8.7 187-201 WILLIAMSTOWN ROAD PORT MELBOURNE

LOCATION/ADDRESS: 187-201 WILLIAMSTOWN ROAD PORT MELBOURNE

RESPONSIBLE MANAGER: GEORGE BORG, MANAGER CITY DEVELOPMENT

AUTHOR: SIMON GUTTERIDGE, PRINCIPAL PLANNER FBURA

TRIM FILE NO.: PF17/270646

ATTACHMENTS:
1. Objector map
2. Master plan / Staging plan
3. Type A dwelling plans and elevations (typical)
4. Type C dwelling plans and elevations (typical)
5. Perspectives
6. Renderings

WARD: Gateway

TRIGGER FOR DETERMINATION BY COUNCIL: Use of land for Accommodation (Dwelling) in the Capital City Zone

APPLICATION NO: P0307/2017

APPLICANT: ID Land Pty Ltd c/- Contour Consultants Pty Ltd

EXISTING USE: Industry and Warehouse

ABUTTING USES: Playing fields, Open space, and Industry

ZONING: Capital City Zone (CCZ1)
Abuts Road Zone Category 1 (RDZ1) (Williamstown Road and Todd Road)
Abuts Road Closure Overlay (RXO)

OVERLAYS: Design and Development Overlay (DDO30)
Development Contributions Plan Overlay (DCPO2)
Parking Overlay (PO1)
Abuts Heritage Overlay (HO2)

STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL: EXPIRED 17 OCTOBER 2017

PROPOSAL
Demolish the existing buildings on the land except for the saw tooth factory wall along the Todd Street boundary and construct 122 three level townhouse dwellings and associated car and bicycle parking and construct or carry out works, remove four vehicle crossovers, and provide dwelling car parking spaces in excess of the rate specified in the Parking Overlay.
I. EXECUTIVE SUMMARY

1.1 It is proposed to:

- Demolish the existing buildings on the land except for the saw tooth factory wall along the Todd Street boundary and construct 122 three level townhouse dwellings and associated car and bicycle parking and construct or carry out works in the Capital City Zone.
- Construct and carry out works to remove three vehicle crossovers in the Heritage Overlay.
- Construct a building and construct or carry out works in the Design and Development Overlay.
- Provide dwelling car parking spaces in excess of the rate specified in Table 1 of Schedule 1 to the Parking Overlay.
- Create or alter access to a road in a Road Zone Category 1 (i.e. alter (remove) three existing vehicle cross-overs on Williamstown Road and one existing vehicle cross-over on Todd Road).

1.2 The application site is located in the Wirraway precinct of the Fishermans Bend Urban Renewal Area (FBURA).

1.3 The City of Port Philip is the Responsible Authority for the application pursuant to Section 2.0 and Figure 1 of the schedule to Clause 61.01 of the Port Phillip Planning Scheme.

1.4 The land is in an interim mandatory 4-storey maximum height area (until 31 March 2018). The Fishermans Bend Strategic Framework Plan supports the development of the land including for dwellings.

1.5 Officers raised concerns including detail design car parking matters, urban design including building materials and roof profiles, limited open space provision and reverse amenity impacts from the adjacent sports grounds, and sustainable design and water sensitive urban design matters.

1.6 The proposal was advertised and internally and externally referred.

1.7 VicRoads and Public Transport Victoria raised no objection subject to conditions.

1.8 Seven objections were received, raising concerns about potential noise and light spill resident amenity impacts from the port opposite and adjacent sports grounds and associated reverse amenity impacts, strategic planning matters, insufficient car parking, traffic generation and safety, and building style and height facing heritage graded dwellings opposite.

1.9 It is considered that subject to the dwellings incorporating a high level of noise attenuation in their construction, they would achieve a satisfactory level of resident amenity and would not adversely impact on the existing or future use of the port or adjacent sports grounds or vice versa.

