes that NPV acknowledged that it will need to respond to the Clause 52.01 requirement of a 5% land or cash contribution. Clearly it will principally be a cash

contribution and this also has the support of the Committee. Despite considerable discussion at the hearing, the Committee accepts that such a contribution is preferable to small and perhaps meaningless 'pocket parks' throughout the site.

Other than for expanding some of the public realm areas around and within the site (which is further discussed at Chapter 12), the Committee agrees with Mr Gobbo that the estimated 5% financial levy will make a significant contribution to the provision of improved open space facilities in the immediate area. Such a levy could be used for:

- upgrading access to the rail station;
- on-going improvements to the coastal park;
- improved playground facilities near the site; and
- street furniture improvements.

The Committee was disappointed by the attitude of many submitters about the unsuitability of the coastal park for local residents. The park is a wonderful state, regional and local asset. In the view of the Committee, and with an increased population in the area, the park will be able to be accessed by nearby residents most of the time. It is an entirely appropriate outcome that the developer should make a contribution towards it.

In terms of the community contribution, the Committee also accepts the offer of the maximum of \$900 per dwelling and will include this in the planning control. This figure is in addition to the requirement for a 100m² community meeting room within the development.

In terms of a convenience type outlet, the Committee strongly supports the identification of a small (say 80m²) outlet which can be accessed by any locals for day to day shopping needs. The Residential 1 zone already permits a store of this size (subject to permit) and the Committee thinks that a Nelson Place frontage for the store will introduce some activity into that part of the street.

The Committee is very keen to explore the suggestion of Ms Kirner about a regime for affordable housing. Different definitions are used by agencies relating to social, public and affordable housing. The *National Housing Supply Council: State of Council Report* by the Australian Government defines them as follows:

- Social housing: Rental housing that is provided and/ or managed by government or non-government organisations including public and community housing.
- Public housing: Housing, other than employee housing that is funded and provided by government directly.

- Affordable housing (financial affordability): Housing that is affordable for households on low to moderate incomes, when housing costs are low enough to enable the household to meet other basic long-term living costs. For example, housing costs should be less than 30 percent of household income for occupants in the bottom 40 percent of household income.

The Committee sees no need for the provision of any ‘social’ or ‘public’ housing on the NPV site especially as it was advised that Williamstown has already made a substantial contribution towards such housing over the years.

However, there are a number of relevant local factors affecting housing affordability which include:

- rising housing prices which undermine the housing affordability for many low to medium income earners;
- shortage of supply of appropriate housing which create the gap between housing demand and supply;
- increasing rental prices; and
- increasing cost of living (including travel and energy costs).

Typically, Councils have been frustrated by the limited tools available to them under the Victorian planning system to require affordable housing outcomes. Nonetheless, zonings, clear strategic planning directions, attractive development incentives and the use of Section 173 of the *Planning and Environment Act 1987* through negotiation are some of the options available for local government in Victoria. These initiatives and have been trialled by Darebin and Moreland City Councils (among others).

In particular, Section 173 of the *Planning and Environment Act* could be used to set up an agreement with an owner of the land to achieve affordable housing outcomes. In return for the provision of a certain percentage of dwellings, development incentives could specify a greater yield of units or a greater height of building. The agreement could require that a percentage of the land or of the development to be allocated for affordable housing purposes.

Another option raised by submitters including Ms Kirner, was for an ‘Inclusionary Zoning’ approach. Inclusionary Zone facilitates the development of affordable housing through the planning process in areas where affordable housing is in short supply. Inclusionary zone could be combined with planning incentives like flexible development regulations and requirements, density bonus, height bonus, lowered development fees or fast-tracking permits to offset the cost of providing affordable housing.

It is acknowledged that the Victoria Planning Provisions (VPP) do not contain an Inclusionary Zone and that such an approach inevitably requires a State Government commitment. However, **Clause 16.01-5** of the state section ('Housing affordability') provides a convenient 'hook' for consideration of statutory innovations such as inclusionary zoning.

For too long the Victorian planning system has danced around the issue of affordable housing and it sits well behind other state initiatives on this issue. For instance, the '*South Australian Housing Plan*' sets a target for 15% of housing in all new significant developments to be affordable, including 5% for those with high needs. This target has been supported through the *Statutes Amendment Affordable Housing Bill 2006* which amended the relevant South Australian Acts including the *Development Act 1993* inclusive of Development Plans (which are the equivalent Planning Schemes in Victoria).

The Committee notes that other Panels have raised this as an issue with little result. The Boroondara C79 Panel for the large Tooronga redevelopment of about 600 dwellings noted that:

Melbourne 2030 supports the provision of affordable housing and (notes) that "an adequate supply of affordable housing in the right locations is essential for the social and economic well-being of such households. It is needed also to nourish a sustainable housing industry and an efficient and buoyant economy". It further states that a goal of Melbourne 2030 is "Creating opportunities to provide appropriately located affordable housing involves such issues as land supply, design and construction standards and encouraging suppliers of affordable housing".

The proposal, when completed, will provide for up to 600 dwellings, of varying forms. The Panel considers it unfortunate that in a large development proposal such as this, neither the proponent or the Government (State and Local) see the provision of some social housing, integrated within the complex, as being worthy of consideration. If a small contribution of affordable housing is not able to be made available for social opportunities in locations or proposals such as Tooronga Village, the Panel questions where could it be?

The Committee urges the Minister for Planning to seriously consider the introduction of an Inclusionary Zone into the Victorian planning system, otherwise the well documented lack of affordable housing in metropolitan Melbourne will attain chronic levels and could easily condemn a generation of residents to a lack of affordable housing options.

11.5 Conclusions and recommendations

The Committee acknowledges the community concerns about the 'near capacity' provision of social infrastructure in Williamstown. While this is clearly a pressing local issue, it is little different from other parts of metropolitan Melbourne. State and local government are responsible for the provision of such infrastructure, not individual ratepayers. The Committee is heartened by the degree to which Hobsons Bay City Council is identifying and quantifying its community needs.

Recommendations

In relation to social infrastructure matters, the Committee recommends that:

- A community levy of \$900 per dwelling apply.
- An open space provision of 5% of the site value apply.
- A community meeting room of 100m² be provided within the development (preferably located within the Britannia Hotel).
- A small convenience store of 80m² be provided (preferably located on Nelson Place).
- The Minister for Planning consider the introduction of an Inclusionary Zone into the VPPs.

Part 4 – Opportunities

12. Urban Design and Built Form

12.1 What is the issue?

What are the urban design and built form opportunities of the site?

Is the suggested built form outcome of the proponent a satisfactory response to the site and its context?

What is an appropriate height for the site?

12.2 Policy context of the issue

The Committee has already identified the higher level policy directions relevant to this issue in Chapter 4. State Planning Policy at **Clause 11** emphasises the need for planning to contribute to, among other things, a high standard of urban design.

Clause 12 seeks to ensure appropriate design in coastal areas, particularly around Port Phillip Bay. **Clause 15** seeks to relate urban development to a sense of place and cultural identity. **Clause 16** enunciates urban design principles.

At the local level, the MSS, at **Clause 21**, seeks to ensure 'harmony between old and new' by setting policy objectives for residential and activity centre development, the protection of heritage, landscape and the coast. **Clause 22** includes policies relating to heritage and preferred character areas.

Under **Clause 43.02**, the site is subject to two separate design and development overlays - DDO-4 and DDO-8. In both overlays, the relevant design objectives seek to ensure that the height, bulk, setback and appearance of new development is compatible with the prevailing character of the area, achieves quality design outcomes and protects and enhances key views and vistas.

12.3 Evidence and submissions

Hobsons Bay City Council initially submitted that the existing DDO4 and DDO8 controls on the site should be retained, albeit translated into a single DDO. In its view, this would be an adequate control on the future development on the site and adjoining land and would provide for a proper

assessment of any proposal. The existing controls collectively limit the development potential on the land to a maximum of three storeys.

Council noted that DDO4 and DDO8 had remained in substantially the same form as when first introduced following the recommendations of the Amendment C11 Panel in 2001. Council provided an example of a consolidated DDO and submitted that this should be extended to all of the land adjacent to the site that is within Precinct 20.

Towards the end of the hearing and in its closing submission to the Committee, Council modified this position suggesting that a five storey built form could be accommodated in the centre of the site.

Ms Penn also acknowledged that a small amount of 5 storey built form could be accommodated in the centre of the site, but argued that development above a maximum of 2-3 stories was inappropriate for any site south of Aitkin Street, or at any street interface. Ms Penn was also concerned about the quality of the current design proposal. She saw it as an example of a poor quality outcome which neither respected nor responded to the existing cultural heritage or identity of Williamstown. Her submission focussed on the importance of good design in ensuring that development was sustainable and responsive to its context and she argued strongly that expert design evaluation plays a vital role in supporting high quality outcomes on sites such as these. Her submission was that in this location *'higher density does not equal high-rise'*. While not accepting that the proposed dwelling yield was necessary, massing studies prepared under her supervision demonstrated that yields approaching that of the current proposal could be achieved without the necessity for tower elements. In her view, any development should encompass a far wider range of housing types, forms and sizes.

Mr Milner's evidence included references to coastal policy at **Clause 15.08** and local policy at **Clause 21.12** which identifies Williamstown as a *'coastal village centre'*. An objective of the policy is to *'ensure that development in proximity to the coast protects the environment and landscape values of the coast'*. He stressed the need for buildings on the site to visually relate to the coastal landscape and said that greater intensity of use should be tempered by the need for low visual impact on both Gellibrand Park and adjacent residential areas.

Save Williamstown and most other community submitters considered that the existing DDO controls should be retained. The National Trust were concerned that towers like those in the current proposal would dominate the view from Gellibrand Park. It submitted that any requirement for increased density could be met by an increase in height of around 5 storeys towards the middle of the site. Landscape requirements in the DDO could encourage the

planting of large crowned trees to break up the profile of the higher buildings when viewed from the park. Development should be limited to 3 storeys at street frontages, with higher forms permitted along Nelson Place. These should reflect the height of the Oriental Hotel, but could be higher if set back from the frontage. The National Trust considered that a well designed lower scale response could achieve better integration with the existing built form in addition to achieving long term sustainability and operational advantages.

Williamstown, Newport and Spotswood Residents Association (WNSRA) would also like to see a lower scale development more integrated with its built surrounds in order to retain its present maritime village character. It was convinced that more creative, community enhancing and environmentally friendly housing models were available to develop the site.

Overall, the opposing community submissions to the Committee all focussed on the inappropriateness of a high rise built form typology based on heritage, geography, infrastructure and existing industrial uses. However there was general (albeit not complete) support for a podium of about three storeys with central elements of about five storeys. Taken as a whole, these submissions felt that the August 2010 proposal fundamentally offended the characteristics of Williamstown that the residents know and appreciate.

NPV called expert evidence from Mr McGurn, Mr Sheppard and Mr Biles. Mr McGurn concluded that the site should be '*...assertively utilized*' to contribute to the wider metropolitan planning objectives. He noted that heritage controls placed such a constraint on the achievement of housing goals elsewhere in Williamstown, that opportunities on a site such as this one should be maximized. His evidence was that the present proposal had regard for the surrounding street context and did not unreasonably affect the amenity of existing residents. He supported planning controls in the form of a DPO (or DDO) to guide a design based outcome on this site. He noted that this is a large site that is capable of being developed by one entity and seeks to include works such as new access ways, streets and public improvements.

Mr Sheppard's evidence was confined to an urban design assessment of the proposed DPO. He said that both state and local planning policy and the physical context of the site presented a clear opportunity for major intensification. The land is highly accessible, proximate to services and facilities and importantly is the only Strategic Redevelopment Area nominated for Williamstown in the Hobsons Bay Industrial Land Management Strategy. He saw the current DDOs restricting building height on the site to 2 – 3 storeys as a major constraint to development. He also considered that the precinct-wide heritage overlay, interface issues arising from the proximity to the fine grain built form and the industrial image, and

the protection of off-site amenity were other development constraints. His conclusion was that a sensitive approach is needed to accommodate more intensive forms of development in this context.

His urban design analysis informed his view that the site could be redeveloped in three rather than the five precincts proposed by NPV. One precinct would include the Ann Street/Nelson Place portion of the site. Mr Sheppard suggested that there should be variations in height up to 12 metres, with a more emphatic corner element which could be between 19 and 26 metres. In the second precinct, which he called Aitken Street (and Central), he saw built form being driven by the Britannia Hotel and the Port Phillip Stevedore Club Hall. His evidence was that a street wall height of 10 metres with a 5 metre setback to considerably higher form on either side of the street would be acceptable, provided it did not overwhelm Nelson Place or Ann Street. In the third precinct, Kanowna Street, he saw no reason to limit height at all, provided that development avoided unreasonable amenity impacts on neighbouring residential properties and did not overwhelm the character of Nelson Place. He suggested that in order to respect the heritage streetscape and built form character of Cecil Street, a 10 metre height limit should apply south of a line 20 metres north of Cecil Street.

Mr Biles saw Nelson Place as a significant site with important opportunities for redevelopment. His strongly held view was that the process, of which the Committee is only one part, is about *“creating a ‘place’ not just a development”*. He endorsed Mr Sheppard’s three precincts, saying that Nelson Place and Ann Street connect the site into South Williamstown; Aitken Street represents the core of the site and can play a role in integrating the three precincts; whereas the Kanowna Street precinct principally addresses Point Gellibrand and Port Phillip Bay. His evidence was that there should be a variety in profile along Nelson Place and that the towers proposed for Kanowna Street may benefit from increased height with a reduced footprint.

Mr Stokes provided landscape design evidence for NPV. His concept was predicated on providing a seamless transition between the new residential precinct and the adjacent neighbourhoods by substantially augmenting the planting in the surrounding streets and introducing best practice landscape and engineering design into the development. His evidence was that the increased permeability which the proposed new lanes and accessways introduced into the site was an important feature of the design because it allowed penetration of landscape into the centre of the site, serving to further tie the development into its immediate context.

12.4 Discussion

The submissions to the Committee and its own inspections confirmed that the existing built environment of the site varies in form, height and materials. The average height of the existing industrial buildings varies between about two and three storeys and for the most part there are no setbacks to the street. The existing buildings present as a particularly robust industrial built form that sit quite comfortably along Nelson Place but more awkwardly along Ann, Cecil and parts of Kanowna. The tallest building on the site was estimated by Council to be about five storeys (15.2 metres) and this is located within the centre of the site. In that sense, the site cannot really be compared to other areas of Williamstown where height is typically one and two storey residential buildings.

The Committee also observes that Nelson Place is the main ‘connector’ of any development into the Williamstown Major Activity Centre further to the west. Looking east from the western end of the site, there is a view past the Williamstown Shipyards to the bay. Further along Nelson Place to the east, the former Prince of Wales Hotel marks the end of the Hoddle grid and Port Phillip Bay can again be glimpsed between the carpark and the tank farm. Opposite to the north are the largely uniform industrial shipyard sheds of around three storeys high, with other buildings further into the site of up to 21 metres high. These buildings are softened by the mature planting along the northern side of Nelson Place.

Opposing submissions felt that the proposal fundamentally offended the unique characteristics of Williamstown that the residents know and appreciate.

Ms Penn clearly articulated what many other submitters put to the Committee about the inappropriateness of a high rise built form based on heritage, geography and the capacity of existing infrastructure. She talked about the making of a ‘place’, the particular characteristics of which she identified as the result of *‘...a complex blend of factors including its social and built heritage, and the mix of uses and activities that occur there. These are most easily understood through the physical urban structure, built form and landscape’*. Her plea was for *‘.....intelligent, sustainable, responsive development ...which allows for diverse responses to and integration with the particularities of local form and character.’*

In his evidence Mr Biles also focussed on the need for successful place making on this site. Many other submitters emphasised the strong sense of ‘place’ pertaining to the Williamstown peninsula projecting out into Port Phillip Bay. Both landscape and built form are low. This is a place where

heritage is more than remnant built form - it includes the sense of history, openness, permeability and a continuing maritime connection.

The Committee accepts all of this. However, it sees no imperative in the planning scheme which would indicate that the existing large scale industrial buildings on the site should be replaced by the finer grain residential character of local streets. It agrees with Mr McGurn that the site presents an excellent opportunity to create a new urban character of contemporary buildings, distinctly different in design and 'knitted' together at street level by a typically low scale base to tie it with established residential areas. In that sense, the Committee accepts that it is not appropriate to include any of the review land in the map to **Clause 22.10** which references to a preferred character statement as there is to be a 'new' character created here.

The Committee has sought to distil from the evidence, submissions and its numerous inspections of the site and surrounds, those components which will influence the creation of this new 'place' in Williamstown. Mr McGurn conceded to Mr Priday that a 'place' was somewhere where people 'live, recreate and enjoy'. It seems to the Committee that there is a dominance of 'living' in the proposed design model without much opportunity to 'recreate' and therefore 'enjoy'.

