

Appendix- Response to Panel Recommendation for Amendment C88 – Precinct 15 Altona North Strategic Redevelopment site.

	Recommendation	Assessment of Recommendation	Officer Recommendation
1.	<p>Adopt the Victorian Planning Authority version of the Comprehensive Development Plan (Document 79), subject to the changes made by the Panel as shown in Appendix C2, and other specific recommendations provided in this report</p>	<p>During the Panel Hearing a number of changes were made to the wording in the Comprehensive Development Plan (CDP). During the Panel Hearing several versions of the proposed planning controls were prepared and submitted for consideration. The Panel based some of their recommendations on the VPA’s final version of the CDP which was submitted to the Panel and substantially the same as Council’s position. Many of the changes included combining objectives, requirements and guidelines to provide greater clarity and certainty. In addition to this, duplicated provisions were also removed or relocated to other planning controls, such as the Comprehensive Development Zone (CDZ). This has resulted in the:</p> <ul style="list-style-type: none"> <li>• objectives being reduced from 24 to nine</li> <li>• requirements being reduced from 64 to 36</li> <li>• guidelines being reduced from 41 to 38</li> <li>• design guidelines for the town centre being reduced from 12 to nine</li> </ul> <p>The following provides a summary of the changes that have been made to the exhibited CDP.</p> <p><u>1.0 Introduction</u> The introduction has been updated to remove duplication (i.e. reference to the State and Local Planning Policy Frameworks) and implicit items such as the location of the land.</p> <p><u>2.0 Outcomes</u> As mentioned above the number of objectives has been reduced from 24 to nine.</p> <p><u>3.1 Image and Character / Land Use and Built Form</u> The maximum building heights as outlined in Table 2 have been removed as the Panel did not support the use of mandatory building heights across the precinct, however there is a Guideline specifying that the built form should comply with the preferred heights. Where an application exceeds the preferred height, notification is required. The Panel supported the retention of mandatory heights along the Kyle Road and New Street interfaces and these have been included in the Requirements. The mandatory heights supported by the Panel are two</p>	<p>Agree</p>

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		<p>storeys with a third storey recessed – these reflect the heights allowable under the adjacent General Residential Zone. Apartment buildings must be setback a minimum of 60 metres from Kyle Road and New Street.</p> <p><u>3.2 Housing</u> The affordable housing provisions have been removed from the CDP and relocated into the CDZ. This is supported as it strengthens the statutory weight of the control. Applicants are required to provide five per cent affordable housing at a discounted rate of 25 per cent.</p> <p><u>3.3 Employment and Local Centres</u> The town centre concept plan has been updated to provide for better integration with the existing ‘Shaws Business Park’ and identify possible connections through this site. Changes also reflect the reduction in the commercial / mixed use area as recommended by the Panel (refer Recommendations 5a, 5c and 6).</p> <p><u>3.4 Community Facilities</u> The exhibited community facilities have been supported by the Panel and only minor changes have been included in this section.</p> <p><u>3.5 Open Space</u> The location of the proposed open space has been supported, however reference to the required contribution in Clause 52.01 has been removed to avoid duplication. A table and map specifying the required park sizes and locations has been retained. The total park land being provided is as follows:</p> <ul style="list-style-type: none"> <li>• 4.75 hectares of credited open space (9.2 per cent of the Net Developable Area (NDA))</li> <li>• 4.11 hectares of uncredited open space (eight per cent of the NDA)</li> </ul> <p>The uncredited open space includes three hectares of land as part of the West Gate Tunnel Project (WGTP) and a linear park at the north of the site. Overall the proposed open space will provide an open space contribution of 13.2 percent. (Credited open space is open space that is free of encumbrances and of a quality that Council can consider crediting towards the contribution of open space. Uncredited open space has encumbrances and is not considered to contribute towards the provision of open space.)</p>	