1.10 The townhouses would be architecturally satisfactory and would provide family suitable accommodation.

1.11 The internal road layout and resident open space areas would also be satisfactory, subject to further details of water sensitive urban design measures.
AGENDA - ORDINARY MEETING OF COUNCIL – 1 NOVEMBER 2017

1.12 The three-storey scale and dwelling density of the proposal would be reasonable in the strategic context of the four storey maximum building height allowed on the land and its location at the westernmost end of the Fishermans Bend Urban Renewal Area, abutting open space and parkland, and opposite one and two-storey heritage graded dwellings across Williamstown Road.

1.13 It is considered that officer and objector concerns can be satisfactorily addressed by conditions to modify the proposal.

1.14 It is recommended that Council support the application and issue a Notice of Decision to Grant a Permit subject to conditions.

### KEY ISSUES

1. Noise impacts / Dwelling amenity / Suitability of site for residential use in proximity of Port / Reverse amenity impact of residential use on existing and future operation of Port.

2. Consistency with Fishermans Bend Strategic Framework Plan.

3. Vehicle access to and from adjacent main roads.

4. Internal road network, including water sensitive urban design.

5. Private and communal open space.

6. Urban design and public space amenity.

### RELEVANT BACKGROUND

2.1 There are multiple previous applications for the subject land dating back to 1995 (prior to the land being rezoned Capital City Zone) for matters such as use for liquid storage, alterations to buildings, consolidation of titles, installation of flues, and display of signs as follows:

<table>
<thead>
<tr>
<th>Application No.</th>
<th>Proposal</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>P0510/1992</td>
<td>Erection of an under verandah sign</td>
<td>Permit granted 10 October 1992</td>
</tr>
<tr>
<td>P0749/1993</td>
<td>Erection of signage</td>
<td>Permit granted 31 May 1993</td>
</tr>
<tr>
<td>P0422/1995</td>
<td>Liquid storage</td>
<td>Withdrawn 14 August 1995</td>
</tr>
<tr>
<td>P1278/1995</td>
<td>Consolidate two parcels of land</td>
<td>Permit granted 10 April 1995</td>
</tr>
<tr>
<td>P1283/1995</td>
<td>Increase wall height of existing residence</td>
<td>Permit granted 05 May 1995</td>
</tr>
<tr>
<td>P0758/1996</td>
<td>Alterations to existing building</td>
<td>Permit granted 03 September 2016</td>
</tr>
<tr>
<td>P0941/2006</td>
<td>Construct buildings and works including reconfigure warehouses, construct a two storey building inc. ground floor car park and first floor office, and construct fencing and landscaping</td>
<td>Permit granted 18 October 2006</td>
</tr>
<tr>
<td>P0608/2008</td>
<td>Alterations and additions to existing warehouses and waiver of car parking</td>
<td>Permit granted 18 June 2006</td>
</tr>
<tr>
<td>P0848/2008</td>
<td>Installation of flues</td>
<td>Permit granted 29 September 2008</td>
</tr>
<tr>
<td>P0541/2012</td>
<td>Minor building extension and works</td>
<td>Permit granted 13 August 2012</td>
</tr>
</tbody>
</table>
2.2 The application as originally lodged on 18 April 2017 proposed demolition of all buildings on the land, a new vehicle crossing off Todd Road, 119 townhouse dwellings, including 16 with entries facing Todd Road (and the port beyond).

2.3 Officers requested further information and raised concerns regarding management of noise impacts from the port and other nearby industry, the new vehicle crossing on Todd Road, demolition of the factory façades facing Todd Road, encroachment over a drainage easement on the land, and protection from the nearby gas and oil pipelines.

2.4 Officers engaged an independent acoustic consultant to review the plans and the applicant’s acoustic report and advise on noise impacts / amelioration.