As an example, the absence of any meaningful open space and the lack of a focal point in the design around a central area with (say) a café and other support services for the community seems to the Committee to be a significant 'missed opportunity' in the design. Residents will have to access some sort of local service shop, even a small supermarket lest they be forced into the car to drive to Douglas Parade shops for almost anything. The Committee notes the offer of the proponent in its closing submission that space be made available for a small convenience store. Mr Gobbo advised that *'the proponent is prepared to accept an obligation to provide a convenience store within the development site'*. As noted in Chapter 11, the Committee sees this as a worthwhile component of this new 'place'.

In this same context, the Committee accepts the evidence of Mr Stokes that a positive feature of the proposal is that the use of lanes and access ways introduces permeability into the site and allows for some softening by way of landscaping, some public realm areas and some street furniture. The Committee also agrees with his suggestion that if further public open space is required it could be incorporated in the road reserves and footpath areas adjacent to the Oriental and Britannia hotels rather than being provided in 'pocket parks'. The Committee considers that a development of this intensity should provide more 'open' opportunities for casual interaction in addition to the proposed podium roof gardens. The provision of a small, sunny, sheltered area for people to sit with their take away coffee is really all that is

required. An integrated community and convenience focus adjacent to an open space area on the fringe of the site would be a good urban design outcome in the view of the Committee. The three 'anchor' hotels are appropriate locations for these open areas to be developed.

The Committee accepts that given the heritage context of the site and surrounds, height needs to be considered from a heritage perspective as well as an urban design, character and amenity perspective. The Committee was surprised by the lack of detailed analysis that had been undertaken by the proponent to justify the suggested heights of up to 15 storeys. On a site constrained by mandatory height limits of two and three storeys, the onus is very much with the proponent to establish why a building that is five and six times higher should be considered. The Committee was disappointed at the lack of justification provided on this critical issue.

In relation to height, Council and Mr Milner referred the Committee to the Panel report for Amendment C81 to the Moreland Planning Scheme. That amendment proposed the rezoning of a disused industrial site on the edge of the Brunswick Major Activity Centre to facilitate its redevelopment for a multi level (15 storey) mix of commercial, business and residential uses. The Amendment also proposed to introduce a Design and Development Overlay (DDO). The main matter in dispute in that amendment revolved around the issue of building height.

Council brought a number of observations of that Panel to the Committee's attention:

The question of building height is one which perennially arouses community angst. We acknowledge that building height is an emotive issue. Nowhere was this more obvious than in the Mitcham Towers decision of VCAT some years ago which raised community fears about 'height' across Melbourne. It is not only the fear of high rise buildings standing out as foreign built form elements in an established area that people are concerned about, but it is the prospect of the negative off-site impacts that they can give rise to in terms of traffic, overshadowing and overlooking.

Those opposed to tall buildings argue that high rise is not necessary to achieve high density. Conversely, those opposed to restrictions on building height argue that height limits are invariably arbitrary and can constrain creative and innovative design and can lead to the underutilization of urban land especially in an Activity Centre. The Panel acknowledges that there is merit in the arguments of both camps.

In this case all parties seek an outcome that leads to buildings of quality and good urban design. There can be little dispute that a quality tall

building can be a better outcome than a poorly designed smaller building. In planning, there is an underlying imperative to achieve high quality urban design outcomes and this is reflected in Clause 19.03 and in the local policies of the Moreland Planning Scheme. However despite the best intentions of the planning system, there are countless examples of outcomes that lack the quality that the system strives for. Put simply, it is difficult, if not impossible, to legislate for quality in design.

In order to achieve a quality design outcome, a suggestion by Mr Biles and Ms Penn was for the establishment of a 'design review panel'. Mr Biles referred the Committee to the recent redevelopment of a Ministry of Housing (MoH) estate in Carlton which had its development plans prepared by a team of three architects. He also suggested an approval process to be guided by the state department of DPCD with the input of Council, its consultants and the local community.

The Committee is aware that the 'design panel' approach has been successfully used elsewhere in metropolitan Melbourne (i.e. Frankston and Manningham). While this will not guarantee success, the Committee thinks that this is a preferable approach to the normal reactionary process of application lodgement, objection, meetings, decision, review, evidence, hearing and final outcome, all of which might take years. This issue is further explored at Chapter 15.

In terms of actual height, the Moreland C81 Panel also did an assessment of higher density developments across Melbourne and visited sites where buildings of varying heights had been erected. The Panel noted:

*As a result of these inspections and our deliberations we are of the opinion that the overriding consideration that determines whether or not a high rise building can be regarded as a successful urban design outcome is the **locational context** in which the building is located. There are many inner metropolitan areas where tall buildings sit comfortably in their context such as Central Melbourne, Docklands, St. Kilda Road and the Forrest Hill Precinct in South Yarra. And there are areas where tall buildings sit awkwardly in their context such as along Beaconsfield Parade and Beach Road in St. Kilda and in many inner suburbs like Flemington, Prahran, Williamstown, Footscray and even Brunswick where buildings in excess of about ten storeys dominate their low profile neighbourhoods. We observed many examples of built form striking a discordant note in its context where buildings stand in stark contrast to, and overwhelm, everything around them.*

The Panel is equally mindful though of outcomes where community pressure to limit the height of a building (in an area where its context suggests that a tall building might be appropriate) has lead to less

successful visual outcomes. The Espy Hotel redevelopment in St. Kilda is one such case where, in the Panel's opinion, its context probably demanded a taller building than that which has ultimately been developed.

The Committee was assisted by numerous submissions on the 'height' issue and by its own observations.

Mr McGauren's advice to Council described the external views of the site as *'highly valued both during the day and night and are synonymous with the identity and charm of the area'*. Mr Milner also attached significance to external views, explaining that a critical reason for suggesting a five storey height limit for the centre of the site arose from his assessment of views to Williamstown from vantage points across the bay such as from St Kilda.

Ms Penn described the proposed towers as *'visually aberrant'* in the Williamstown setting. Her submission was that the visual domination of the higher built form would be seen from all directions and that it would detract from the valued qualities of Williamstown, qualities which are highly sought after, and were perhaps the trigger for the NPV proposal in the first place. The National Trust analysis of Williamstown emphasised the horizontal nature of the built form including when viewed from the water, as did many other submitters. The higher built forms that do exist, such as the two Ministry of Housing towers only serve to emphasise the inappropriateness of a vertical element, even though the nearby MoH building is set away from the coast and, according to Mr Curtain, is not so evident.

NPV strongly rejected the suggestions that long range views of Williamstown from St. Kilda and other places were critically important in determining the built form for the site. Mr Gobbo submitted that not only is there no suggestion in the planning scheme that such views should guide the built form outcomes for Williamstown, in fact, *'westerly views towards Williamstown reveal the presence of substantial industrial buildings, the Mobil storage tanks, tall cranes and also the Housing Commission development'*. It is by no means an exclusively "low rise" view or a view devoid of robust built forms. Even if this view was considered significant, taller buildings which are visible and which exhibit design excellence will not spoil or diminish it. They will change it, and likely add positively to it, according to NPV.

The Committee has observed the Williamstown peninsula from various external viewpoints. It agrees with NPV that large industrial structures, cranes, tanks, tankers and the MoH towers are clearly visible. However, it seemed to the Committee that the two MoH residential towers formed such a discordant element in the overwhelmingly horizontal character of the peninsula that replicating this height, no matter how good the architecture,

would be an urban design outcome that is uncharacteristic of the area. That is not to say that the impression of the peninsula is one of complete 'flatness'. Given the size and prominence of the industrial structures that are apparent from inspection, the Committee is satisfied that a considerable height could be accommodated without becoming visually obtrusive. Looking to the site from various areas of the Point Gellibrand Coastal Heritage Park and other vantage points within South Williamstown, clear evidence of its maritime and industrial setting is apparent. The site is framed by robust defence buildings, petrol tanks and other maritime structures.

In the view of the Committee, buildings of about 15 storeys, no matter how well designed, will always be a discordant element in this particular setting. The Committee does not think that buildings of this height can properly respond to the MSS notion (at **Clause 21.12**) of a 'coastal village centre' nor can it deliver on the objective in that same clause to "*..ensure that development in proximity to the coast protects the environment and landscape values of the coast*".

The Committee therefore agrees with National Trust and others that a well designed lower scale response could achieve a better integration with the coast and the existing built form in Williamstown. As for the actual height of that 'lower scale response', the Committee had the benefit of numerous submissions and ideas. In the following discussion, the Committee refers to the plan included in its DDO at Appendix 5. The Committee has proceeded on the basis that in contemporary buildings there will be a four metre high ground floor with three metre high storeys above it. This is the basis of its height calculations in the following discussion.

In terms of the specific detail in exhibited NPV proposal of August 2010, the Committee found the Nelson Place façade to be quite bland and undistinguished. The Committee was attracted by the suggestion of Mr McGurn, Mr Biles, National Trust and others that there be variations in scale and height along Nelson Place, both up and down. This idea was also supported by Mr McGauren in his advice to Council. The Committee accepts that there is scope for higher development along Nelson Place as its interfaces are much less sensitive than those on all other sides.

The Committee therefore thinks that there is a strong case for a robust edge to the development on Nelson Place. As proposed there is to be a three storey 'wall' of development along Nelson and this is one of the few areas of broad agreement in the design. It is the view of the Committee that this actually 'underdevelops' the Nelson frontage and has led to a rather dreary outcome. It agrees that this could be redressed by having a variety of heights along Nelson Place that more or less match those on the industrial buildings opposite and are already evident in the older established parts of Nelson

Place. A number of submitters presented photographs of this variety as illustrative of Williamstown's character.

The Committee supports applying a 'staggered' approach for buildings along Nelson Place which could incorporate varying heights between 10m and 13m. Using the floor to ceiling heights described above, this may result in buildings of three and four storeys along Nelson Place.

The Committee would like to see a contemporary version of the varied height regime that presently exists along Nelson Place from about Thomson Street all the way round to Ferguson Street. An extra advantage of increased height along this front edge of the site is that it will maintain a focus on the vista along Nelson Place. It would also enable some higher built form to be built behind this curtain of dwellings without disrupting the pedestrian experience.

The Committee considers that the recent three storey infill in Nelson Place west of Ann Street fails to provide an edge of robustness and variety which is so typical of the rest of Nelson Place. This somewhat timid approach to infill development has led to a uniform, squat and bland design result, despite efforts to articulate the façade.

The Committee therefore supports a varied maximum building height of 10m to 13m (about three to four storeys) on Nelson Place. The Committee does not want to see any building less than 10m high. But the Committee also does not want to see all buildings at the higher figure. While the Committee is reluctant to express a precise percentage figure, it will specify in the planning control that the 'predominant' height of buildings along Nelson Place should be 10m with variety to be provided with heights up to 13m.

The importance of the two hotels as 'visual markers' at either end of the Nelson Place frontage was well demonstrated by an inspection of the site. Quite apart from any heritage significance relating to their scale, form and siting, they are also important elements in the urban design of the area. Suggestions were made as to how the Oriental Hotel (or its replacement building) could be distinguished from the terrace row beyond. Mr Biles' evidence contained an image of a building in East Village New York of how such a corner might successfully be designed, whether or not the hotel can be retained. It showed a visually interesting building which was layered both horizontally and vertically by the use of various devices. It remained contemporary while successfully integrating with the older, lower buildings on both sides. The Committee does not see this corner as the place for an heroic structure. Rather, the Committee supports Mr Sheppard's suggestion that a lower height at this corner would be a more successful way of tying

the site back into Nelson Place than an architectural monument. The Committee considers that both the former Oriental and the former Prince of Wales hotels (which is contiguous, but not part of the NPV site) have a level of importance in urban design terms which outweighs their individual building merit, derived from their function as 'bookends' to the Nelson Place block. This importance should be recognised in any design for the site.

The Committee therefore supports a building of up to 19m (or about six storeys) on the Oriental Hotel site.

Mr Biles and Mr McGauren both see Kanowna Street as the 'end point' of Williamstown's residential area, where there is clearly an opportunity for height. The former sees scope for an admirable 'marker' of place, the latter a location for higher built form with the high buildings set back from a low street interface. Mr Sheppard also considers that the lack of sensitive interfaces provides a greater opportunity for denser development than in other areas of the site. What is at issue here is whether the end of the Williamstown peninsula presents the opportunity for an architectural monument; or whether it continues to exhibit the wild flatness, the long views, the open sky and the variety of low rise built form which reflects the coastal topography which has characterised this part of the city since European settlement. This is the preference of all of the community submitters.

The Committee has already commented on the constraints that are put on the NPV site by virtue of its proximity to the shipyard and the Mobil tank farm. It appears that the location of Kanowna Street as the preferred location for higher density development is to some degree predicated on the idea (as put by Mr McGurn) that the shipyard carpark, which largely separates the site from Gellibrand Park, will at some stage also be developed more intensively. This would shield any development on the NPV site. The Committee finds this proposition unconvincing. It had no evidence put to it about any future redevelopment of the car park. Rather, the evidence was of an increasing workload at BAE which means that the shipyard will shortly be increasing its hours of operation, and hence the continuing need for the carpark. In view of the requirement for a buffer zone from the MHF as discussed in Chapter 7 and the presence of DDO 4 limiting development to 2 – 3 storeys on this car park site, the Committee concludes that high development on this car park site will remain unlikely in the foreseeable future.

Given the constraints of the Mobil tank farm and the interface with the coastal park, the Committee considers that a lower rise built form (of between 10 and 13m) along Kanowna Street adequately addresses the risk concerns of WorkSafe and others. Further, a low scale edge to this portion of the Hoddle grid also helps it to 'knit' any development into the prevailing

low rise built fabric of South Williamstown and the wild and windswept nature of the coastal park. Any more intensive or higher development should be set back outside the WorkSafe buffer area. Not only will this address buffer concerns discussed elsewhere in this report, it also serves to reinforce what the Committee considers to be the important streetscape elements of the Prince of Wales and the Britannia hotels. The Committee notes that with such a setback, the reuse of the Kanowna Street part of the 'Nugget' building may become a more attractive option (although the Committee makes no recommendation on this).

The Committee considers that the landscape proposal put forward by Mr Stokes in evidence will also considerably enhance Kanowna Street. It notes that complementary planting by Council on the eastern verge of the street would further moderate the effect of built form on Gellibrand Park.

The Committee therefore supports a varied maximum building height of 10m to 13m (about three to four storeys) on Kanowna Street with the same provisions applying as for Nelson Place.

Cecil Street is one of those streets in Williamstown that clearly convey what the local residents value so highly, namely its country town 'feel'. The section of the street adjacent to the NPV land is at the western extremity of HO1. Residents of the street, like the Green's, Ms Hoadley and others were concerned at the potential for overshadowing of their private open space. The Advisory Committee agrees that, whatever the planning framework, the equivalent of Clause 55 amenity objectives should be met. Shadow diagrams at the equinox demonstrated that this was the case in the proposal presented by NPV. This is further discussed in Chapter 15.

All the of expert evidence agreed that the heritage streetscape and built form characteristics of Cecil Street should be respected. Mr Sheppard suggested that a 10 metre height limit from Hanmer Street to a point 20 metres north of Cecil Street would achieve this goal. The Committee accepts this as an appropriate envelope condition subject to there being an effective two storey (7m) presentation to the street. It also accepts his proposition that higher built form can occur behind the Cecil Street properties. The proposed increase in width and street planting of Windsor Terrace will also make a positive contribution to Cecil Street, forming a space between the historic and contemporary housing. As previously discussed, the Committee is attracted to the idea of extending the new Windsor Terrace through to Nelson Place, further enhancing the permeability of the site.

It is the Committee's view that the medium density development proposed for the triangular site south of Cecil Street should have its frontage to Cecil rather than to Kanowna Street as shown in the current proposal. This will

preserve the unbroken kerb line in Cecil Street. The narrow frontages suggested relate better to Cecil Street than to that part of Kanowna Street closer to Hanmer Street. Again, the proposed street planting will considerably enhance the attractiveness of this intersection.

The Committee therefore supports a maximum building height of 10m (about three storeys) in the Cecil Street area with a 7m (two storey) street presentation. With its sensitive interfaces all around, the Committee can see no opportunity for buildings higher than 10m in this area.

The interface of the site with Ann Street is limited to a section between Nelson Place and Aitken Street. The infill housing stock on the opposite side of Ann Street has only been constructed over about the last decade. The new X Street separates the terrace housing proposed for the Ann Street frontage of the site from the Oriental Hotel site and the southern boundary is to the north of the former Telegraph Hotel on the corner of Aitken Street.