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		<p>The requirement of a road to all sides of the central park has been included to ensure the park is accessible.</p> <p><u>3.6 Integrated Transport</u> The proposed movement network / road and cycle layout has been retained and this allows for bus services to traverse Precinct 15. Bus stop infrastructure is required in locations expected to have high visitation such as the town centre.</p> <p><u>3.7 Integrated Water Management, Sustainability and Utility Servicing</u> This section has been retained with minor wording changes.</p> <p><u>3.8 Infrastructure Delivery and Development Staging</u> The DCP and CDZ outline a number of projects that must be undertaken by the applicants and part of the infrastructure delivery has been relocated to these planning controls. The Development Staging section has been retained with minor wording changes.</p>	
2.	<p>Adopt the Victorian Planning Authority version of Schedule 2 of the Comprehensive Development Zone (Document 78), subject to the changes made by the Panel as shown in Appendix D2, and other specific recommendations provided in this report</p>	<p>During the Panel Hearing a number of changes made to the wording in the CDZ. Several versions of the proposed planning controls were prepared and submitted to the Panel for consideration. The Panel based some of their recommendations on the VPA's final version of the CDZ which was submitted to the Panel and substantially the same as Council's position. The following provides a summary of the changes to the exhibited documents.</p> <p><u>General</u> A number of minor wording changes occurred in the CDZ including:</p> <ul style="list-style-type: none"> <li>• the description of the land being updated to include the Brooklyn Terminal Station</li> <li>• the purpose of the zone updated to say 'facilitate orderly development'</li> <li>• reference to the 'business area' being amended to read 'commercial / mixed use area'</li> </ul> <p><u>Table of Uses</u> Supermarket: has been moved from a Section 2 Use (permit required) to a Section 1 Use (permit not required) provided it is located in the town centre. If a supermarket is not located in the town centre it is now prohibited.</p>	Agree

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		<p>Convenience Shop: subject to a planning permit a convenience shop may not locate in a residential area. Previously a convenience shop was restricted to the town centre or commercial / mixed use area and this change is consistent with the adjacent General Residential Zone.</p> <p>Take Away Food and Drink Premises: subject to a planning permit a convenience shop may not locate in a residential area. Previously a take away food and drink premises was restricted to the town centre or commercial / mixed use area and this change is consistent with the adjacent General Residential Zone.</p> <p>Cinema: is now prohibited if it is not located in the town centre or commercial mixed / use area.</p> <p>Exhibition Centre: is now prohibited if it is not located in the town centre or commercial mixed / use area.</p> <p>Materials recycling: is now prohibited, previously a planning permit could have been issued for this use. Existing Use Rights apply.</p> <p>Refuse disposal: is now prohibited, previously a planning permit could have been issued for this use.</p> <p><u>Use of Land</u></p> <p>A use application for a dwelling that resulted in more than 3,000 dwellings was previously required to provide updated reports on the:</p> <ul style="list-style-type: none"> <li>• effect of the dwellings on the traffic network</li> <li>• works, services and facilities required to cater for the dwellings (and the method for funding)</li> <li>• availability of utilities (and any upgrades required)</li> <li>• a Social Impact Assessment</li> </ul> <p>This has been amended to apply to all use application for a dwelling.</p> <p><u>Use – Exemptions from Notice and Review</u></p> <p>Previously applications to use land for residential aged care, child care, education, minor sports and recreation and place of assembly required notification if they were located within 200 metres of the pipelines. The intention behind this requirement was to ensure the pipeline authorities were notified of these applications. In accordance with recommendation 13 of the Panel Report this requirements has been moved to Clause 66.06 and increase the area to within 450m.</p> <p><u>Subdivision</u></p> <p>The Panel included four new provisions under subdivision relating to:</p>	

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		<ul style="list-style-type: none"> <li>• affordable housing</li> <li>• compensation for additional public open space</li> <li>• standard of open space transferred to council</li> <li>• works in association with development</li> </ul> <p>The affordable housing provision has been transferred from the CDP into the CDZ and this is considered to strengthen the statutory weight of the requirement, and will ensure Council achieves a five per cent affordable housing contribution at a 25 per cent discount. A change to the wording is proposed to state “a number of dwellings equal to 5% of the total dwellings that are constructed on the land <u>rounded to the nearest whole number</u>,” rather than the proposed wording “<u>rounded down to the nearest whole number</u>.”</p> <p>The compensation for additional public open space addresses the inequities regarding the location and contribution of open space. The CDP specifies locations for open space in Precinct 15, however these are not equally distributed across each land parcel. The updated provision means that land owners required to give more land for open space (i.e. the central park) are compensated in an agreed manner, while those who are required to give less land provide compensation. This ensures that the contribution of open space is equally apportioned across all land owners / parcels but still creates a central park.</p> <p>The provision on the standard of open space transferred to Council ensures that any land provided as open space is given to Council an acceptable manner. This includes ensuring the land is fit for purpose (i.e. includes trees / plantings, is free from rubbish / weeds and not contaminated).</p> <p>Similarly the provision on works in association within the development specifies the works that need to be undertaken before subdivision can occur including:</p> <ul style="list-style-type: none"> <li>• connector and local street including lighting</li> <li>• intersection works</li> <li>• pedestrian and bicycle paths including lighting</li> <li>• bicycle parking</li> <li>• bus stop infrastructure</li> </ul>	