2.5 In response to officers concerns and request for further information, the applicants submitted amended plans and consultant reports. The principle changes were:

- Delete the proposed vehicle crossing to/from Todd Road.
- Consequential increase in number of dwellings from 119 to 122 (+3).
- Retain the existing factory façade along Todd Road and incorporate into new dwellings (inc. as part of noise attenuation strategy).
- Re-orientate dwellings abutting Todd Road to face into the site with no door or window openings to Todd Road.
- Retain existing trees along the Williamstown Road frontage including the Wallangarra White Gum at the corner of Todd Road, and protect existing trees along the north, east and west rear and side boundaries.
- Updated Urban Context Report and Design Response, plan and elevation drawings, streetscape and aerial views and Landscape plans.
- Updated Waste Management, Traffic, and Town Planning (Contour) Reports.
- Advice regards protection from the gas pipeline.

2.6 The amended plans and reports were formally substituted pursuant to Section 50 of the Act and form the subject of this report.

2.7 Acknowledging the sites proximity to the port and its inclusion in a Freight and Logistics Buffer, Officers consulted and liaised closely with the Port of Melbourne, the port operators, the Fishermans Bend Taskforce and Transport for Victoria, to ensure that if Council was of a mind to support the application, any development approval would need to protect future residents from adverse amenity impacts from the port and any other current or future noise sources.

3. PROPOSAL

3.1 The application proposes to:

- Demolish the existing buildings on the land except for the saw tooth factory wall along the Todd Street boundary.
- Construct 122 three level townhouse dwellings and associated car and bicycle parking in the Capital City Zone (CCZ1).
- Construct and carry out works including:
  - Adding fill across the site to raise the ground level by approximately 0.88m to 1.3m to establish a ground level of 3.0m AHD.
  - Constructing new internal roads/lanes and footpaths.
  - Associated landscaping including a 6.0m setback along the Williamstown Road.
frontage, two small internal reserves, and retention / protection of existing trees on
or abutting the perimeter of the site.

- Remove three existing vehicle crossings on Williamstown Road and one existing
  vehicle crossing on Todd Road.

- Provide car parking in excess of Provide dwelling car parking spaces in excess of the
  rate specified in Table 1 of Schedule 1 to the Parking Overlay.

3.2 The dwellings are set out in terrace rows facing Williamstown and Todd Roads and
three internal roads accessed via an existing vehicle crossing off Williamstown Road.

3.3 A total of 21 different townhouse designs are proposed, designated Type A1 to A4
inclusive, B1 to B12 inclusive, and C1 to C5 inclusive.

The dwellings would all be three-storeys / max. 9.75m (12.75m AHD) high, but would
vary with regard to access, the location and size of private open space, façade materials
and treatments, and the number of car spaces.

The Type A and C dwellings all feature two tandem garage car parking spaces each, and
the Type B and D dwellings all feature one garage car parking space each.

3.4 All the dwellings would be new buildings (albeit 15 of the dwellings facing Todd Road
would incorporate the retained redbrick sawtooth factory wall into their rear elevation)
and are proposed in a contemporary flat roofed style.

3.5 Materials and finishes are proposed to be a mixture of light and dark render, natural
concrete, red and grey brick, light and dark smooth metal cladding, dark metal cladding
with vertical seams, dark rectangular stone cladding, horizontal timber cladding and pale,
medium and full strength orange and light and dark grey painted finish and clear and
translucent glazing for external walls, and horizontal timber battens for external screens.

3.6 It is proposed to develop the townhouses in five stages, commencing along
Williamstown Road, and concluding at the northern corner of the Todd Road frontage.