Ann Street is a low scale local street, and as already noted the Committee accepts Mr Sheppard's evidence that a 19 metre height limit on the Nelson Place corner (where the Oriental is located) should then step down along the remainder of the Ann Street frontage. In the view of the Committee this 'step down' should reflect the newer three storey buildings opposite of about 10m. The generosity of the proposed planting on Ann Street will enhance and complement the existing streetscape.

The Committee therefore supports a maximum building height of 10m (about three storeys) in the Ann Street area.

Aitken Street forms the heart of the development site. Given the interfaces with the coastal park, the heritage streetscapes and the proximity to the MTF, the Committee thinks that if there is to be height, then it should not be around the edges but should be more central as suggested by Ms Penn and others. The submission of the National Trust acknowledged that higher built form in the middle of the site is masked by the edge condition. It suggested that a guideline for height in the centre of the site could be established by taking a sight line from somewhere within the coastal park.

Aitken Street has two former hotels at the east and west end. A heritage listed building, the Port Phillip Stevedore Club, is located on the south side of the street to the east of the NPV land. The Committee agrees that these buildings could guide streetscape heights in this area as suggested by Mr Sheppard. The Committee saw little merit in the proposed design of two story townhouses whose private open space is largely overshadowed as a means of achieving a low edge to the northern side of Aitkin Street. Mr

Milner, the National Trust and others nominated five storeys as a possible height in this area.

Save Williamstown's fear is that development along Aitken Street could turn it into a car carrying canyon, destroying the vista to the Timeball Tower which is currently enjoyed from some parts of the street. Mr Biles agreed with Mr Sheppard that a wall height of 10 metres for buildings along Aitken Street with further height set back 5 metres would help preserve that sense of openness especially as Aitken Street is about 10 metres wide. Mr Sheppard's evidence was that higher built form could also occur on the southern side of Aitken Street as it is limited only by off – site amenity impacts. The Committee accepts that the central portion of Aitken Street (between Y Street and Windsor Terrace) is the area of the site where there is most opportunity for consolidation and height. While the precise height of these Aitken Street interfaces should be determined by detailed design studies, the Committee supports retention of a 10m edge condition along the Aitken corridor.

The Committee therefore supports a maximum building height of 10m (about three storeys) in the Aitken Street corridor for the first five metres on the north and south side. A maximum height of 13 metres is appropriate beyond this. For those properties on the south side abutting the rear of Cecil Street, normal Rescode standards will ensure an adequate level of amenity protection.

The Committee agrees with many of the submitters that the central parts of the site can support development higher than the existing DDO control of 3 storeys. However, and as noted in Chapter 5, it seems to the Committee that once a building protrudes beyond about 25m then it assumes a vertical rather than a horizontal form and this is a defining characteristic that the Committee believes should be enshrined in the planning control.

The Committee therefore supports a maximum building height of 25m (about eight storeys) for the central parts of the precinct.

Mr Stokes' evidence was that the landscape design concept sought to '*..create a simple, safe and timeless public realm that reinforce existing site characteristics, and helps integrate the precinct with adjoining residential and coastal park areas, and provide a high level of amenity for existing and future residents.*' The clarity of the proposed internal street pattern appears to the Committee to increase the legibility of the site and provides new connections to the Gellibrand Park and new opportunities to walk through this large landholding. The enhanced planting to the surrounding streets, including the outstand on either side of Ann Street at Nelson Place has successfully used landscape to reinforce one of the valued qualities of the urban fabric of Williamstown.

12.5 Conclusions and recommendations

The Committee concludes that buildings up to 15 storeys as proposed would offend the flat and horizontal nature of the Williamstown peninsula which is a strong and defining characteristic of this part of Melbourne. The Committee believes that this is determinant and whatever the new character for the site, elements of 15 storeys would be discordant in the South Williamstown setting.

Recommendations

In relation to urban design and built form matters, the Committee recommends that the planning control contain five (5) precincts covering the review land with varying height limits as follows:

- Nelson Place of between 10 and 13m
- Oriental Hotel site of 19m
- Ann Street of 10m
- Aitken Street Corridor of 10m for the first 5m on the north and south side with 13m beyond (tapering to the south to accord with Rescode standards).
- Kanowna Street - 10-13m within buffer zone and 25m outside the buffer.
- Kanowna Street - 10m south of line 20m north of Cecil Street.
- Cecil Street including the triangle site – 10m with a 7m presentation to the street).
- Central areas – 25m

Part 5 – Outcomes

13. Planning Control Tools

13.1 What is the issue

Does the proposed Development Plan and control package (August 2010) of NPV provide the opportunities for an appropriate design response for the subject site?

If not, what is the suite of planning controls to achieve the outcomes considered important by the Committee?

If height controls are to be imposed, should they be mandatory or discretionary?

13.2 Policy context of the issue

There were two options presented to the Committee for planning controls on the site; - the Development Plan Overlay and the Design and Development Overlay.

The *Manual for the Victorian Planning Provisions* identifies that the Development Plan Overlay should be used:

where the form of development is appropriately controlled by a plan to the satisfaction of the responsible authority and a planning scheme amendment is not considered necessary for the amendment of the plan..

The *Manual for the Victoria Planning Provisions* identifies that the Design and Development Overlay:

is principally intended to implement requirements based on a demonstrated need to control built form and the built environment. The built form outcome intended to be achieved must be clearly stated and the way in which the requirements imposed will achieve this clearly expressed. Where possible, performance based requirements should be used rather than prescriptive ones.

13.3 Evidence and submissions

The Terms of Reference require the Committee to consider an appropriate planning tool(s) to guide the future development on the site.

NPV prefers a DPO although its experts, including Mr McGurn and Mr Clarke acknowledged that either a DDO or a DPO could work. Mr Clarke, on behalf of NPV, noted that the Development Plan Overlay was commonly used in new greenfield residential subdivisions on the urban fringe and on large brownfield urban residential redevelopment sites. One of the advantages of the Development Plan Overlay, according to Mr Clarke, is that it can provide for a number of matters that are not strictly building form related which is typically covered by the Design and Development Overlay.

Mr Clarke advised that the Design and Development Overlay is generally applied to areas to control built form outcomes, such as building height, setback, building form, overshadowing of public areas, landscaping and the like. It can also be applied to subdivision. Mr Clarke greatly assisted the Committee with his commentary on the 'advantages/disadvantages' analysis of both overlays. He noted:

The relative advantages of a Development Plan Overlay are:

- It is a more general control that deals with overall form and conditions of future use and development of land. It is most appropriate to large sites where comprehensive site planning or master planning beyond just building form is required prior to the application for planning permits.*
- A relative degree of certainty is provided in that any permit issued must be generally in accordance with the approved development plan. This certainty is partially undermined by the fact that a request can be made to amend the development plan at any time and without reference to third-party involvement. Whilst it is open to a responsible authority to informally consider third-party submissions as part of its consideration of a development plan, and this is sometimes written in to the schedule to a Development Plan Overlay (e.g. St Kilda Triangle site), informal non-statutory notification processes are specifically recommended against in the VPP Practice Note: Applying the Incorporated Plan and Development Plan Overlays (page 2).*
- Having prepared the development plan and having it approved by Council, and then being generally bound by it, a permit application under any provision of the planning scheme will be exempt from third-party notice and appeal rights. This can lead to considerable*

time savings at the permit application stage, but can also lead to disputes as to the meaning of “generally in accordance with” where minor variations are proposed.

The relative disadvantages of a Development Plan Overlay are:

- It can lead to further time delays in that the preparation and approval of the development plan may involve a prolonged process with Council. In my recent experience this is increasingly the case where the level of detail provided in a development plan is almost approaching the level of detail required for a planning permit application. However, in this case the development plan has already been prepared to an advanced stage.*
- Consideration of the development plan and subsequent permit applications do not provide for formal third-party notice, decision and appeal rights. However, in this case a detailed development plan has been submitted and has been considered by third parties. There is presently sufficient detail in the development plan to know what is proposed at the NPV site. (This differs markedly to the originally exhibited St Kilda Triangle site development plan which was vague about the type and quantum of commercial floorspace).*

The relative advantages of a Design and Development Overlay are:

- It can generally be more specific as to a development outcome, such as expressing a preferred height or a specific design objective such as spacing between buildings to retain views. Generally, Development Plan Overlay requirements are more general but this does not necessarily need to be the case.*
- It has been identified by previous panels as the most appropriate mechanism to implement height controls. However, the Development Plan Overlay can also achieve this.*
- Changes to the development requirements set out in the schedule can be sought by a permit, provided such changes are not prohibited by the schedule.*

The relative disadvantages of a Design and Development Overlay are:

- It is limited to the design and built form of new development (including subdivision and advertising signs) but is less suited to achievement of other outcomes that might form part of the master planning process.*
- Whilst there is capacity for the schedule to exempt a permit application from third-party notice, decision and appeal rights that exemption only applies to an application made under the Design and*

Development Overlay and not to any application made any other planning scheme provision.

The evidence of Mr Biles sought to analyse what approach achieves the best framework for 'place making'. He said that due to the length of time taken to regenerate land such as this site, it was important that the statutory framework was able to successfully accommodate continuing change. He commended the process undertaken by the MoH in the regeneration of the Carlton 'walk – ups' where a DPO was the vehicle employed. He endorsed the use of the DPO as proposed by NPV, subject to some modifications in process. He emphasised that a conventional statutory framework would not be effective in 'place making'. His evidence was that flexibility in the management of height, rather than mandatory controls would better assist in developing the site successfully.

In terms of the planning tools that are available, Mr McGurn felt that the August 2010 Development Plan reflected good outcomes and that this plan might even be cross referenced in the DPO so as to ensure that development is 'generally in accordance' with that plan. If that were to be the case then there is some merit in contemplating a DPO as the community has significant knowledge of the August 2010 plan, (even though they oppose much of it). Little would be gained by ventilating the details of that plan all over again in the public arena via a planning permit in the view of Mr McGurn.

The evidence of Mr Sheppard for the proponent however was that the ultimate plan could be quite different and could actually be higher than contemplated by the August 2010 Development Plan. So long as increased diversity and urban consolidation remain as the primary objectives then such an outcome could be supported in his view.

Mr Biles and others repeatedly drew the Committee's attention to the fact that the tower configuration in the development plans was a guide only, and did not represent an ultimate design outcome. The Committee was taken by Mr Biles to examples of major redevelopment sites in inner and middle Melbourne where the DPO tool was used. At both Carlton and at the Henley Honda site in Camberwell, the DPO facilitated significant redevelopment of underutilised sites, albeit within the context of much higher buildings.

Council initially submitted that Design and Development Overlay – Schedule 4 (DDO4) and the Design Development Overlay – Schedule 8 (DDO8) (in conjunction with the current state of policies and planning controls in the Scheme) are 'more than adequate' to provide for a proper assessment of any proposal on the land.

Council noted that DDO4 and DDO8 remained in substantially the same form as when introduced following the recommendations of the Amendment C11 Panel in 2001. Council does not believe that there has been any change in circumstances since then to warrant a change. That said, Council proposed that DDO4 and DDO8 could be combined into one schedule and that coverage of the consolidated DDO could be extended to all of the land adjacent to the site that is within Precinct 20. Council tendered a combined overlay schedule to that effect.

In the view of Council, such an approach will best address the circumstances applicable at the time that any application for a permit is made. This would include the need to take into account the operations of BAE, PoM and Mobil and the prevailing contributions including traffic, parking and environmental contribution.

However and as noted earlier, in its closing submission to the Committee, HBCC had modified this position advising that it now supported buildings of up to five storeys central on the site.

The application of a DPO to the site was strongly opposed by Council (and many others) due to the removal of third party appeal rights which would prevent specific input on (among many other things) interface issues from the industrial and residential neighbours. In addition, particular community concerns as they relate to building form, the potential for overlooking and overshadowing, traffic congestion and off street parking all need to be considered. All of these, in Council's view, are best addressed at the permit stage where the community input can be considered.

Council also submitted that a DPO is not an appropriate application of the Victorian Planning Provisions (VPPs). Council noted that the practice note for the application of the DPO does not recommend applying this type of planning control to sites "*.....where third party interests are likely to be affected*". The other identified shortfalls of the DPO, according to Council include its inadequate detail to reflect the scale, type and design of the future development including setbacks, interfaces and other design principles required to guide the process.

Council submitted that a single DDO applying specifically to the site comprising a combination of the existing DDOs (as they now apply to the site) should be the mechanism to control future development. Any assessment of height should include consideration of heritage issues, including views and vistas to and from the site.

Council was therefore of the view that subject to modifications, the DDO is the appropriate tool to apply. Most submitters also support a DDO.

BAE submitted variations to the proposed DPO particularly concerning notification issues and the need for acoustic treatments to be specifically included. Mr Negri, on behalf of BAE reflected on the differences between the DPO and the DDO. He felt that if a proposal had '*...sufficient definition*' then the DPO may be appropriate as there was little to be gained in notifying parties about a design that they already were well aware of.

13.4 Discussion

The options to formalise the Committee's deliberations and recommendations by way of the planning system extend to only three realistic options:

- leave the planning controls as they are;
- a new tailored DPO; and
- a new tailored DDO.

It is apparent to the Committee that despite extensive analysis and preparation, the planning for this site is still in its embryonic stages. Despite a two year process and a three week hearing, there can still be no certainty as to what might eventually emerge on the land. Development yields suggested by the proponent ranged from 412 in August 2009; to 451 in its 2010 submission; and up to 497 based on the expert traffic evidence of GTA. In addition to this is the evidence of Mr Sheppard of '*the more the merrier*' and that he could not be certain that the suggested heights shown in the Development Plan would not be exceeded.

Based on the submissions and evidence of the proponent, the ultimate buildings could therefore be higher than anticipated in the Development Plan; they could host more apartments than anticipated; and there is no indication at all of the ultimate design of the buildings. On this basis it is difficult for the Committee to contemplate use of the DPO model as this option is contingent on there being a reasonably settled development outcome which has been well ventilated in the community and which therefore can exclude third party input.

The Committee is mindful that one of the perceived disadvantages of the DDO identified by Mr Clarke was that it was restricted to design and built form issues relating to new development. He considered that the DDO was less suited to achieving other outcomes (beyond built form) that typically form part of the master planning process. The DPO is better in this regard according to Mr Clarke.

While the Committee accepts that that may have been the intention of the DDO, the practice suggests that DDOs have been the vehicle for much more than built form. The Committee is aware of numerous examples of approved

DDOs which trespass into the very areas that are covered by the proposed DPO.

For instance, DDO14 at Darebin implements the Northcote Activity Centre Structure Plan over a wide area covering ten varied precincts. DDO6 at Brimbank contains precinct based design objectives, requirements for environmental sustainability and application requirements for expert reports. DDO1 at Boroondara contains a 'density' type map while its DDO2 identifies traffic generation rates in its schedule for a variety of uses. DDO5 at Boroondara contains provisions relating to height, scale, mass, car parking, heritage, access to existing open space and the preservation of views. DDO9 at Mildura includes a 'Concept Plan' with suggested building layouts, car access and obligations for fence construction, earth mounding, rainwater retention and other landscaping features (among many other things).

The more 'contemporary' DDO option (either in its existing form or an amended form) is therefore attractive but the reality of this option is that it will require all parties to continue to participate in an adversarial process over some time (maybe years) that culminates in a decision at VCAT. The Committee will further explore the approval process in Chapter 14.

Submissions by nearby residents including the Green's, Ms Hoadley, Ms Orange and others raised amenity concerns regarding overlooking and overshadowing. In that context, the Committee agrees with these submitters and Council that the interfaces around the site will have to be carefully assessed to minimise any detriment to owners, occupiers and businesses in the area. This is clearly best addressed at the time a permit application is made.

Council questioned Mr Biles on the distinguishing features of the MoH sites as opposed to the Nelson Place site and it is fair to say that the circumstances are very easily distinguishable. Unlike some of those examples, the proposed DPO at Nelson Place has no mechanism whatsoever for any public input, peer review, on-going audit or design review panel all of which are suggestions that are supported (to varying degrees) by Mr Biles.

Given the uncertainty of the ultimate plan based on the submissions and evidence, the Committee has little confidence that it can proceed with any planning control that excludes the views of third parties. The Committee would only ever contemplate a control without those views if it felt that those third parties had been privy to the detailed consideration of that plan. On the basis of the NPV submission and evidence there is no such certainty and indeed there is the practical suspicion that the control could provide a framework for something quite different from that explored in the Development Plan. If that is the outcome then that must go through a

transparent process of consultation that can only be offered by a planning permit.