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		<ul style="list-style-type: none"> <li>• landscaping</li> <li>• drainage and water quality systems.</li> </ul> <p>The 'standard of open space' and 'works in association with the development' provisions have been based on requirements previously included under section 3.8 Infrastructure Delivery in the CDP.</p> <p><u>Subdivision and Buildings and Works</u></p> <p>A concern throughout the amendment process has been the apportionment of dwellings across Precinct 15 and how the soft cap of 3,000 dwelling can be managed. Discussions throughout the Panel identified the need for an assessment against dwelling densities and a dwelling yield plan. Consequently the Panel has updated the CDZ to include a provision under both the Subdivision and Buildings and Works sections requiring an assessment against the dwelling density and dwelling yield plan (which have been included in the revised CDP). These are supported and will assist Council in tracking dwelling numbers in Precinct 15.</p> <p><u>Buildings and Works</u></p> <p>In addition to the dwelling density and dwelling yield plans, the Panel has suggested condensed the sustainability provisions to provide flexibility 'use an appropriate tool for energy and resource use' while removing ambiguity such as 'thermally broken facades'.</p> <p>There was discussion at the Panel hearing regarding the inclusion of Clauses 54 and 55 of the planning scheme, which relate to Rescode, applying to the CDZ. Under the requirements of Clauses 54 and 55 consideration under the CDZ is not required – only other residential zones. It was considered by Council that reference to Clause 54 and 55 should remain. The Panel's version of the CDZ is based on a VPA version prepared during the Panel Hearing which removed reference to Clause 54 and 55 and this was supported by the landowner group submitting it was a duplication. Although the Panel report supports the removal of reference to Clause 54 and 55 from the CDZ (on the basis of duplication) it appears to be an oversight. Therefore, it is recommended that reference to Clauses 54 and 55 be reinserted into the CDZ to ensure all planning permits are required to consider Rescode.</p>	

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3.	<p>Review the provisions and schedules of Amendment C88 during finalisation of the Amendment to ensure they are consistent with the <i>Ministerial Direction on the Form and Content of Planning Schemes</i> (May 2017).</p>	<p>Under s7(5) of the <i>Planning and Environment Act 1987</i> the Minister for Planning may issue directions or guidelines as to the form and content of any planning scheme or planning schemes. Under s7(6) a planning authority must comply with a direction of the Minister under subsection (5).</p> <p>On 12 December 2017 the Minister for Planning updated the Ministerial Direction on the 'Form and Content' of Planning schemes.</p> <p>As a result Council must update the documentation for Amendment C88 to ensure it is consistent with the Ministerial Direction.</p>	Agree
4.	<p>Amend the exhibited Development Contributions Plan as follows:</p> <ul style="list-style-type: none"> <li>a) Blackshaws Road – Frontage Works – increase from \$30,000 to \$50,000</li> <li>b) Local Area Traffic Management Study and Implementation – increase from \$118,000 to \$590,000</li> <li>c) Blackshaws Road and Millers Road – Works – increase from \$472,550 to \$500,000</li> <li>d) Blackshaws Road/Kyle Road/Mills Street – Construction – increase from \$20,000 to \$40,000</li> <li>e) Blackshaws Road/Schutt Street – delete the item from the Development Contributions Plan</li> <li>f) Melbourne Road/Ross Street – delete the item from the Development Contributions Plan.</li> </ul>	<p>Traffic was the main concern raised by residents. As such, Council engaged two traffic experts to assess likely impacts of the proposed amendment on traffic in Altona North and surrounds. The experts considered the 'local impacts' and 'cumulative impacts' of the proposed amendment and provided expert witness statements to the Panel.</p> <p>A total of four traffic expert witness reports, including Council's traffic expert reports, were submitted to the Panel with VicRoads and Public Transport Victoria (PTV) also providing individual submissions during exhibition.</p> <p>To assist the Panel a conclave of the traffic experts was convened and VicRoads and PTV were invited to partake.</p> <p>The conclave of traffic experts reached a consensus agreeing that approximately \$1.1 million in new or additional funding for traffic related projects should be provided including:</p> <ul style="list-style-type: none"> <li>• \$40,000 for frontage works along Blackshaws Road (identified as project RD-4C in the DCP)</li> <li>• \$590,000 for the development and implementation of a Local Area Traffic Management Plan (identified as project RD-5C in the DCP)</li> <li>• an additional \$475,000 for upgrades to the Millers Road and Blackshaws Road intersection including a second north bound,</li> </ul>	Agree

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		<p>right turning lane from Blackshaws Road into Millers Road (identified as project (IN-7C in the DCP)</p> <ul style="list-style-type: none"> <li>• \$40,000 for upgrades to the Blackshaws Road and Kyle Road / Mills Street intersection (identified as project IN-8C in the DCP)</li> </ul> <p>The Panel supported the additional funding as outlined in Recommendation 4 of the Panel Report.</p> <p>Council commenced a Local Area Traffic Management Study in accordance with the recommendations to ensure any required traffic mitigation can be factored into Council's work plan.</p>	
5.	<p>Amend the Comprehensive Development Plan as follows:  Amend Plan 1 (Future Urban Structure) by deleting the 'commercial/mixed use area' from Property 8 north of the community facility and consolidating it with the internal residential sub-precinct.  Amend Plan 1 (Future Urban Structure) to add the gateway locations.  Amend Plan 3 (Altona North Local Town Centre Concept Plan) by deleting the 'commercial/mixed use area' from Property 8 north of the community facility and consolidating it with the internal residential sub-precinct</p>	<p>The Neighbourhood Activity Centre (NAC) and commercial / mixed use area is a critical component of Amendment C88 as it assists in delivering a 20 minute neighbourhood (as outlined in Plan Melbourne), facilitates active transport usage (walking and cycling), facilitates employment opportunities and creates a focal point for the future community.</p> <p>The NAC should provide for a variety of uses including retail, community facilities and offices and integrate with the existing 'Shaws Business Park' (e.g. including the existing medical centre).</p> <p>The proposal presented at the Ordinary Council Meeting 14 February 2017 included provision for 7,000sqm (new) commercial and 5,500sqm retail floor space. Prior to exhibition the VPA advised Council that although the map had been prepared and presented to Council correctly, the actual floor space of the commercial area had been calculated incorrectly and should be 33,000sqm – this was the figure exhibited.</p> <p>The increase in the commercial floor space was a significant issue raised by the landowners during the exhibition process and as a consequence five economic expert witness reports were submitted to the Panel.</p> <p>To assist the Panel a conclave of the economic experts was convened with four of the five experts attending.</p>	Agree



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		<p>The estimated demand for office floor space varied significantly between the experts witnesses as follows:</p> <table border="1" data-bbox="844 316 1702 533"> <thead> <tr> <th data-bbox="844 316 1059 352">Mr Henshall</th> <th data-bbox="1059 316 1274 352">Mr Papaleo</th> <th data-bbox="1274 316 1489 352">Mr Quick</th> <th data-bbox="1489 316 1702 352">Mr Ganly</th> </tr> </thead> <tbody> <tr> <td data-bbox="844 352 1059 533">26,400sqm</td> <td data-bbox="1059 352 1274 533">1,300sqm (accepted 5,000- 10,000sqm at the conclave)</td> <td data-bbox="1274 352 1489 533">5,000- 10,000sqm</td> <td data-bbox="1489 352 1702 533">6,000- 10,000sqm</td> </tr> </tbody> </table> <p>At the conclave three of the four economic experts agreed that 5,000-10,000sqm of office floor space could be supported on the site.</p> <p>Council did not engage an economic expert to justify the size of the commercial floor space rather, utilised the expertise of the planning expert to advocate for its inclusion. Councils planning expert emphasised the importance of the 20 minute neighbourhood (as outlined in Plan Melbourne) and supported the need for as much local employment to be provided on site as possible. Council's planning expert supported the retention of a business area however, acknowledged the difficulty in realising office based jobs on the site particularly at the identified scale of 33,000sqm.</p> <p>This position also aligns with the Hobsons Bay Activity Centre Technical Report (December 2016) that forecasts somewhere between 8,760sqm and 27,820sqm of additional office floor space would be required in Hobsons Bay 2014-36. These calculation were based across the municipality, not just Precinct 15.</p> <p>The Panel considered the information provided and supports the creation of 10,000sqm of office floor space within Precinct 15.</p> <p>As a consequence, the identified commercial / mixed use area required a reduction in size and the Panel have recommended that this be</p>	Mr Henshall	Mr Papaleo	Mr Quick	Mr Ganly	26,400sqm	1,300sqm (accepted 5,000- 10,000sqm at the conclave)	5,000- 10,000sqm	6,000- 10,000sqm	
Mr Henshall	Mr Papaleo	Mr Quick	Mr Ganly								
26,400sqm	1,300sqm (accepted 5,000- 10,000sqm at the conclave)	5,000- 10,000sqm	6,000- 10,000sqm								