On that basis alone, the Development Plan Overlay is disqualified as an option given that it excludes the views of third parties. The need to keep BAE (among others) informed of development applications is yet another reason that the DPO is disqualified from consideration. However, the Committee supports a more truncated notice provision that the normal process given the input into the design over the years. The Committee does not want to see this process start completely afresh.

The Committee concludes that the DDO is the appropriate mechanism to control the development on the land. The Committee has attached at Appendix 5 its preferred DDO model which draws together the key elements of the exhibited DPO and the numerous versions of the DDO that were provided during the hearing. The Committee thinks that the exhibited DPO is a very good starting point and it much prefers its tailored design objectives than those that presently exist. The modified DDO also includes noise attenuation requirements and explicit decision guidelines relating to heritage among other things. The modified DDO also explicitly identifies the parties that the responsible authority should consider the 'views of'. This truncated 'notice' would allow the community and key stakeholders to have an input into the assessment but it would not provide opportunities for further involvement beyond the decision. Finally, the DDO includes a modified development envelope plan which reflects the built form and height outcomes discussed in Chapter 12.

A number of submitters also queried whether the building height requirements should be expressed as mandatory or discretionary controls. This issue has been the subject of detailed consideration by several Panels, notably the Panels appointed to consider the following amendments:

- Amendment C20 to the Melbourne Planning Scheme;
- Amendment C2 to the Bayside Planning Scheme;
- Amendment C7 to the Queenscliffe Planning Scheme;
- Amendment C52 to Port Phillip Planning Scheme; and
- Amendment C55 to the Colac Otway Planning Scheme.

The assessments detailed in the above reports, and the conclusions reached by the Panels, have established the principle that the appropriate (or preferred) means of expressing building height requirements in planning schemes is as a 'discretionary' provision, with 'mandatory' height limits being applied only in exceptional circumstances. The Bayside C2 Panel concluded that the following principles should apply to the consideration of whether height controls are appropriate:

- height controls are contemplated in new format planning schemes;
- a “Design and Development Overlay” is the most appropriate mechanism to implement height controls;
- there must be real evidence of demand for development exceeding the proposed height limits;
- the height controls must be soundly based and be the outcome of thorough strategic research;
- height controls must be seen in the context of built form outcomes and objectives rather than just being a prescriptive tool;
- while mandatory height controls are contemplated, they are the exception and must achieve a clear built form objective; and
- discretionary height controls are the preferred way to deliver a performance based outcome.

The fear of submitters and Council was that without a mandatory cap, applications would inevitably seek to go higher than the ‘preferred maximum’. Submitters took little comfort in the evidence of Mr Sheppard that buildings might be even higher than shown on the current proposal.

The Committee considers that the principles outlined in Queenscliffe C7 are most analogous to the current proposal. In that amendment, and faced with uncertainty as to whether developments would push above the coast line to gain bay views, that Panel stated:

A mandatory height is simple in contrast to performance measures involving view lines, contours lines, and height of vegetation.

There are considerable pressures to develop above the dune and tree lines to obtain views of the ocean and of Swan Bay. Moreover as buildings go higher this escalates the desire to go higher again and increase the size of developments. This is borne out by the existing and proposed developments along Fraser Street and Smith Street.

The Urban Character Study clearly demonstrated a community desire for increased certainty in built form.

In terms of contemplating whether or not there would be merit in having discretion to permit a taller building than the maximum specified the Queenscliff C7 Panel noted:

The Panel can see no circumstances in Queenscliffe which would warrant an application above the specified maximum. Indeed, by introducing flexibility, it would inevitably lead to this matter being tested time and time again at Council and at VCAT. Land is so scarce and expensive at Queenscliffe and views so sought after, that the Panel believes that a relaxed height regime would give rise to many applications

attempting to “push the envelope”. The Panel is satisfied that Council has a clear vision; it is supported by strategic research; it is endorsed by many in the community; and it therefore should be sanctioned in the Planning Scheme.

In the view of the Committee and on that same basis, it is appropriate to include mandatory absolute height controls on the subject site.

13.5 Conclusions and recommendations

The Committee accepts the submission of NPV that when contemplating the choice between a DPO and a DDO, the question to be asked is ‘...does the future development of this land require further third party scrutiny?’. NPV say that the answer to this is ‘no’ given the extent of information provided in its development plan and submissions over an extended period. The Committee takes a slightly different view and believes that there is not (in the words of Mr Negri on behalf of BAE) ‘...sufficient definition’ in the plans provided for any third party to have the confidence to know exactly what is proposed.

The Committee is concerned that the degree of flexibility which is so wanted by NPV disqualifies the DPO option as that option could only ever be contemplated if there was such a level of certainty in the plans and such a level of public ventilation of those plans as to warrant excluding third parties. There is no such certainty in this proposal. However, the Committee does not see a need for retention of the normal notice and review provision and instead will identify those parties which the Responsible Authority will need to seek the ‘views’ of.

The Committee has analysed the use of mandatory height controls in new format planning schemes and a large number of panel reports which have addressed this issue. While the common theme in all of these reports is that mandatory controls are the exception, such exceptions are certainly evident within the Victorian system and are typically to be found in areas of consistently high heritage value, strong and consistent character themes, or in sensitive environmental locations such as along the coast.

In the view of the Committee this part of Williamstown is one such area.

Recommendations

In relation to the planning controls, the Committee recommends that;

- **A DDO be applied to the land in accordance with Appendix 5.**
- **Height limits be expressed as mandatory controls for which a permit cannot be granted to exceed.**

14. Responsibility Authority Status

14.1 What is the issue?

Who should be the Responsible Authority for the consideration of a permit application on the site?

14.2 Policy context of the issue

The Terms of Reference for the Committee require it to consider (among other things and with emphasis):

The appropriateness of the current planning framework and planning controls applying to the subject land (policy, design and development overlays, heritage overlays, responsible authority status).

14.3 Evidence and submissions

Hobsons Bay City Council maintained that it should remain as the Responsible Authority for all land in Precinct 20 that is not within the Williamstown Shipyard Site. It acknowledged that there would need to be some amendments to Clause 61.01 of the scheme to remove land identified by BAE as no longer being part of the Site. Beyond that however, Council submitted that “...no other alteration to the council’s responsibility is required”.

NPV’s submission on this issue was based on the assumption that a DPO would apply to the site. It supported the approach taken at inner urban renewal sites in Coburg (Kodak) and Carlton. It submitted:

NPV seeks that the approach for the Kodak and Carlton sites be followed here, namely that the Minister for Planning is the responsible authority for the process of approval of the Development Plan and the Council is the responsible authority for the permit process. The Minister’s Department is better resourced in terms of examining the detailed issues, particularly as to parameters for design excellence. This will facilitate a more expeditious and certainly a-political outcome. It is consistent with the preferred approach expressed by Mr Biles.

NPV further submitted that the mechanics for effecting this are reasonably straightforward with the schedule to Clause 61.01 simply stating (in the case of Kodak):

The Minister for Planning is the responsible authority for the purposes of approving a development plan and any amendments to a development plan required by clause 43.04 and prepared pursuant to Schedule 10 to the Development Plan Overlay

Mr Biles, on behalf of NPV reflected on the decision making process and noted that there were five key elements that were needed in successfully rebuilding cities;

- use a creative team;
- write a framework with clear objectives;
- establish a clear set of decision guidelines;
- establish a preferably non political audit process; and
- allow flexibility in the design response.

Mr Biles acknowledged that Nelson Place is an important opportunity for regeneration. It is a large site of 2.7ha, in a well loved town of historical significance abutting a maritime environment serving a diversity of interests. He felt that remaking this significant site is a challenge to all those interested in its successful outcome. He noted:

For residents there is always the prospect that it will simply be a blight on their neighbourhood, for policy makers it is the need to meet a web of imperatives from economic, to social to built form, and for the developers it is, amongst other things, the management of risk.

Establishing a framework that will meet these expectations requires; trust, creativity, diligence, flexibility, inspiration and more.

Part of the problem with meeting these expectations is the framework in which the players in this process have to operate.

All other submitters strongly urged the Committee to retain the Council as the Responsible Authority right through the application process.

14.4 Discussion

The Committee's views on the status of the Responsible Authority is influenced by its recommendation to adopt a DDO which requires the 'views of' specified parties.

The Committee supports the normal application process for development inclusive of seeking these views. Beyond that, the Committee agrees with Mr Biles and thinks that this site deserves a better outcome than is typically provided by the adversarial planning process. The Committee does not think that the Council/Review route is the best way to determine an outcome

for an important site like this especially given two years of public participation already.

The Committee is heartened by the degree of support for residential redevelopment of the site in some form and is mindful of the submissions of the parties about the prospects of a panel of design experts made up of representatives from Council, the landowners, the community and DPCD. The Committee is also mindful of the submission of Ms Penn that there are a number of realistic design options for this site that have yet to be explored and it thinks that this site is important enough for all of these options to be evaluated.

That said, the Committee recognises that a decision will ultimately have to be made on this site and that the views of all parties may not be able to be accommodated.

The Committee therefore recommends that the Minister for Planning 'do something different' for this site as has been done for other key urban renewal sites in recent years such as the Tooronga site within Boroondara (Amendment C70) where the Minister for Planning is the Responsible Authority.

The Committee accepts that there needs to be compelling reasons for the status of responsible authority to be taken away from a local Council. In this instance, on a site that is flanked by land uses of undoubted state significance after a process that has already taken some years and with the prospects of years of discussion ahead, the Committee thinks that those compelling reasons are apparent.

Another reason that the Committee thinks that the Minister should be the Responsible Authority is that Council has shown a reluctance to make a decision on this site over an extended period including twice being offered state level departmental assistance to achieve a facilitated outcome. This would have included community consultation and a collaborative exploration of technical issues by experts in the field. The Committee is confident that many of the criticisms of the processes adopted for this Committee would have evaporated had Council taken the opportunity to include both itself and its community in such a consultative process.

14.5 Conclusion and Recommendations

The Committee therefore strongly recommends that the Minister for Planning be the Responsible Authority for deciding whether or not to grant a permit. There should be no avenue of review from his decision provided to any party other than the applicant.

All parties agreed that the site is important and the Committee thinks that the Minister for Planning must take responsibility for the ultimate decision.

The Committee envisages the following way forward:

- The NPV land be included in a new DDO (see Appendix 5). The Committee supports extending the DDO to other sites in the precinct and this is further discussed at Chapter 15.
- The new DDO will trigger a buildings and works permit.
- The new DDO will contain 'Built Form Outcomes' for the five precincts within the review land.
- The new DDO will contain mandatory height controls which cannot be exceeded for all of the precincts.
- The new DDO will list all of the parties whom the Minister for Planning will seek the views including Hobsons Bay City Council, Port of Melbourne, BAE, EPA, Mobil, WorkSafe, adjoining and abutting landowners.
- The new DDO will require that the application, plans and any submissions be considered by a Design Review Panel made up of:
 - the State Architect (or nominee) who will Chair the Panel;
 - proponent representatives (two architects/urban designers);
 - Council representatives (two parties one of whom has expertise in urban design and/or architecture);
 - community representatives (two parties one of whom has expertise in urban design and/or architecture); and
 - DPCD representatives (two parties both of whom have expertise in urban design and/or architecture).
- The Design Review Panel is to directly report to the Minister for Planning within a time frame to be determined by the Minister.
- The only right of review of a decision of the Minister for Planning will be for refusal (under Section 77 of the Act) or against conditions (under Section 80 of the Act).

Recommendations

In relation to Responsible Authority status, the Committee recommends that:

- **The Minister for Planning be the responsible Authority for all of the review land.**

15. Other Issues

15.1 What other issues arose from submissions?

The zoning of the land.

The planning controls on other land in Precinct 20.

Changes to other parts of the Planning Scheme.

Other Amenity impacts from overlooking and overshadowing.

Design Panel.

Coastal sea rise.

Tourism.

15.2 Discussion

15.2.1 Zoning of the land

The Committee notes that while many submissions have opposed the rezoning of the land to Residential 1 (preferring a Mixed Use Zone), it is clear that its Terms of Reference specify that this is not part of its tasks. The Terms of Reference also make it clear that the Advisory Committee is not considering a specific development proposal on the land. While submissions have included updated development options on behalf of the landowner, the Advisory Committee was advised of other options for the site including the retention of the existing suite of planning controls.

Council repeatedly lamented the decision of the Minister for Planning to rezone the land to residential. Council submitted that the Minister had 'put the cart before the horse' in deciding to rezone the land prior to his consideration of an appropriate development regime for the land.

While that may be, the Terms of Reference make it clear that the Committee is simply to provide a report on the appropriate built form planning controls for the subject land based on its consideration of the relevant issues that are canvassed in submissions.

However, the findings of the Committee on the issues of risk, safety and interface as discussed in this report logically raise doubts as to the zoning of

the land. While the Terms of Reference explicitly exclude an assessment of the zoning, the Committee notes that one of the most defining elements in its consideration is the WorkSafe Advisory Note which was only issued in September 2010, about five months after the decision to rezone the land to residential. Armed with that advice, and mindful of its other recommendations, it seems to the Committee that an alternative outcome might have been for a 'skin' of lower intensity commercial premises facing onto Kanowna Street and possibly parts of Nelson Place adjacent to the Titanic theatre restaurant. These premises could include some small retail, community, commercial or health related facilities.

The suggested Mixed Use Zone of Council's ILMS clearly satisfies these criteria and may even accommodate some submitter preferences including arts, crafts and tourism functions.

The Committee notes that such an outcome could also have addressed many of the concerns of the existing noise generating premises including BAE and the Titanic restaurant and community concerns about the lack of commercial and community facilities. In relation to the Titanic, the Committee observes that its noise attenuation problems are an unintended consequence (and a potentially very serious consequence) of the decision to rezone the land residential without the input of that landowner.

The Committee appreciates that these observations are outside its Terms of Reference but it brings them to the attention of the Minister for Planning in light of the numerous submissions on this issue and on the change in circumstances since the land was rezoned.

Overall, and while the Committee is not charged with commenting on the appropriateness of the Residential 1 zone, it seems that the element of risk associated with the nearby tank farm may require the Minister to re-consider the zoning outcome for parts of this land.

15.2.2 Planning controls on other land in Precinct 20

The Committee is to review planning and urban design matters related to the proposed redevelopment not only of the former Port Phillip Woollen Mills site but also of land to the south of Nelson Place, within Precinct 20 as identified under the *Hobsons Bay Industrial Land Management Strategy 2008*.

The Committee received two substantive submissions on this issue from KAS (Titanic Theatre Restaurant) and from the landowners along Aitken Street being:

- Aitken Properties Pty Ltd 15-21 Aitken Street
- G & S Karabinas 23 Aitken Street

- Como Engineering Pty Ltd 25 Aitken Street
- White Star Line Pty Ltd 27 Aitken Street
- Chiriano Pty Ltd 21 Ann Street
- Catherine Cumming 23 Ann Street

Both groups were represented by ARG Planning. In relation to the Titanic site, it was submitted that the land should be included in the Business 1 zone. The Committee supports this zoning and thinks that in the future a (say) renovated corner hotel may provide significant small scale business opportunities (shop, medical facilities, small offices) that might have been available if the land had been included in the Mixed Use Zone.

In terms of the Aitken Street properties, Mr Gray submitted that:

- all of the affected land be rezoned to a Residential 1;
- an Environmental Audit Overlay be applied to the land with the exception of 23 Ann Street Williamstown;
- the existing Heritage Overlay (HO8) continue to apply to the land;
- the Hobsons Bay Planning Scheme Map 19HO be amended in order that HO35, relating to the former Port Phillip Stevedore Club Hall at 25 Aitken Street, only apply to that land and not to the land at 23 Aitken Street;
- an amendment to introduce these changes be prepared by the Minister for Planning as the Planning Authority and be exempt from the notice requirements under section 20 of the *Planning & Environment Act 1987*; and
- the reference to the proposed future development of 15 – 21 Aitken Street be removed from the Development Plan.

The Committee notes that some of these recommendations are at variance with the recommendations of the ILMS. That said, the Committee agrees with Council and supports a uniform control across all of Precinct 20. The Committee also with Mr Gray that the approval by the Minister of Amendment C75 removed the opportunities to plan for a mix of uses, including ongoing employment generating uses in this precinct. As a result, the remaining land finds itself located on the fringe of a residential precinct and having to deal with sensitive interface issues. This issue will be easily resolved by including all of the land (other than the Titanic site) within the Residential 1 zone.

Recommendations

In relation to the planning controls within Precinct 20, the Committee recommends that:

- all of the 'review land' (other than the NPV site and the Titanic site) be rezoned to Residential 1 (Appendix 6);
- the Titanic site be rezoned to Business 1 (Appendix 6);
- an Environmental Audit Overlay be applied to all of the review land with the exception of 23 Ann Street Williamstown;
- the existing Heritage Overlay (HO8) apply to all of the review land;
- the Hobsons Bay Planning Scheme Map 19HO be amended in order that HO35, relating to the former Port Phillip Stevedore Club Hall at 25 Aitken Street, only apply to that land and not to the land at 23 Aitken Street;
- the DDO attached at Appendix 5 be applied to all of the 'review' land.

15.2.3 Changes to other parts of the HBPS

Given its views on the new DDO, the Committee concludes that the existing DDO2 and DDO8 be removed from all of the review land.

The Committee has already commented on its views on the Minister for Planning being the Responsible Authority for the issue of a permit. This will require a modification to the Schedule to Clause 61.01.

BAE noted that it will be necessary to amend the SUZ5 applicable to its shipyard site to exclude the new NPV residentially zoned land from the amenity considerations in that clause. The Committee does not support this change at this stage, but suggests that it form part of Council's regular Planning Scheme review. Both BAE and Council also noted that consequential changes will be needed to the schedule to Clause 61.01 as, at present, the Minister for Planning remains the Responsible Authority for the BAE land which it has disposed of. While not opposing this suggestion, NPV cautioned that the land transaction from BAE to NPV had yet to take place and that it may be prudent to leave this until a later time.

There was considerable debate about consequential changes to Council's LPPF arising from the decision to rezone the NPV site and the likely outcomes of a modified overlay regime. Council took the Committee through a track change version of parts of Clause 21 and 22 that it considered needing modification. Council submitted that the Committee was being

asked to undertake a 'mini-review' of the Hobsons Bay Planning Scheme. While Mr Clarke and Mr McGurn (for NPV) both considered that changes would eventually be needed, they saw no pressing need to introduce them immediately.

It seems to the Committee that its most significant recommendation is a modified DDO and this is already addressed in the MSS. The Committee is satisfied that any other consequential changes can be left until the next routine review of the Hobsons Bay Planning Scheme.

The only exception to this is the need to delete Character Area No. 5 from the map in **Clause 22.10** from over all of the review land. The Committee accepts that a new character will emerge from this redevelopment, and reference to the 'preferred character' statement on the NPV site and its abuttals is no longer appropriate.

Recommendations

In relation to changes to other parts of the HBPS, the Committee recommends that:

- **DDO2 and DDO8 be removed from all of the review land.**
- **modifications be made to the Schedule to Clause 61.01 arising from this report; and**
- **the map to Clause 22.10 be modified to delete Character Area No 5 over all of the review land.**

15.2.4 Other Amenity Impacts

For such a large development proposal there was surprisingly little concern expressed about overlooking. This may be because the site is so large (in a relative sense) that the design has been able to absorb all of its overlooking obligations within the site. That said, the Committee will include reference to the equivalent of the Clause 55 standard for overlooking in its modified DDO especially as it affects those properties to the south along Cecil Street.

Conversely, there was considerable discussion about the relevant tests of sunlight penetration onto private land (as opposed to the public realm). NPV had prepared a sunlight analysis for the equinox which is the typically accepted benchmark embedded in Clause 54 and Clause 55. A number of community groups felt that the test should be the winter solstice where access to sunlight and its warming and energy benefits are most appreciated. For example, the Green submission contained detailed photos of the sunlight penetration into their rear yard at about 8.30am in winter. Ms Hoadley provided, as did Save Williamstown, a shadow analysis for 9am on 22 June.

While the Committee has no doubt that the Green's and Ms Hoadley have the benefit of sunlight penetration in winter, the Committee rejects this as the appropriate test. If in a developed urban area the test was to ensure that no part of private land was denied winter sun in the early morning, then the density of metropolitan development would be too low and would render urban consolidation policy as worthless. Moreover, a Victorian era settlement such as Williamstown would be so spread out that it would not have the character that it does today.

In a settled urban area, concepts of '*balance*' and '*acceptable outcomes*' are enshrined in the *Planning and Environment Act* and the Hobsons Bay Planning Scheme. These concepts are fundamental to sound and orderly planning. The Committee believes that the equinox test best balances the reasonable expectations of residents and the demands of urban consolidation.

The Committee finally accepts the submission of Save Williamstown and Mrs Green that there is a need for a Construction Management Plan to guide the construction phase of the project.

15.2.5 Design Panel

Both Mr Biles and Ms Penn considered how a high quality design outcome for the site may be achieved. It was suggested by them that one way of assisting (while not guaranteeing) design excellence would be in the engagement of a design team made up of a number of architects. Biles and Penn shared the view that the implementation of a system of what might be described as 'design management' should be implemented. Both agreed that the renewal of the site can be achieved at a variety of heights. Their opinions differed as to what those heights should be and whether a lower height constraint would 'unduly fetter' the creativity of the designer.

Mr Biles was strongly of the view that in this case, the continued exercise of third party rights was not the best way to 'audit' the process of redevelopment of the site. In his evidence he said that, to achieve a good result '*on the ground*' for a site such as this, a detailed template is required dealt with by '*people who know what to do*'. He directed the Committee's attention to the mechanism successfully used in the recent renewal of several Ministry of Housing sites in Carlton. He suggested a '*management group*', comprising design experts, but also Council's design advisors and DPCD. This would also result in a '*non-political*' conduit to local residents about the project as it develops.

Ms Penn suggested that the publications of the Office of the State Government Architect, including the Urban Design Charter for Victoria could give design guidance. Her recommendation was that specific design

quality principles and objectives be developed prior to master planning. Her submission was that good design and good community engagement are the two keys to a successful renewal of this site. In addition to developing parameters for density, height and mix, design principles with defined design outcomes should be set. She too saw it as essential that there be the involvement of an independent Design Review Panel, comprising expert urban designers, architects and landscape architects to review, guide and support the development.

Whatever the name of the body, the Committee sees merit in an independent overview of a project of this size, irrespective of the planning mechanisms employed to deliver it. The Committee accepts that the planning control should provide a design template within which an expert design panel should be able to produce buildings of design excellence. The Committee supports the establishment of such a Panel constituted along the lines of the recently approved Development Assessment Committees (DACs).

The Committee has included reference to the Design Panel in its modified planning control at Appendix 5.

Recommendation

In relation to the design panel, the Committee recommends that:

- **a design review panel be established to assess any application on the review land.**

15.2.6 Coastal Sea Rise

As noted in Chapter 4, **Clause 13.01-1: Coastal Inundation and Erosion** of the SPPF has an objective to plan for and manage the potential coastal impacts of climate change. The strategy is to plan for sea level rise of not less than 0.8 m by the year 2100. The strategy allows for the combined effects of tides, storm surges, coastal processes and local conditions such as topography and geology when assessing risks and coastal impacts associated with climate change.

In its Directions Letter, the Committee had asked Council to respond to this strategy. In a most comprehensive response, Council advised that it had undertaken preliminary work in relation to foreshore flooding and climate change but that the full impacts are as yet unknown. In its opening submission to the Committee, Council expanded on this noting:

It is acknowledged that the proposal is not to rezone land from a non urban land use to an urban land use. However if Ministerial Direction 13 – Managing Coastal Hazards is utilised as a guide, land that is situated below 5.0m AHD within 1.0km of the coastline requires a

Coastal Hazard Vulnerability Assessment (CHVA). Therefore it is maintained that a satisfactory CHVA for the site prior to the consideration of any development is warranted in this instance.

In addition to the above, the council has received advice from various government departments that any development proposed on land under 2.41 metres AHD should be reviewed for possible foreshore flooding and associated storm surge implications.

Ultimately the Committee agrees with Council that this is an important matter that should be addressed at the planning permit stage. On this basis, the Committee will include the requirement for a Coastal Hazard Vulnerability Assessment to form part of the modified DDO.

Recommendation:

In relation to Coastal sea rise, the Committee recommends that:

- **a Coastal Hazard Vulnerability Assessment be required as part of the modified DDO.**

15.2.7 Tourism

A number of submitters advised that many of the traffic and parking ills of Williamstown were due to its tourist destination. This is brought about by the coastal park, the attraction of Nelson Place eateries and the new Seaworks project nearby.

In the opinion of the Committee, the redevelopment of the review land (including the NPV site) will not hinder the tourist potential of the area especially as on-site car parking is adequately catered for.

Part 6 – Recommendations

16. Conclusions and Recommendations

Having considered all submissions and having inspected the review site and area, the Committee responds to the specific tasks of the its Terms of Reference as follows:

Task: The locational considerations of the subject land, the northern section of Precinct 20 and general surrounds.

This is a precinct urgently in need of redevelopment and some form of a residential outcome is the best use of the land. The site has a peculiar mix of interfaces ranging from robust industrial built form on one side, to an open air car park on another, to a windswept coastal park of undoubted historic significance, to low rise Victorian cottages and to modern residential town houses. The same precinct hosts a working shipyard of state significance, a crude oil tank farm, a late night entertainment venue, remnant light industrial uses and an attractive residential neighbourhood.

The Committee concludes that that locational context lends itself to a denser form of development that currently allowed by the existing planning controls.

Task: The appropriateness of the current planning framework and planning controls applying to the subject land (policy, design and development overlays, heritage overlays, responsible authority status).

The existing choice of planning control applying to the precinct is considered appropriate. That said, the detail of the DDOs need substantial modification to accord with the other Committee recommendations. The Committee considers that the DDO is the best tool to apply to influence the built form outcomes suggested by the Committee. The DDO enables standards and requirements to be specified including height, setbacks and application requirements.

A Development Plan Overlay (DPO) as suggested by NPV is not an option for the Committee. Given the lack of precision in the design outcomes, the Committee concludes that parties will be disenfranchised from a proposal about which they presently do not have enough information. The existing heritage overlay is appropriate to retain although Council should reconsider this when next reviewing its planning scheme. The Committee suggests that there will need to be some minor consequential changes to Clause 22.10.

The Committee supports the Minister for Planning being the Responsible Authority for the assessment and decision on the ultimate development of the review land.

The Committee concludes that that the existing planning controls on the site be retained in a modified form with the Minister for Planning as the Responsible Authority.

Task The scope for varying the existing planning framework and planning controls in relation to the subject land, having regard to appropriate heights, setbacks, articulation, walkability, traffic, infrastructure impacts, heritage asset protection, acoustic and risk treatments, open space requirements and the need for development contributions.

Having considered appropriate heights, setbacks, articulation, walkability, traffic, infrastructure impacts, heritage asset protection, acoustic and risk treatments, open space requirements and the need for development contributions, the Committee supports redevelopment of the NPV site. Its preference is for development of between 10 and 13 metres in height along Nelson Place and Kanowna Street; with development of up to only 10 metres on the more sensitive Ann and Cecil Streets. Within the NPV site, the Committee supports development of up to 25 metres but such development must be outside the WorkSafe 'outer advisory area'. Buildings must also be treated with sound attenuation measures to address the nearby working shipyard.

The Committee supports the concept of a series of laneways running through the site to improve permeability and it suggests that 'open' areas be provided on the public realm around the site to help emphasise important places of gathering. The Committee supports a community infrastructure levy of \$900/dwelling, a community meeting room of 100m² and a small convenience shop. The Committee suggests that at the time of subdivision, the 5% site area open space levy be totally applied to the adjoining heritage coastal park.

Based on the reasons set out in this Report, the Advisory Committee recommends as follows:

- (i) In relation to heritage matters, the Committee recommends that:
 - the existing suite of heritage controls be retained.
 - Clause 22.01 be included as a specific decision guideline in the planning control for the land.

- (ii) In relation to buffer matters, the Committee recommends:
- That only 'lower rise' built form of up to 13m be allowed along Kanowna Street within the 300m buffer area.
 - That any development within the WorkSafe Outer Advisory Area be designed to withstand overpressures of up to 6kPa.
 - That any buildings in excess of 13m be located outside the 300 buffer area.
 - That WorkSafe be included as a Referral Authority under Section 55 of the *Planning and Environment Act* and be listed in the Hobsons Bay Planning Scheme for all applications for use, development or subdivision within the 'Inner Area' or the 'Outer Area' specified in its Advisory Note of September 2010.
- (iii) In relation to noise matters, the Committee recommends that the planning controls for the site include requirements for:
- An appropriate noise attenuation design objective.
 - An acoustic report from the applicant demonstrating how compliance will be achieved.
 - Compliance of any new residential building with SEPP N-1 (internal and external).
 - A process of verification to be supervised by a qualified acoustic consultant upon completion of works.
 - Seeking the 'views' of nearby owners and occupants of any application including BAE and Mobil.
- (iv) In relation to traffic and parking matters, the Committee recommends that the planning control include requirements for:
- on-site parking provided at the rates of 1 space per one and two bedroom dwelling; and 2 spaces per 3 bedroom dwelling;
 - each apartment block is to provide the required number of car spaces for the apartments in that block;
 - the maximum number of on-site spaces to be provided should not exceed 10% of the number required in accordance with the above rates;
 - no specific on-site provision need be made for visitors;
 - the extension of Windsor Terrace to Nelson Place;
 - a detailed traffic assessment report to be carried out to assess the impacts of the final proposal;
 - a legal agreement with the City of Hobsons Bay regarding improvements to the local road network, footpaths,

improved pedestrian access to the Williamstown railway station, provision of a bus-stop shelter in Ann Street adjacent to the NPV site, road signage etc;

- the preparation of an emergency evacuation plan in close consultation with Council, PoM, Mobil, BAE and emergency services agencies;
- the preparation of an Integrated Travel Plan (including a Green Travel Plan);
- the provision of adequate on-site bicycle facilities and improvements for resident cyclists to access the cycle network; and
- the provision of on-site motor-cycle parking.

(v) In relation to social infrastructure matters, the Committee recommends that:

- A community levy of \$900 per dwelling apply.
- An open space provision of 5% of the site value apply.
- A community meeting room of 100m² be provided within the development (preferably located within the Britannia Hotel).
- A small convenience store of 80m² be provided (preferably located on Nelson Place).
- The Minister for Planning consider the introduction of an Inclusionary Zone into the VPPs.

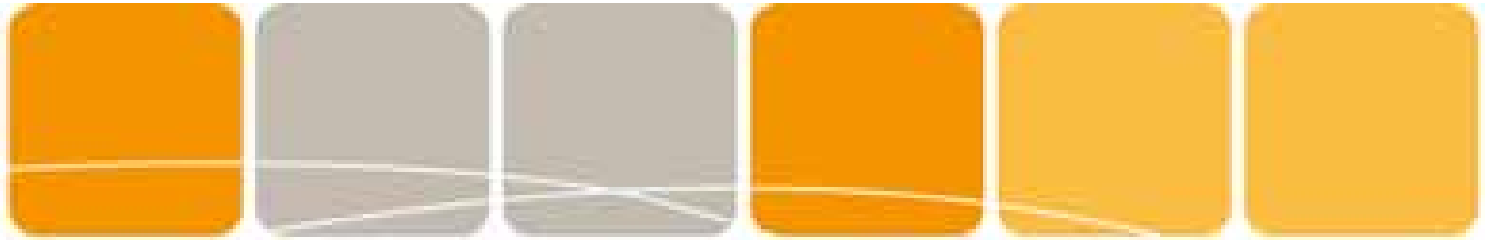
(vi) In relation to urban design and built form matters, the Committee recommends that the planning control contain five (5) precincts covering the review land with varying height limits as follows:

- Nelson Place of between 10 and 13m.
- Oriental Hotel site of 19m.
- Ann Street of 10m
- Aitken Street Corridor of 10m for the first 5m on the north and south side with 13m beyond (tapering to the south to accord with Rescode standards).
- Kanowna Street - 10-13m within buffer zone and 25m outside the buffer.
- Kanowna Street - 10m south of line 20m north of Cecil Street.
- Cecil Street including the triangle site – 10m with a 7m presentation to the street).
- Central areas – 25m

- (vii) In relation to the planning controls, the Committee recommends that:
- A DDO be applied to the land in accordance with Appendix 5.
 - Height limits be expressed as mandatory controls for which a permit cannot be granted to exceed.
- (viii) In relation to Responsible Authority status, the Committee recommends that:
- The Minister for Planning be the Responsible Authority for all of the review land.
- (ix) In relation to the planning controls within Precinct 20, the Committee recommends that:
- all of the 'review land' (other than the NPV site and the Titanic site) be rezoned to Residential 1 (Appendix 6);
 - the Titanic site be rezoned to Business 1 (Appendix 6);
 - an Environmental Audit Overlay be applied to all of the review land with the exception of 23 Ann Street Williamstown;
 - the existing Heritage Overlay (HO8) apply to all of the review land;
 - the Hobsons Bay Planning Scheme Map 19HO be amended in order that HO35, relating to the former Port Phillip Stevedore Club Hall at 25 Aitken Street, only apply to that land and not to the land at 23 Aitken Street;
 - the DDO attached at Appendix 5 be applied to all of the 'review' land.
- (x) In relation to changes to other parts of the HBPS, the Committee recommends that:
- DDO2 and DDO8 be removed from all of the review land;
 - modifications be made to the Schedule to Clause 61.01 arising from this report; and
 - the map to Clause 22.10 be modified to delete Character Area No. 5 over all of the review land.
- (xi) In relation to the design panel, the Committee recommends that:
- a design review panel be established to assess any application on the review land.
- (xii) In relation to Coastal sea rise, the Committee recommends that:
- a Coastal Hazard Vulnerability Assessment be required as part of the modified DDO.