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		<p>removed from Property 8 (248-268 Blackshaws Road, Altona North) north of the proposed community centre.</p> <p>This is the logical choice for the removal of the commercial mixed use area as it is located the furthest from the Town Centre and ensures the town centre, commercial / mixed use area and community facility remain cohesive and integrated.</p>	
6.	Amend Map 1 of Schedule 2 to the Comprehensive Development Zone by deleting the 'commercial/mixed use area' from Property 8 north of the community facility and consolidating it with the internal residential sub-precinct.	This change is required as a result of Recommendation 5 and is supported.	Agree
7.	Delete 9.2 per cent and replace it with 7.1 per cent in the Schedule to Clause 52.01 (Public open space contribution and subdivision).	The initial application sought an open space contribution of 7.1 per cent of the total area which equated to 8.7 per cent of the net developable area. (Net developable area is the amount of land available for development of housing and employment buildings, minus community facilities, open space, arterial roads and encumbered land.) The acquisition of 2 Watson Street as part of the West Gate Tunnel Project removed this land from the equation and increased the open space amount to 9.2 per cent of the net developable area which is what was exhibited within Clause 52.01.	Agree

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		<p>Under s18 (1)(a) of the <i>Subdivision Act 1988</i> if a requirement for public open space is not specified in Clause 52.01 of the planning scheme, Council can require a public open space contribution of up to five per cent of the land.</p> <p>Council does not currently have a specified contribution in the planning scheme with the exception of a five per cent contribution for the former Port Phillip Woollen Mill site.</p> <p>As part of the amendment process Council's expert witness sought a 10 per cent contribution on the site comprising:</p> <ul style="list-style-type: none"> <li>• a 4ha central park</li> <li>• four local parks at 0.5ha each</li> <li>• a civic square in the town centre at 0.1ha</li> <li>• trails connecting open space</li> </ul> <p>The Panel was concerned that Council had 'reversed engineered' the 10 per cent requirement based on the 2005 Open Space Strategy and had worked back from that starting point.</p> <p>The Panel continued by saying that:</p> <p><i>'to support a doubling of the current requirement, there would need to be a significantly stronger justification based on a policy within the planning scheme, particularly as there has been evidence put to that the figure [of 7.1 per cent] is within reasonableness for inner and middle ring municipalities'</i></p> <p>The Panel acknowledged that while the amenity at the proposed park at 2 Watson Street may be a limiting factor, it said it could not ignore it as having some open space function.</p> <p>If an additional 3ha of land at 2 Watson Street is provided as public open space as proposed by the West Gate Tunnel Project, the contribution within Precinct 15 will equate to 13.2 per cent of the total</p>	

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		<p>area (this includes the uncredited linear open space which runs along the southern boundary of 2 Watson Street).</p> <p>The open space contribution of 7.1 per cent, as recommended by the Panel, does not preclude Council from purchasing land within the precinct to increase the overall open space provision. Council are able to acquire land to add to the open space provision through a Council resolution. Any land acquisition would need to be negotiated with a landholder and would be priced at the market rate.</p>	
8.	<p>Amend the preamble of Clause 21.03-1 with: A small supermarket-based Neighbourhood Activity Centre and mixed use/commercial area is planned at the former industrial Precinct 15 in Altona North.</p>	<p>Precinct 15 is a significant SRA in Hobsons Bay and the proposed mixed use / commercial area should be reflected within the MSS.</p> <p>Council is currently in the process of preparing an Activity Centre Strategy which will include a hierarchy of centres. Prior to the completion of the Activity Centre Strategy and hierarchy it is considered premature to classify the centre as a 'small' NAC.</p> <p>It is proposed that the centre will eventually have 10,000sqm of office floor space, 5,500sqm retail (including a supermarket) and 913sqm community facility (excluding the outdoor area) – a total area of 16,413sqm. While in a metropolitan context this may be considered a small centre it will need to be considered in the context of Hobsons Bay.</p> <p>As a consequence it is proposed that the wording be amended to read:</p> <p>'A supermarket-based Neighbourhood Activity Centre and mixed use/commercial area is planned at the former industrial site, Precinct 15 in Altona North'.</p>	<p>Agree – with minor change to remove the word 'small'</p>
9.	<p>Amend Map 1 of Clause 21.03-1 by identifying the planned Neighbourhood Activity Centre and mixed use/commercial area at Precinct 15.</p>	<p>Precinct 15 is a significant SRA in Hobsons Bay and the proposed mixed use / commercial area should be reflected within the MSS. Clause 21.03-1 of the Hobsons Bay Planning Scheme relates to Activity Centres and the creation of a new NAC should be acknowledged within the MSS.</p>	<p>Agree</p>

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10.	Amend the Application of zones and overlays in Clause 21.03-2 by adding: <i>Apply the Comprehensive Development Zone, based on a Comprehensive Development Plan, for Precinct 15 in Altona North to transition it to a residential/mixed use Precinct.</i>	Precinct 15 is a significant SRA in Hobsons Bay and the proposed mixed use / commercial area should be reflected within the MSS. Clause 21.03-2 of the Hobsons Bay Planning Scheme specifically discusses SRAs. As the largest SRA in the municipality, the transition of Precinct 15 should be acknowledged in the MSS and the Clause updated accordingly.	Agree						
11.	Amend Map 2 of Clause 21.04 by identifying the planned open space areas in Precinct 15	Amendment C88 proposes an additional 8.86ha of (encumbered and unencumbered) open space in Hobsons Bay. This is a significant additional open space and should be reflected in the MSS.  Clause 21.04 of the Hobsons Bay Planning Scheme relates to Open Space and includes a map outlining open space across Hobsons Bay and should be updated accordingly.	Agree						
12.	Amend Map 3 of Clause 21.08 by identifying Precinct 15 fully within the strategic redevelopment area by partly deleting the secondary industrial area.	Precinct 15 is the largest SRA in Hobsons Bay and should be reflected within the MSS.  Clause 21.08 of the Hobsons Bay Planning Scheme relates to Economic Development and includes a map of industrial areas. Soon after Amendment C33 was adopted, Don Smallgoods and Apollo Engineering closed down creating the opportunity for the entirety of Precinct 15 to become an SRA. The proposed rezoning of Precinct 15 should be acknowledged in the MSS.	Agree						
13.	Amend Schedule to clause 66.06 by inserting the following provision:  <table border="1" data-bbox="257 1212 817 1473"> <thead> <tr> <th>Clause</th> <th>Kind of application</th> <th>Person or body to be notified</th> </tr> </thead> <tbody> <tr> <td>37.02 Schedule 2</td> <td>To use and develop land within 450 metres of the South Melbourne to</td> <td>Operators and Licencees authorised under pipeline</td> </tr> </tbody> </table>	Clause	Kind of application	Person or body to be notified	37.02 Schedule 2	To use and develop land within 450 metres of the South Melbourne to	Operators and Licencees authorised under pipeline	Precinct 15 is located adjacent the Altona – Somerton fuel pipeline and Brooklyn – South Melbourne gas transmission pipeline. As a consequence it was proposed that special requirements be placed in the CDZ to ensure additional measures were taken regarding buildings and works within 200m of the pipelines and subdivisions within 60 metres of the pipelines.  During the exhibition process APA and Mobil (the pipeline authorities) made submissions and presented at the Panel Hearing.	Agree
Clause	Kind of application	Person or body to be notified							
37.02 Schedule 2	To use and develop land within 450 metres of the South Melbourne to	Operators and Licencees authorised under pipeline							