Appendices

Appendix 1 Terms of Reference



TERMS OF REFERENCE

**Advisory Committee appointed pursuant to Part 7, Section 151 of the
Planning and Environment Act 1987
to report on issues concerning**

PROPOSED REDEVELOPMENT OF THE PORT PHILLIP WOOLLEN MILLS, NELSON PLACE, WILLIAMSTOWN

Background and Purpose

1. The Minister for Planning, the Hon. Justin Madden MLC has appointed an Advisory Committee pursuant to Section 151 of the *Planning and Environment Act 1987* (P&E Act) to review planning and urban design matters related to the proposed redevelopment of the former Port Phillip Woollen Mills, Nelson Place, Williamstown and land to the south of Nelson Place, within Precinct 20 as identified under the *Hobsons Bay Industrial Land Management Strategy 2008* (see map for subject land).





2. The Minister for Planning has recently approved Amendment C75 to the Hobsons Bay Planning Scheme, which rezoned the former Woollen Mills site to Residential 1 and applied an Environmental Audit Overlay. This rezoning accorded with the identification of the land in Precinct 20 to the south of Nelson Place as being suitable for mixed use residential development under the *Hobsons Bay Industrial Land Management Strategy 2008*. A review of this rezoning will not form part of the Advisory Committee's tasks.
3. There are two existing Design and Development Overlays affecting parts of the subject land (DDO4 and DDO8) restricting building height to 2 storeys (DDO4) and 3 storeys (DDO8). At present, a permit may not be granted for development to exceed these heights.
4. The subject land is directly affected by the following Heritage Overlays:
 - HO1 – Cecil Street Precinct
 - HO8 – Government Survey Precinct
 - HO35 – the former Port Phillip Stevedore Club Hall
 - HO43 – the former Telegraph Hotel
 - HO162 – the former Britannia Hotel
 - HO210 – the former Prince of Wales Hotel
 - HO211 – the former Oriental Hotel

The subject site abuts Point Gellibrand Coastal Park, which was the first point of European settlement in the Port Phillip Region. Accordingly the site and its surrounds are covered by several heritage overlays addressing historical use of the land as well as built form.
5. The proponent provided Council with an indicative development proposal for part of the subject land which would yield 412 dwellings, including 328 apartments and 84 townhouses that vary in height from three to thirteen storeys. This proposal was not supported by Council at its meeting on 1 December 2009.



Task

6. The Advisory Committee is to assess the planning and built form/urban design opportunities for the subject land (Part Precinct 20 to the south of Nelson Place) taking into account:
 - The locational considerations of the subject land, the northern section of Precinct 20 and general surrounds;
 - The appropriateness of the current planning framework and planning controls applying to the subject land (policy, design and development overlays, heritage overlays, responsible authority status) and
 - The scope for varying the existing planning framework and planning controls in relation to the subject land, having regard to appropriate heights, setbacks, articulation, walkability, traffic, infrastructure impacts, heritage asset protection, acoustic and risk treatments, open space requirements and the need for development contributions.

Method


7. The Advisory Committee shall consider:
 - Existing planning policy framework and controls, and any proposed changes to these;
 - Relevant written submissions;
8. The Advisory Committee shall provide the following parties with an opportunity to make a written submission and to be heard:
 - Hobsons Bay City Council;
 - the proponent;
 - any other owners/occupiers of the subject land;

Agencies

- Department of Innovation, Industry and Regional Development;
- Department of Sustainability and Environment;
- Department of Transport;
- Parks Victoria;
- Port of Melbourne Corporation;
- VicRoads;
- EPA;
- WorkSafe Victoria;
- The Victorian Government Architect;

Adjoining Landowners

- BAE Systems;
- Mobil;
- Titanic Restaurant/Hotel;

- 
- Adjoining land owners and occupiers who may be materially affected by development of the site;

Community and Interest Groups

- Save Williamstown (Community Group)
 - Williamstown, Newport and Spotswood Residents Association (Community Group); and
 - Any other community and/or interest group that may be materially affected by development of the site.
9. The hearing/s process will be determined by the Advisory Committee and will be open to the public.
10. The Advisory Committee will seek that groups or individuals with similar issues be heard together.
11. The Advisory Committee shall retain a library of any written submissions or other supporting documentation provided to it, which must be available for public inspection up to the end of the last day of the hearing.
12. Any briefings or discussion sessions must be conducted in an open, orderly and timely manner, with the minimum of formality and without the need for legal representation. The Advisory Committee may establish time limits for all presentations to it.

Information

13. The Advisory Committee should inform itself further in any way it sees fit, but must have regard to:
- Relevant documentation submitted;
 - The objectives of the *Planning and Environment Act 1987* and the relevant provisions of the planning scheme;
 - The *Hobsons Bay Industrial Land Management Strategy 2008*; and
 - An assessment of relevant planning issues and impacts of surrounding land uses relating to the development of the site.

Outcomes

14. The Advisory Committee must produce a written report for the Minister for Planning providing:
- An assessment of all relevant planning issues;
 - An assessment of the submissions to the Advisory Committee;
 - Recommendations in relation to the form and appropriateness of any planning and urban design framework for the subject land, including any proposed planning scheme amendments;
 - Any other relevant matters raised in the course of the Advisory Committee hearing; and
 - A list of persons consulted and/or heard.



Timing

15. The hearing is to be conducted as soon as practicable from the receipt of the information in relation to the subject land from the proponent and the end of the required notice period in relation to the proposal.

16. The Advisory Committee is required to submit its report in writing within eight (8) weeks of completion of the hearing.

Constitution

17. The Advisory Committee should contain members with expertise in planning, urban design/architecture, heritage and traffic.

18. The Advisory Committee requires a quorum of two members for any of its proceedings.

Fee

19. 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*.

Public Enquiries

20. Public enquiries in relation to the Advisory Committee proceedings should be directed to:

Planning Panels Victoria

Ph: (03) 9637 9691

Fax: (03) 9637 9700

Email: planning.panels@dpcd.vic.gov.au

Department of Planning and Community Development

21. The Departmental Contact for the Advisory Committee is the Development Facilitation Unit of the Department of Planning and Community Development.

JUSTIN MADDOEN MLC

Minister for Planning

Date: 27 MAY 2010

Appendix 2 List of submitters

No	Submitter	Organisation (if any)
1	Jenni Tesmer	
2	Toni Burton	
3	Lyndall Boyle	
4	Matthew Fewster	
5	John Myer	Department of Innovation, Industry and Regional Development
6	Michael Virant	
7	Denis and Helen Weily	Weily Inc
8	J Maloney	
9	Daniel and Elizabeth McKinnon	
10	Maria Sonntag	
11	Matthew Houlihan	
12	Urbis	Nelson Place Village Pty Ltd
13	Jean Lee	
14	T Maloney	
15	Dianne Gruneklee	
16	Philip P Henkel	
17	Clare Creanley	
18	Julie Evans	
19	Darren Williams	
20	David Everist and Mary-Anne Robinson	
21	Mary Hannebery	
22	Peter John O'Connell	
23	Kylie Wetherall and Bruno Demasi	
24	Matthew Green	

No	Submitter	Organisation (if any)
25	Vin Maskell	
26	Susan Drake	
27	Anthony and Valerie Green	
27a	Anthony and Valerie Green	
28	Elizabeth McKeag	
29	Marie Calthorpe	
30	Kay Didenkowski	
31	Michelle and Athanasios Manolopoulos	
32	Barbara Fleischer	
33	V June Davis	
34	Ralph and Virginia Coghill	
35	Phillip Johnson	
36	Robin and Andrea Fernandes	
37	Simon Gibbs	
38	Tracy Newgreen	
39	Mario Parcesepe	
40	Alison and David Brideson	
41	Kylie Bruce	
42	Mandy Walker	
43	Heidi Roberts and Murray Smith	
44	Barbara Beaumont and Trevor Hawksworth	
45	Kathryn Ball	
46	John Morris	
47	Helen Gibbs	
48	Rae Szuch, William Szuch, Jodie Rollinson and Robin Illich	
49	Paul and Pauline Englefield	

No	Submitter	Organisation (if any)
50	Elizabeth Hope	
50a	Elizabeth Hope	
50b	Elizabeth Hope	
51	Melissa and Jared Mee	
52	Flynn Hargreaves	
53	Peter Dunster	Mobil Refining Australia Pty Ltd
54	Jackie Hosking	
55	Gretel Hargreaves	
56	Andrew and Roslyn Jacklin	
57	James Noy	Department of Transport (Director of Public Transport)
58	Sandra, Dylan and Alison Thorn	
59	Peter Hargreaves	
60	David Johnson	
61	McVicar Family	
62	Adrienne Scott	
63	John and Josephine Jansen	
64	Rodney Gunn	WorkSafe
64a	Geoffrey Cooke	WorkSafe
64b	Geoffrey Cooke	WorkSafe
64c	Geoffrey Cooke	WorkSafe
64d	Geoffrey Cooke	WorkSafe
65	Peter Gaschk	Hobsons Bay City Council
66	National Trust of Australia (Victoria)	
67	Sheila and Michael Kadniak	
68	Helen and Ian Tribe	
69	Ken and Dianne Daley	
70	Norman Roberts	
71	Williamstown Residents	

No	Submitter	Organisation (if any)
72	Janet Saker	
73	Suzanne Orange	
74	Leanne and Andrew Kovach	
75	Joan Riley	
76	Lois Swaby	
77	C and J Maine	
78	Genevieve Mercieca	
79	S and A Hicks, S Towers, J Briscoe, H Moody, M Botterill, G and K Knight and D Weston	
79a	Sally Hicks	
80	Tyrrell Family	
81	Bill Pride	Williamstown, Newport & Spotswood Residents' Association Inc
82	Gregory Powick	Point Gellibrand Park Association Inc
83	Godfrey Moase	Save Williamstown
84	Michaela Mee	
85	Helen and Roger Mee	
86	Fleur Duane	
87	Robert Cargill and Kerry Thompson	
88	Helen Tregear	
89	Stuart and Susan Nicolson	
90	Betsy Dunne	
91	Gregory and Katrina Leibel	
92	Nancy Black	
93	Peter, June, Mark, Sandra, Peter and Joanne Salder and Suzanne Asher	

No	Submitter	Organisation (if any)
94	ARG Planning	Aitken Properties Pty Ltd, Roland Como, White Star Line Pty Ltd, Chiriano Pty Ltd and Catherine Cumming
95	Graeme Smith	
96	Christine and Sheila Lockey and Mark Dobbie	
97	Joan Lynn	
98	Rob Lucas and Bonnie Gelman	
99	Matthew Teasdale	
100	Charmian Gaud, Ken and Chrissie Marriott	
101	Edward and Elaine Peck	
102	Neralie Hoadley	
103	Georgia Tucker	
104	Penelope Ann Field	
105	Jennifer Peck	
106	Voula Konstantopoulos and Brett Penberthy	
107	Sabine Kasel	
108	Kate Robinson	
109	Preserve Old Williamstown Inc	
110	Alissa Lloyd	
111	Heather and Roger Lloyd	
112	Fiona Lloyd	
113	Felicity Joll	
114	Adrian Jones	
115	Gareth Priday	
116	Paul and Grace Donnelly	
117	Carey and Jenny Patterson	
118	Michael and Joanne Hillas	

No	Submitter	Organisation (if any)
119	Sevasti Mavrakis and Andrew Kotsonis	
120	Godfrey Moase and Chloe Wilson	
121	Lisa Fitzgerald	
122	Raquel and Ross Martin	
123	James Teasdale	
124	The Planning Group	BAE Systems Australia
125	Stephen Bradford	Port of Melbourne Corporation
126	Stefanie Feih and Braedon Clark	
127	Kevin and Ann Maree Teasdale	
128	Roger Smith	
129	Carol Challis	
130	Cliff Kelsall	
131	Quentin Cooke	EPA Victoria
132	Andrew Davidson	
133	Bill Korevaar	
134	Emma and James Bell	
135	Tanya Chambers	
136	John and Katalin Bish	
137	The Honourable Joan Kirner AM, Shelley Penn and Wade Noonan MLA	
137a	The Honourable Joan Kirner AM, Shelley Penn and Wade Noonan MLA	
138	Christine and Ian Dent	
139	ARG Planning	KAS Productions
140	Terry Garwood	Department of Transport (Freight, Logistics and Marine)
141	Angela	

No	Submitter	Organisation (if any)
142	Nancy Marriott	
143	Sally Sutton	
144	Jill Garner	Department of Premier and Cabinet (Office of the Victorian Government Architect)
145	Mark Grospe	VicRoads
146	Michael Nicholas	

Appendix 3 List of documents

Doc. No.	Date	Description	Presented by
1	10/2/11	Submission on behalf of Hobsons Bay City Council	Ragu Appudurai
2	“	Hobsons Bay City Council Appendices to Opening Submission	“
3	“	Photographs of subject site and surrounds	“
4	11/2/11	Letter from Minister for Planning (Madden) to Bill Jaboor, CEO Hobsons Bay City Council	“
5	“	Extract from Hobsons Bay Industrial Land Management Strategy 2008	“
6	“	Hobsons Bay City Council, Improved Housing Choices for Residents on Low Incomes, Policy Statement (Adopted 8 February 2011)	“
7	“	Copy of PowerPoint presentation. Joint submission by Wade Noonan MP, Shelly Penn and Hon. Joan Kirner AM	Wade Noonan
8	“	Schedule XX to the Design and Development Overlay	Ragu Appudurai
9	“	Media Release, Monday 25 October 2010, Coalition to Save Victoria's Heritage from Madden's Wrecking Ball	Wade Noonan
10	14/2/11	Reasons for Decision to Exercise Power of Intervention, Hobsons Bay Planning Scheme Amendment C75, Justin Madden Minister for Planning, 26 March 2010	Ragu Appudurai
11	“	Track-changes version of Hobsons Bay Planning Scheme 14/2. (Starts 21.06)	“
12	“	Hobsons Bay City Council's Preliminary List of Developer-funded Infrastructure	“

Doc. No.	Date	Description	Presented by
13	“	Nelson Place Submission	Jeremy Gobbo
14	“	Reasons for Decision to Exercise Power of Intervention	“
15	“	Practice Note 59, The role of mandatory provisions in planning schemes, September 2010	Andrew Clarke
16	15/2/11	Guidelines for Infill Development in Heritage Areas in Hobsons Bay 2006	Ragu Appudurai
17	“	Guidelines for Alterations and Additions to Dwellings in Heritage Areas in Hobsons Bay 2006	“
18	“	Pg 38 , Map 5 of the Urban Development Program Annual Report 2009	“
19	“	Photographs of Cecil Street	Stuart McGurn
20	“	3x plans omitted from the Evidence Statement	Mark Sheppard
21	“	Extract from Melbourne 2030, Figure 37	Ragu Appudurai
22	“	Exhibited HO19 Map, Amendment C34	Bryce Rayworth
23	17/2/11	Industrial Development Design Guidelines	Ragu Appudurai
24	“	Letter to PPP from Bryce Rayworth dated 14 February 2011	Paul Conner
25	“	Melways extract	Jeremy Gobbo
26	“	Letter to NPV from Michael Stokes dated 14 February 2011	“
27	“	PowerPoint Presentation	Tim Biles
28	“	Urban Design Compendium, English Partnerships, The Housing Corporate	Ragu Appudurai
29	“	Technical Note, Mark Jarman, 16 February 2011	Mark Naughton
30	18/2/11	Carlton Housing Precincts, Development Plan, September 2007	Ragu Appudurai