Recommendation			Assessment of Recommendation	Officer Recommendation
	<p>Brooklyn (PL108) gas transmission pipeline or the Altona to Somerton (PL118) fuel pipeline for:</p> <ul style="list-style-type: none"> <li>Residential aged care</li> <li>Child care centre</li> <li>Education centre</li> <li>Place of assembly</li> </ul>	<p>licence Nos PL108 (Brooklyn to South Melbourne Licensed Pipeline) and PL118 (Somerton to Altona Licensed Pipeline)</p>	<p>Both Mobil and APA requested that they be made referral authorities under Clause 66.04 based on the notion that they are pieces of critical state infrastructure. Clause 66.04 allows the authority to determine the outcome of a planning permit application.</p> <p>The Panel did not support this request citing that matters relating to pipelines should have state wide consistency (e.g. pipelines are considered under Clause 66.06 within the Melton Planning Scheme). Notwithstanding this, the Panel explored a further option of including the operators and licencees (APA and Mobil) under a special notice provision in Clause 66.06.</p> <p>The schedule to Clause 66.06 allows for a variation in the notification requirements and, in this instance, requires Council to give notice and seek the views of the pipeline operators and licencees for applications relating to sensitive uses comprising:</p> <ul style="list-style-type: none"> <li>residential aged care</li> <li>child care centre</li> <li>education centre</li> <li>place of assembly</li> </ul> <p>In accordance with APAs submission the Panel also supported increasing the notification area for buildings and works from 200m to 450m. APA submitted the 200m area only reflected the required distance from the fuel pipeline and not the gas transmission pipeline.</p> <p>The request to increase notice for buildings and works to 450m was not disputed by any party and was consequently supported by the Panel.</p> <p>The proposed changes provide certainty and accord with the objective 2.1 of the Council Plan to 'Protect and promote public health and community safety'.</p>	
37.02 Schedule 2	<p>To subdivide land within 60 metres of the South Melbourne to Brooklyn (PL108) gas transmission pipeline or the Altona to Somerton (PL118) fuel pipeline for:</p> <ul style="list-style-type: none"> <li>Residential aged care</li> <li>Child care centre</li> <li>Education centre</li> <li>Place of assembly</li> </ul>	<p>Operators and Licencees authorised under pipeline licence Nos PL108 (Brooklyn to South Melbourne Licensed Pipeline) and PL118 (Somerton to Altona Licensed Pipeline)</p>		

In addition to the Recommendations, the Panel provided a commentary on a number of issues. A summary of the conclusions and a response is provided below:

### Planning Controls

Panel: The use of the CDZ, CDP and DCP is sound and provides appropriate discretionary requirements with a limited number of mandatory requirements.

**Council Officer Response: Support** – the proposed CDZ, CDP and DCP are the appropriate planning controls for Precinct 15.

### Traffic

Panel: The concluded that redevelopment will impact on the surrounding road network and the proposed mitigation measures should be constructed early. The preservation of a future north-south link into Maribyrnong is considered warranted however the need for a north-south link cannot be directly attributed to the redevelopment of Precinct 15 and not funded as part of the DCP.

**Council Officer Response: Support** – Council is currently undertaking a Local Area Traffic Management Study (LATM) that will identify traffic mitigation measures. The DCP provides \$590,000 of funding to develop and implement the LATM. The need for a north-south link cannot be directly attributed to the redevelopment of Precinct 15, however the preservation of the north-south link allows for this option to be explored at a later date.

### Open Space

Panel: Recommended an open space contribution of 7.1 per cent (equating to 9.2 per cent of the NDA). Following the completion of the West Gate Tunnel Project (WGTP) an additional 3 hectares of the land at 2 Watson Street, South Kingsville is proposed to be transferred as open space (a detailed response is contained in the above table). In addition the Panel recommended that Council once it has completed its Open Space Strategy (OSS), that it implement it into the planning scheme.

**Council Officer Response: Support** – Since the final day of the Panel Hearing, Council has progressed the review of the OSS with public consultation occurring between 15 December 2017 and 23 February 2018. Once the OSS is adopted Council will then prepare a planning scheme amendment.

### Dwelling Cap

Panel: The expert reports prepared as part of Amendment C88 were prepared on the basis of 3,000 dwellings being constructed in Precinct 15, however this does not preclude development exceeding 3,000 dwellings. If dwelling numbers exceed 3,000, the Panel requires applicants to submit additional reports assessing the impacts on traffic, community facilities and other infrastructure. To assist in determining if the 3,000 cap is going to be exceeded, a requirement for a suitable dwelling density and dwelling yield plan have been included in the planning controls.

**Council Officer Response: Support** – A suitable dwelling density and dwelling yield plan will allow Council to track development in Precinct 15 to ensure it is 'on track' to meet the anticipated 3,000 dwellings. There is a risk to Council that a reduction in the number of dwellings (i.e. 2,500 dwellings) would result in a funding shortfall to projects in the Development Contribution Plan (DCP). Any shortfall would need to be paid for by Council, removed from the DCP or returned (if the funding had already been collected for a specific project). Similarly if the redevelopment exceeds 3,000 dwellings additional projects may be required. The dwelling density and dwelling yield plan will ensure Council can track the progress of redevelopment and the collection of developer contributions.

### Affordable Housing

Panel: Victoria has no state wide framework for dealing with affordable housing however the Panel acknowledge this is a key social and economic issue with a policy framework being developed by the Victorian government. In the absence of state policy the Panel proposes a five per cent affordable housing contribution at a 25 per cent discount and that this be included in the CDZ (as opposed to the CDP).

**Council Officer Response: Support** – Council has previously included affordable housing provisions in the planning scheme through the rezoning of (part) Precinct 13 and (part) Precinct 16, however these do not refer to a specific quantum of affordable housing or a mechanism for implementation. The proposed affordable housing provision not only mandates a five per cent contribution (at a 25 per cent discounted rate) within the CDZ, it also provides a mechanism in how to implement the requirement. This ensures that five per cent of the dwellings constructed will be offered to Council, a registered Housing Association or, if established the Hobsons Bay Housing Trust with at 25 per cent discount to the market rate e.g. a property valued at \$500k would be offered at \$375k. Where Council, a registered Housing Association or, if established the Hobsons Bay Housing Trust do not purchase a property, a cash in lieu contribution will be provided.

Community Facility

Panel: The provision of a new community facility is an important element of Precinct 15 and the location was not in dispute, however the following calculations were provided by Council’s and VPA’s experts.

Area	Bennett (Councils expert)	Panozzzo (VPAs expert)
Land	0.5 hectares (0.38 hectares apportioned to the landowners)	0.5 hectares (0.5 hectares apportioned to the landowners)
Indoor area	1,260sqm	913sqm
Outdoor area	1,290sqm	840sqm
Total area	2,550sqm	1,753sqm

The Panel was reluctant to recommend changes to the DCP on this matter and considers the full apportionment of a 1,753sqm facility on 0.5 hectares of land in the DCP as reasonable.

**Council Officer Response: Support** – Councils expert on Community Infrastructure determined that Council would require a 2,550sqm community facility comprising a 1,260sqm indoor area and 1,290sqm outdoor area on 0.5ha of land. Notwithstanding this Councils expert only apportioned 0.38 hectares of the required land to the developer and as such, Council would be required to purchase the remaining 0.12 hectares of land.

The allocation of the 0.5 hectares of land in the DCP and smaller community facility (913sqm indoor area and 800sqm outdoor area) is supported as it will allow Council to construct a larger facility if required at a later stage. It will also negate the need for Council to fund the purchase of the additional land.

**Review Mechanism for the Development Contributions** – Council submitted that the review mechanism at Part 4.4 of the DCP should be amended to include the following four considerations:



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

This would be in addition to the four points already contained in the DCP. It was considered that the points are required to guard against the risks identified by Dr Spiller (such as Council borrowing funds to construct DCP items) in Part 2.2 of his evidence statement. The Panel did not believe that the additional wording was required and that the wording in the DCP was sufficient to safeguard Council against any risk. It is considered that if this wording is not supported by DELWP that Council write to the land owners group formally advising that when the DCP is required to be reviewed the above mentioned matters will be taken into consideration.

**Indexation of Development Contributions** – During the Panel hearing Council submitted that capital costs of infrastructure items (with the exception of land) should be adjusted quarterly, using the latest edition of Rawlinson’s Australian Construction Handbook, rather than the proposed Australian Bureau of Statistics Producer Price Indexes. There is no commentary in the Panel Report regarding this proposed change. As there is no commentary in the Panel Report and the use of Rawlinson’s Australian Construction Handbook is commonly used in other Development Contributions Overlays because it is considered to provide a more accurate cost estimates, Council officers support this change.

#### Other Matters

Panel: Other matters about site contamination, drainage, utility services, protection of major pipelines, noise, vibration, dust and odour are acknowledged, are manageable and can be appropriately addressed and mitigated.

**Council Officer Response: Support** –The other issues raised are either dealt with through the application of planning controls or can be dealt with at the planning permit stage.