Doc. No.	Date	Description	Presented by
31	“	Gellibrand Tank Farm Quantitative Risk Assessment, Table 5-4 Leak Probabilities, Calculations by Mr Green	Tony Green
32	21/2/11	Australian Government Bureau of Meteorology, Melbourne, Victoria, December 2010 Daily Weather Observations	Ragu Appudurai
33	22/2/11	WorkSafe PowerPoint Presentation, Land Use Planning near major hazard facility, 22 February 2011	Geoff Cooke
34	“	Former Port Phillip Woollen Mills Advisory Committee, Port of Melbourne Corporation Submission Attachments, 22 February 2011	Peter O’Farrell
35	“	Former Port Phillip Woollen Mills Advisory Committee, EPA Victoria PowerPoint Presentation, 22 February 2011	Quentin Cooke
36	“	Victorian Government Gazette, No S 183 Wednesday 31 October 2001, <i>EPA Act 1970</i>	Quentin Cooke
37	“	ASR Research, Amended Tables 3 and 7, 22 February 2011	Robert Panozzo
38	“	Process for Shadow Study, 15 February 2011	Chris Goss
39	23/2/11	Gellibrand Tank Farm, Buncefield Overlay, Map x2	Lachlan Dreher
40	“	PADHI – HSE’s Land Use Planning Methodology, September 2009 (marked up/highlighted by Mr Naughton)	Jeremy Gobbo
41	“	Submission of Port of Melbourne	
42	24/2/11	National Ports Strategy	Peter Willis
43	“	Submissions of Mobil Refining Australia Pty Ltd	
43(a)	28/2/11	Corrected version of Document 43.	Peter Willis

Doc. No.	Date	Description	Presented by
44	24/2/11	PowerPoint Presentation, Mobil	Peter Willis
45	"	Potential Balcony Precautions to NPV Development, Burton Acoustic Group	Robert Burton
46	"	Recommendations on land use planning and the control of societal risk around major hazard sites, Buncefield Major Incident Investigation Board	Jeremy Gobbo
47	"	VCAT Report P2132/2009	Jeremy Gobbo
48	"	200 Stephen Street, Yarraville, Proximity to Yarraville Terminal Petroleum Tanks.	Jeremy Gobbo
49	28/2/11	Victorian Government Gazette, G12, 25 March 1999, Variation of the State Environment Protection Policy (Control of Music Noise from Public Premises) No N-2, pg 729-730	Nick Tweedy
50	"	Submission on behalf of BAE Systems Australia Ltd	"
51	"	<i>Planning and Environment Act 1987</i> , Part 3D	"
52	"	Plan of Williamstown Shipyards, LEGL:/05-334	"
53	"	VCAT Report P1547/2009	"
54	"	VCAT Report P1608/2004	"
55	"	VCAT Report P2801/2004 (13 April 2005)	"
56	"	VCAT Report P2801/2004 (19 July 2005)	"
57	"	Amendment C25 Panel Report, October 2001	"
58	"	Schedule 1 to the Development Plan Overlay, Former Industrial Area, Nelson Place, Williamstown (track-changes of NPV August 2010 version)	"

Doc. No.	Date	Description	Presented by
59	“	General Practice Note, Managing Referrals and Notice Requirements, January 2009	“
60	“	Buncefield Location Map	Jeremy Gobbo
61	“	Planning Map, Melways Ref 42 D8, 8 September 2010	“
62	“	WorkSafe Map, Land use planning advisory area for major hazard facilities, Coode Island, Port of Melbourne	“
63	“	Letter from WorkSafe to Maribyrnong City Council re: TP690/2009, 131-212 Whitehall Street, Footscray	“
64	“	VCAT Report, P953/2010 (11 February 2011)	“
65	“	33.01 Industrial 1 Zone	“
66	“	Supreme Court of Victoria, No. 9517 of 2006, Thomas James Love v Stuart J Castel Pty Ltd and Anor, 4 May 2007	“
67	“	Hobsons Bay Planning Scheme, Amendment C76, Explanatory Report	“
68	“	Schedule 2 to the Development Plan Overlay, Former Newport Flour Mill Site, 1 McRobert Street, Newport	“
69	“	Moonee Valley Planning Scheme, Schedule 6 to the Development Plan Overlay, Lombard Paper Site	“
70	“	Moreland Planning Scheme, Schedule 10 to the Development Plan Overlay, 173-199 Elizabeth Street, Coburg North	“
71	“	City of Hobsons Bay, Open Space Plan, Volume 2, Appendices, February 2005 (Page 17 and 29)	“
72	“	City of Hobsons Bay, Open Space Plan, Volume 1, Issues and Actions, February 2005	“

Doc. No.	Date	Description	Presented by
73	“	Point Gellibrand Coastal Heritage Park, Masterplan, July 2003 (page 7)	“
74	“	Point Gellibrand Coastal Heritage Park, Masterplan, July 2003 (page 23)	“
75	“	Guidelines for Higher Density Residential Development, DSE (Page 22)	“
76	“	Closing Submission to Planning Panel for Amendment C33, Hobsons Bay City Council, April 2007 (Page 3, 8 and 9)	“
77	“	Letter from Aurecon to Evolve Developments Pty Ltd, 9 February 2011	“
78	“	Letter from Urbis to Office of the Victorian Government Architect, 11 October 2010	“
79	“	Letter from Water Technology to PPP, 14 February 2011	“
80	“	55.04 Amenity Impacts (Page 1-2)	“
81	“	Cundall, Nelson Place Village Pty Ltd ESD Summary	“
82	“	Email from Tim Biles to Jeremy Gobbo, 18 February 2011 re: Carlton Open Space	“
83		2 Options for Development Option 1A, 362 dwellings @ 134 dwellings/hectare Option 2 – 295 dwellings @ 109 dwellings/ hectare	“
84		Amended Masterplan (having regard for the WorkSafe outer planning advisory area), A01, 23 February 2011	“
85		History of planning process, begins with Letter from Urbis to the City of Hobsons Bay, 13 January 2010, Amendment C75	“

Doc. No.	Date	Description	Presented by
86		Letter from GTA Consultants to PPV, 23 February 2011 (Request for further information at the request of Mr Evans)	“
87	1/03/11	Schedule Number to the Development Plan Overlay (DPO2), Former Newport Flour Mill Site, 1 McRobert Street, Newport	Ragu Appudurai
88	“	Docklands Map, N2 Scheduled Area, 1 March 2011	“
89	“	Save Williamstown PowerPoint Presentation	Charmian Gaud
90	“	Critique of the developers indicative plans, August 2010 and the developer request for a DPO	“
91	“	Transport Graphs	“
92	“	Buncefield: Why did it happen? COMAH, Control of Major Accident Hazards, 02/11	“
93	“	First Sales of Town Allotments at Williams Town 1837-40	“
94	“	Proposed Development at Former Port Phillip Woollen Mill Site/ Risk Health and Safety	“
95	“	Figure 4. Percentage of jobs accessible within 40 minutes travel (by car and by public transport)	“
96	“	2 letters from the Minister for Planning. 6 October 2005 to Hobsons Bay City Council 12 December 2008 to Hobsons Bay City Council	“
97	“	Hobsons Bay Planning Scheme, Amendment C33, Panel Report, June 2007 (extract 38-40)	“

Doc. No.	Date	Description	Presented by
98	“	Hobsons Bay Activity Centres Strategy, Adopted Version, March 2005 (page 8-9)	“
99	“	VCAT Decision P2127/2009, 6 August 2010	“
100	“	Notice of Decision, FOI Request (Amendment C75 Ministerial Brief)	“
101	“	Marked up copy of Clause 52.10	“
102	“	Land Use Safety Study, Kurnell Peninsula, February 2007	“
103	“	Government Survey Heritage	“
104	“	Nordeurope Incident Motiva, PowerPoint Presentation	“
105	“	Buffer Distances Plan (300m and 1,000m)	“
106	“	Office of the Chief Investigator, Transport Safety, Marine Safety Investigation Report No 2009/12, Breakaway from Berth, MT Leyte Spirit, Gellibrand Pier Melbourne, 21 August 2009	“
107	“	CRS Report for Congress, Order Code RS21997, 7 December 2004	“
108	“	A study of storage tank accidents, James I Chang and Cheng-Chung Lin, 5 December 2004	“
109	“	Hamner Street Heritage Precinct, Victorian Heritage Database	“
110	“	Government Survey Heritage Precinct	“
111	“	EPA, Guidance for the Assessment of Environmental Factors, Separation Distances between Industrial and Sensitive Land Uses, No 3, June 2005, Western Australia	“

Doc. No.	Date	Description	Presented by
112	“	Captain Korevaar PowerPoint presentation	“
113	“	Andrew Davidson supplementary submission	“
114	“	GTA Report, 70 Hamner Street, Williamstown, Traffic Impact Assessment	Suzanne Orange
115	“	Submission on behalf of Preserve Old Williamstown Inc	Patricia Toop
116	2/03/11	Save Williamstown Community Survey	Save Williamstown
117	“	Travel Data from train to CBD	“
118	“	PowerPoint Presentation by PGPA.	Point Gellibrand Parks Association
119	“	Submission on behalf of WNSRA	David Williams
120	“	WNSRA Safety	“
121	“	Submission by John Power (Density)	“
122	“	Submission by William Pride	“
123	“	Submission on behalf of owners in Anne and Aitken Street, Williamstown.	Andrew Gray
124	“	Submission on behalf of K.A.S Productions	Paul Chiappi
125	3/03/11	Submission by Genevieve Mercieca	Genevieve Mercieca
126	“	PowerPoint Presentation by National Trust	Cyril Curtain
127	“	Submission for Mr Kelsall	Mr Kelsall
128	“	Submission by Anthony and Valerie Green	Anthony Green
129	“	Photographs and Diagrams	Anthony Green
130	“	Submission on behalf of 69 Residents in Cecil Street	Val Green
131	“	Photographs on behalf of 69 Residents in Cecil Street	Val Green
132	“	Submission by Jackie Hosking	Jackie Hosking

Doc. No.	Date	Description	Presented by
133	“	Submission by Elizabeth McKeag	Elizabeth McKeag
134	“	PowerPoint Presentation by Andrew Davidson	Andrew Davidson
135	“	Shadow Diagrams (Hoadley)	Ms N Hoadley
136	“	Submission by Christine Lockey	Christine Lockey
137	“	Submission by R & V Coghill	Virginia Coghill
138	“	Schedule XXX to the Design and Development Overlay (Hobsons Bay City Council version)	Hobsons Bay City Council
139	4/03/11	Letter from ARG Planning to John Keaney, 4 March 2001	Mr Singer
140	“	WNSRA closing submission	David Williams
141	“	Mobil closing submission	Peter Willis
142	“	Schedule XXA to the Design and Development Overlay (Mobil version)	“
143	“	Closing submission on behalf of 69 Residents in Cecil Street	Val Green
144	“	Save Williamstown comments on FOI Request	Godfrey Moase
145	“	Aerial Photograph showing noise sources	“
146	“	Land Use Planning Near Major Hazard Facilities (marked up by Save Williamstown)	“
147	“	Open Space Plan Extract and Aerial	“
148	“	Ex-Premiers go NIMBY, The Age, 6 July 2009	“
149	“	Save Williamstowns comments on GTA traffic reports	“
150	“	Policy Impact Assessment, Variation of State Environment Protection Policy (Control of Music Noise from Public Premises) No N-2, March 1999	BAE
151	“	NPV closing submission	Jeremy Gobbo

Doc. No.	Date	Description	Presented by
152	“	Schedule to Clause 61.01, Moreland Planning Scheme, (Kodak Site)	“
153	“	Extract from the Irish Examiner, When the Fires of Hell erupted into the night, 8 January 2004.	“
154	“	HSE – Land Use Planning advice around large scale petrol storage sites Version 2	“
155	“	Land Use Planning advice around large scale petrol storage sites SPC/TECH/GEN/38, 25 July 2008, revised 31 December 2009	“
156	“	Extract from Panel Report, Melbourne Planning Scheme Amendment C117, February 2007	“
157	“	R4RiskReport VCAT Proceeding P2132/2009 (Lot B, 200 Stephen Street, Yarraville) 30 November 2009	“
158	“	Hobsons Bay City Council closing submission	Ragu Appudurai

Appendix 4 Committee Timetable

**FORMER PORT PHILLIP WOOLLEN MILLS ADVISORY COMMITTEE
TIMETABLE FOR PUBLIC HEARING - VERSION 4**

Committee:

John Keaney, Chairperson

Ann Keddie, Member

Bob Evans, Member

Venues:

Hobsons Bay City Council

Planning Panels Victoria

Altona Civic Centre

Level 1, 8 Nicholson Street

115 Civic Parade, Altona

East Melbourne

("Altona")

("City")

Please note that this timetable may be amended without notice.

Day	Date	Commence	Venue	
1	Thursday	10 February 2011	10.00am	Altona
2	Friday	11 February 2011	10.00am	Altona
3	Monday	14 February 2011	10.00am	City
4	Tuesday	15 February 2011	10.00am	City
5	Thursday	17 February 2011	10.00am	City
6	Friday	18 February 2011	10.00am	City
7	Monday	21 February 2011	10.00am	City
8	Tuesday	22 February 2011	10.00am	City
9	Wednesday	23 February 2011	10.00am	City
10	Thursday	24 February 2011	10.00am	City
11	Monday	28 February 2011	10.00am	City
12	Tuesday	1 March 2011	10.00am	Altona
13	Wednesday	2 March 2011	10.00am	Altona
14	Thursday	3 March 2011	10.00am	Altona
15	Friday	4 March 2011	10.00am	Altona

DAY: 1
DATE: Thursday 10 February 2011
VENUE: Altona (Council Offices)

Time	Name	Time Requested
10:00 am	Start	
10:00	Advisory Committee Preliminaries	
10.15	Opening Submissions invited from Council, Nelson Place Village, Mobil, Port of Melbourne, BAE Systems, Save Williamstown, and Williamstown, Newport and Spotswood Residents Association	0.5 Days
1:00 pm	Lunch	
2.15	Hobson's Bay City Council	1.5 Days
4:30 pm	Finish	

DAY: 2
DATE: Friday 11 February 2011
VENUE: Altona (Council Offices)

Time	Name	Time Requested
10:00 am	Start	
10:00	Hobson's Bay City Council	1.5 Days
1:00 pm	Lunch	
2.15pm	Hobson's Bay City Council	1.5 Days
3.15pm	Wade Noonan and Others	60 minutes
4:15pm	Finish	

DAY: 3
DATE: Monday 14 February 2011
VENUE: City (PPV Offices)

Time	Name	Time Requested
10:00 am	Start	
10:00	Nelson Place Village Pty. Ltd.	5 Days
1:00 pm	Lunch	
2.15pm	Nelson Place Village Pty. Ltd.	5 Days
4:30 pm	Finish	

DAY: 4
DATE: Tuesday 15 February 2011
VENUE: City (PPV Offices)

Time	Name	Time Requested
10:00 am	Start	
10:00	Nelson Place Village Pty. Ltd.	5 Days
1:00 pm	Lunch	
2.15pm	Nelson Place Village Pty. Ltd.	5 Days
4:30 pm	Finish	

DAY: 5
DATE: Thursday 17 February 2011
VENUE: City (PPV Offices)

Time	Name	Time Requested
10:00 am	Start	
10:00	Nelson Place Village Pty. Ltd.	5 Days
1:00 pm	Lunch	
2.15pm	Nelson Place Village Pty. Ltd.	5 Days
4:30 pm	Finish	

DAY: 6
DATE: Friday 18 February 2011
VENUE: City (PPV Offices)

Time	Name	Time Requested
10:00 am	Start	
10:00	Nelson Place Village Pty. Ltd.	5 Days
1:00 pm	Lunch	
2.15pm	Nelson Place Village Pty. Ltd.	5 Days
4:30 pm	Finish	

DAY: 7
DATE: Monday 21 February 2011
VENUE: City (PPV Offices)

Time	Name	Time Requested
10:00 am	Start	
10:00	Nelson Place Village Pty. Ltd.	5 Days
1:00 pm	Lunch	
2.15pm	Nelson Place Village Pty. Ltd.	5 Days
4:30 pm	Finish	

DAY: 8
DATE: Tuesday 22 February 2011
VENUE: City (PPV Offices)

Time	Name	Time Requested
10:00 am	Start	
10:00	Port of Melbourne Corporation	0.5 Days
1:00 pm	Lunch	
2.15pm	WorkSafe	1 hour
3.15pm	EPA	1 hour
4:15 pm	Finish	

DAY: 9
DATE: Wednesday 23 February 2011
VENUE: City (PPV Offices)

Time	Name	Time Requested
10:00 am	Start	
10:00	Mobil Refining Australia Pty. Ltd	2 Days
1:00 pm	Lunch	
2.15pm	Mobil Refining Australia Pty. Ltd	2 Days
4:30 pm	Finish	

DAY: 10
DATE: Thursday 24 February 2011
VENUE: City (PPV Offices)

Time	Name	Time Requested
10:00 am	Start	
10:00	Mobil Refining Australia Pty. Ltd	2 Days
1:00 pm	Lunch	
2.15pm	Mobil Refining Australia Pty. Ltd	2 Days
4:30 pm	Finish	

DAY: 11
DATE: Monday 28 February 2011
VENUE: City (PPV Offices)

Time	Name	Time Requested
10:00 am	Start	
10:00	BAE Systems Australia	1 Day
1:00 pm	Lunch	
2.15pm	BAE Systems Australia	1 Day
4:30 pm	Finish	

DAY: 12
DATE: Tuesday 1 March 2011
VENUE: Altona (Council Offices)

Time	Name	Time Requested
10:00 am	Start	
10:00	Save Williamstown	0.5 Day
1:00 pm	Lunch	
2.15pm	C. Gaud and K. Marriot	15 minutes
2.30pm	P. Toop	60 minutes
3.30pm	S. Orange	30 minutes
4.00pm	G. Powick (Point Gellibrand Park Association)	30 minutes
4:30 pm	Finish	

DAY: 13
DATE: Wednesday 2 March 2011
VENUE: Altona (Council Offices)

Time	Name	Time Requested
10:00 am	Start	
10:00am	Williamstown, Newport and Spotswood Residents Asscn.	0.5 Day
1:00 pm	Lunch	
2.15pm	ARG Planning	2 Hours
4:15 pm	Finish	

DAY: 14
DATE: Thursday 3 March 2011
VENUE: Altona (Council Offices)

Time	Name	Time Requested
10:00 am	Start	
10.00am	G. Mercieca	30 minutes
10.30am	C. Curtain (National Trust)	30 minutes
11.00am		
12 noon	J. Hosking and V. Green	60 minutes
1:00 pm	Lunch	
2.15pm	N. Hoadley	15 minutes
2.30pm	A. Davidson	30 minutes
3.00pm	A. Jones	15 minutes
3.15pm	C. Lockey	15 minutes
3.30pm	S. Hicks	15 minutes
3.45pm	C. Kelsall	15 minutes
4.00pm	G. Tucker	15 minutes
4.15pm	R. and V. Coghill	15 minutes
4.30pm	E. McKeag	15 minutes
4:45 pm	Finish	

DAY: 15
DATE: Friday 4 March 2011
VENUE: Altona (Council Offices)

Time	Name	Time Requested
10:00 am	Start	
10:00	Closing Submissions	0.5 Day
1:00 pm	Finish	

Appendix 5 Committee Preferred DDO

SCHEDULE XX TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDOXXX

PART PRECINCT 20 - FORMER PORT PHILLIP WOOLLEN MILLS AND SURROUNDS

1.0 Design and Development Plan



2.0 Design Objectives

To encourage comprehensive urban renewal which delivers increased housing diversity, affordability and density within Williamstown.

To create a residential area which is contemporary in design and provides a transition from surrounding 19th Century residential areas.

To encourage development which achieves high quality urban design outcomes through provision of buildings of architectural excellence located in pleasant street environments.

To recognise the historic, environmental, conservation and recreation significance of the area.

To protect state-significant operations of the Williamstown Shipyard Site, the Gellibrand Tank Farm and the Port of Melbourne.

To preserve the foreshore reserve and significant public open spaces including the Point Gellibrand Coastal Heritage Park.

To maintain and enhance key views and vistas.

To ensure that the height, scale, bulk and setback of new development is respectful of the context of the area.

To ensure that any buildings that are used for residential and other noise sensitive uses are appropriately designed with noise attenuation measures.

To encourage adaptive re-use of heritage buildings.

To discourage development in the WorkSafe Planning Advisory Areas that attract or accommodate significant numbers of people and which cannot respond to an emergency.

3.0 Buildings and works

A permit is required to construct a building or to construct or carry out works.

Buildings and works must be in accordance with this schedule.

4.0 Building Height

A building must not be constructed to exceed the maximum height specified in the Table to this schedule.

The maximum building heights specified in the Table must not be varied by a permit.

The height of a building or works is the height measured at its highest point above the permanent footpath at the centre of the site frontage. If there is no footpath, the natural surface level at the centre of the site frontage is the base level.

5.0 Noise Attenuation

Any buildings, whether new, refurbished or converted, and used for residential and other noise sensitive uses must be designed and constructed to meet the requirements of SEPP N-1.

Prior to the commencement of a residential or other noise sensitive use, acoustic testing must be conducted by a qualified acoustic consultant. The testing must verify that the development complies with SEPP N-1.

6.0 Car Parking

Car parking is to be provided on-site in accordance with the following rates:

- One car parking space for each one and two bedroom dwelling; and
- Two car parking spaces for each three or more bedroom dwelling.

The maximum number of on-site car spaces to be provided should not exceed 10% of the number required in accordance with the above rates.

Each apartment building is to provide the required number of car spaces for the apartments in that building.

Bicycle spaces are to be provided in accordance with Clause 52.34-3.

7.0 Developer Contributions

An agreement pursuant to Section 173 of the Planning and Environment Act between the Developer and the City of Hobsons Bay must be entered into to provide:

- A community levy of a minimum of \$900 per dwelling;
- improvements to the local road and bicycle network;
- provision and improvements to existing footpaths;
- provision of public realm landscaping;
- improved pedestrian access to the Williamstown railway station;
- provision of a bus-stop shelter on bus route 471 in Ann Street adjacent to the site;
- provision of an on-site community meeting facility of at least 100m²;
- road signage; and
- any other item considered necessary.

8.0 Notice and review provisions

An application under any provision of this scheme is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Before deciding on an application, the Responsible Authority must seek the views of the following:

- The Design Review Panel established under Clause 9.0;
- Hobsons Bay City Council;
- the owner and occupier of the Williamstown Shipyard Site;
- the owner and occupier of the Gellibrand Tank Farm;
- the Port of Melbourne Corporation;
- Work Safe Victoria;
- the EPA; and
- owners and occupiers of adjoining/abutting land.

9.0 Design Review Panel

The Responsible Authority is to establish a Design Review Panel comprising the following persons:

- the State Architect (or nominee) who will Chair the Panel;

- proponent representatives (two architects/urban designers);
- Council representatives (two parties one of whom has expertise in urban design and/or architecture);
- community representatives (two parties one of whom has expertise in urban design and/or architecture); and
- DPCD representatives (two parties both of whom have expertise in urban design and/or architecture).

The application must be considered by a Design Review Panel

The Design Review Panel is to report to the Responsible Authority.

10.0 Application Requirements

An application must be accompanied by the following (as necessary);

- A detailed Urban Context analysis of the features of the land and its strategic planning context within metropolitan Melbourne and Williamstown.
- A Site Analysis report which demonstrates how the proposed buildings or works achieve each design objective or Built Form outcomes of the Table to this schedule.
- Plan(s) which provide;
 - Details of heights, setbacks, off-sets between buildings, pedestrian entry points and frontages of all buildings;
 - Areas of new public realm and streets;
 - Visual analysis of the proposed development;
 - Shadow diagrams for the September Equinox (22 September) between 9am and 3pm; and
 - Indicative staging plan.
- Specifications for development within the WorkSafe Planning Outer Advisory Area which detail measures to ensure the buildings can withstand overpressures of up to 6kPa.
- A Wind Report detailing potential impacts of the development on the public realm.
- An assessment of the impact of the development on the Cultural Heritage Significance of the site and surrounds.
- A report identifying the Environmentally Sustainable Design (ESD) features of the development.
- A Landscape Concept Plan showing public and private realm landscaping.
- An Integrated Transport Plan including a Green Travel Plan in accordance with Clause 52.36. The Plan must include a traffic impact analysis and a parking supply analysis.
- An Infrastructure Services Report identifying the improvements which are required to be made to the site and surrounding area.
- A Construction Management Plan.
- An Acoustic Report.
- An Emergency Evacuation Plan prepared in consultation with Council, Mobil, BAE, the Port of Melbourne Corporation and relevant emergency services agencies.

- A Coastal Hazard Vulnerability Assessment.

11.0 Decision guidelines

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

- Whether development is consistent with the design objectives and outcomes for each precinct as identified in the Table to this schedule.
- Whether the development displays excellence in architecture, design and built form.
- Whether the design enhances the public realm, maintains a human scale at the street edge and allows sunlight penetration to public and private spaces.
- Whether car parking areas are screened from view.
- The need for contributions to infrastructure improvements arising from the development.
- Whether the development addresses the heritage objectives and policies of Clause 22.01.
- Whether the development incorporates appropriate noise attenuation measures.
- Whether the buildings located within the WorkSafe Outer Planning Advisory Area can withstand overpressures of up to 6kPa.
- The views of the parties listed in Clause 8.

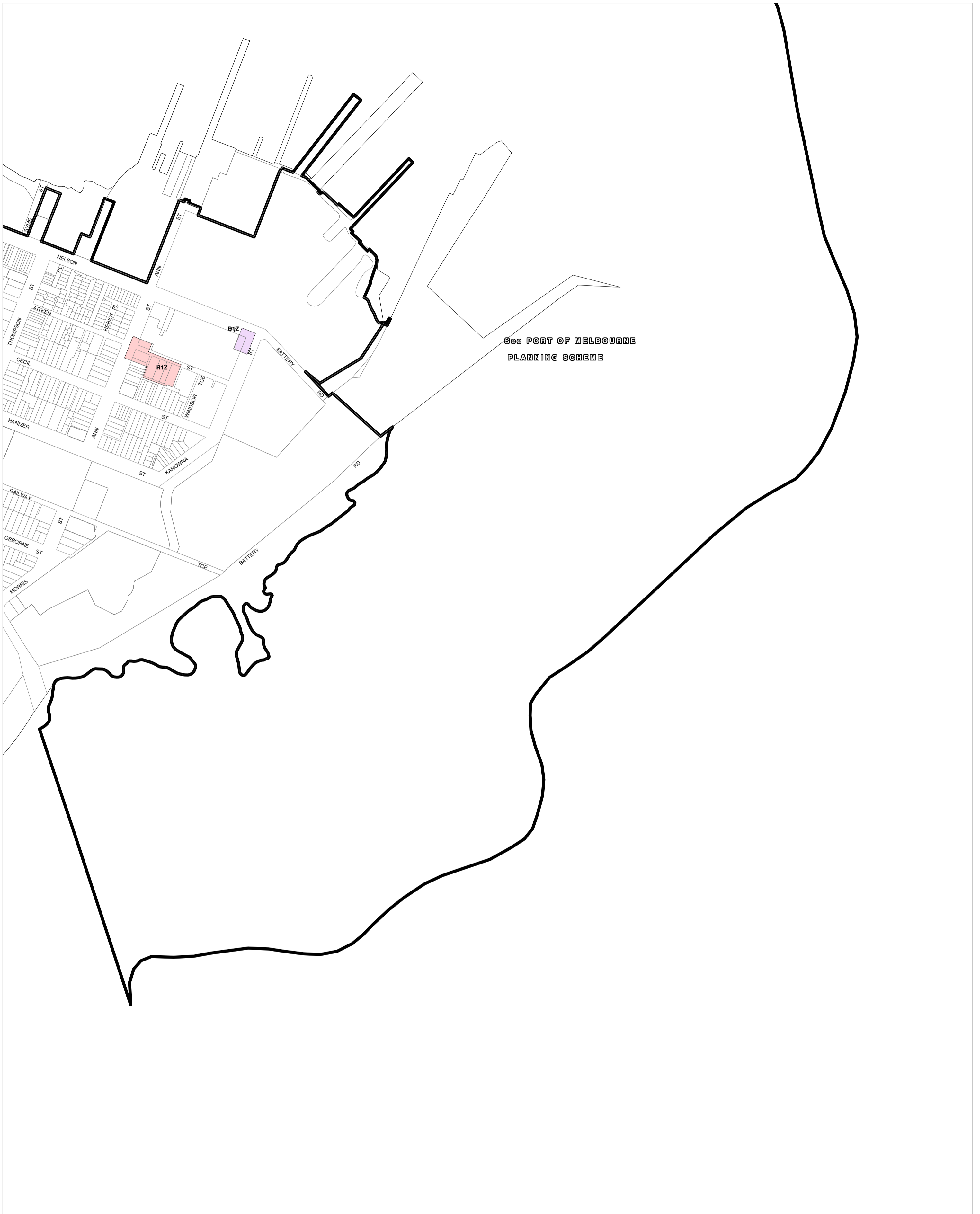
Table to Schedule

MAP AREA	MAXIMUM BUILDING HEIGHT	BUILT FORM OUTCOMES
A – LOCAL STREETSCAPES (Orange)	10 metres	<p>Development which responds to the predominant streetscape and built form character of Cecil and Ann Streets.</p> <p>A two storey street edge (up to 7 metres) on Cecil Street with recessed upper levels.</p> <p>A three storey street edge (10 metres) on Ann Street.</p> <p>Dwellings to have a frontage to Cecil and Ann Streets.</p> <p>Vehicle access from the rear of the site consistent with the existing dwellings on Cecil and Ann Streets.</p>
B – AITKEN CORRIDOR (Pink)	13 metres	<p>Development which provides an appropriate scale to the street edge along Aitken Street.</p> <p>A three storey street edge (up to 10 metres) with recessed upper levels setback 5 metres from the street.</p> <p>Development which provides an appropriate interface and sufficient setbacks to the existing residential area to the south.</p>
C – URBAN EDGES (Purple)	13 metres	<p>A hard urban edge to Nelson Place and Kanowna Street.</p> <p>A predominant building height of 10 metres up to a maximum of 13 metres to allow for varying façade and roof forms.</p> <p>Appropriate regard to the heritage characteristics of the former hotel on the corner of Kanowna and Aitken Streets.</p> <p>Dwellings which have a direct street address with pedestrian access at street level.</p> <p>Lower density residential development within the Planning Outer Advisory Area.</p> <p>Buildings in the WorkSafe Outer Planning Advisory Area that can withstand overpressures of up to 6kPa.</p>
D – NELSON/ANN CORNER (Blue)	19 metres	<p>A prominent building which provides emphasis to the corner of Nelson Place and Ann Street.</p> <p>A building which incorporates innovative façade articulation and limited sheer walls.</p>
E – CENTRAL (Green)	25 metres	<p>Higher development relative to the adjoining properties which does not dominate the scale and setting of the street and foreshore.</p> <p>Development which provides an appropriate scale to the street edge along Aitken Street.</p> <p>Buildings which are located outside the WorkSafe Planning Advisory Areas.</p> <p>Buildings which are oriented to the north to take advantage of the views and vistas of the Port Phillip Bay and City skyline.</p>
STREET	N/A	A new east-west road between Ann and Kanowna Street located

MAP AREA	MAXIMUM BUILDING HEIGHT	BUILT FORM OUTCOMES
SYSTEM		<p>approximately 35 metres south of Nelson Place.</p> <p>A new north-south road located approximately 35 metres east of Ann Street.</p> <p>A new north-south road which is an extension to the north of Windsor Terrace up to Nelson Place.</p> <p>Streets and accesways which are landscaped and provide through pubic access.</p> <p>A landscaped edge along Nelson Place to complement the established boulevard trees on the north side of Nelson Place.</p> <p>Public landscaping along the east side of Ann Street to complement the existing landscaping on the west side of Ann Street.</p> <p>Pedestrian footpaths and street landscaping on both side of Aitken Street.</p> <p>Central vehicle access points with limited individual access points directly from the street.</p>
PEDESTRIAN ACTIVITY/ MEETING POINT	N/A	<p>Formalised pedestrian meeting points though the provision of street furniture, public art, weather protection and public realm improvements.</p> <p>Development which provides active frontage and commercial opportunity to corners.</p>

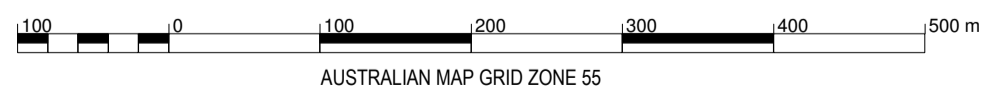
Appendix 6 Committee Recommended Rezoning

HOBSONS BAY PLANNING SCHEME - LOCAL PROVISION



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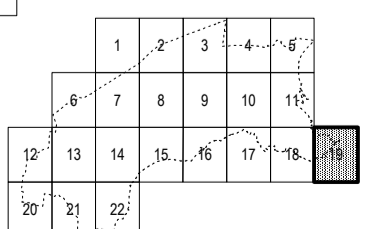
Business		Special Purpose	
B1Z	Business 1 Zone	SUZ5	Special Use Zone - Schedule 5
Industrial		Commonwealth Land	
I1Z	Industrial 1 Zone	CA	Commonwealth Land Not Controlled By Planning Scheme
I3Z	Industrial 3 Zone		
Public Land			
PPRZ	Public Park And Recreation Zone		
PUZ4	Public Use Zone - Transport		
Residential			
R1Z	Residential 1 Zone		
R2Z	Residential 2 Zone		



AUSTRALIAN MAP GRID ZONE 55



INDEX TO ADJOINING METRIC SERIES MAP



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