3.7 A summary of the key elements of the proposal is as follows:

<table>
<thead>
<tr>
<th>S50 Amended plans (August 2017)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site area</td>
</tr>
<tr>
<td>No. dwellings</td>
</tr>
<tr>
<td>Affordable housing</td>
</tr>
<tr>
<td>(Note: C22.15 affordable housing policy does not apply).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Street setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>North (rear) (internal street): Type C dwelling (typical) (angled frontages): Level 0 (gnd) and L1: min. nil, max. 1.75m, L2 min. 1.75m, max. 4.77m.</td>
</tr>
<tr>
<td>South (front) (Williamstown Road): Type A dwellings (typical): Level 0 (gnd) and L1: min. 7.35m (including 6.0m landscape setback), L2: min. 13.9m (including 6.0m landscape setback) with rooftop terrace forward of this to min. 7.35m (approx.) of the frontage.</td>
</tr>
<tr>
<td>East (side): N/a</td>
</tr>
<tr>
<td>West (side) (internal street): Type A dwelling: 2.5m, Type B dwellings: Level 0 (gnd), L1 &amp; L2: nil.</td>
</tr>
</tbody>
</table>
**Side and rear setbacks**

<table>
<thead>
<tr>
<th>North (rear):</th>
<th>Rear setback - Type C dwelling (typical) (angled boundary): Level 0: (gnd) min. 2.03m max. 4.35m, Level 1: min. 5.13m, max. 7.45m (with 3.1m rooftop terrace forward of this to 2.03m to 4.35m), Level 2: min. 4.48m to max. 7.45m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>South (front) (Williamstown Road):</td>
<td>N/a</td>
</tr>
<tr>
<td>East (side):</td>
<td>Type A dwellings 2.0m. approx., Type C dwellings: 2.5m</td>
</tr>
<tr>
<td>West (side) (Todd Road):</td>
<td>Side setback - Type A dwelling: 2.0m approx., Rear setback - Type B dwellings: Level 0 (gnd), L1 &amp; L2: 0.0m.</td>
</tr>
</tbody>
</table>

**Building height**

- 3 storeys - max. 9.75m (12.75m AHD)

**Note:** Natural ground level (NGL) = 1.7m AHD Cnr. Williamstown & Todd Rd., 2.25m AHD Todd Rd northern cnr., and 2.12m AHD Williamstown Rd eastern cnr. Proposed finished site level = 3.0m AHD. Proposed finished ground floor level = 3.15m AHD.

**Non-residential floor area**

- Nil.

**Loading bay**

- Nil

**Car parking**

- 189 (177 resident (1.45/dwelling) plus 12 visitor spaces). Type A and C dwellings have tandem garages. Type B dwellings have single garages.

**Note:** Approx. three on-street parallel parking spaces would be able to be created along Williamstown Road as a result of the removal of three existing vehicle crossings.

**Motorcycle parking**

- No formal spaces designated

**Bicycle parking**

- 244 (Two secure bicycle parking spaces (racks) per dwelling in ground floor level garages)
### Open space

<table>
<thead>
<tr>
<th>Dwelling Type</th>
<th>Secluded POS (m²)</th>
<th>Additional POS (m²)</th>
<th>Total POS (m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>28.6</td>
<td>15.3</td>
<td>44.0</td>
</tr>
<tr>
<td>A2</td>
<td>23.3</td>
<td>13.0</td>
<td>36.3</td>
</tr>
<tr>
<td>A3</td>
<td>23.3</td>
<td>13.0</td>
<td>36.3</td>
</tr>
<tr>
<td>A4</td>
<td>29.5</td>
<td>16.3</td>
<td>45.9</td>
</tr>
<tr>
<td>B1</td>
<td>38.7</td>
<td>4.0</td>
<td>42.7</td>
</tr>
<tr>
<td>B2</td>
<td>38.4</td>
<td>4.0</td>
<td>42.4</td>
</tr>
<tr>
<td>B3</td>
<td>38.4</td>
<td>12.3</td>
<td>50.7</td>
</tr>
<tr>
<td>B4</td>
<td>48.6</td>
<td>4.0</td>
<td>52.6</td>
</tr>
<tr>
<td>B5</td>
<td>49.0</td>
<td>4.0</td>
<td>53.0</td>
</tr>
<tr>
<td>B6</td>
<td>38.4</td>
<td>4.0</td>
<td>42.4</td>
</tr>
<tr>
<td>B7</td>
<td>37.2</td>
<td>4.0</td>
<td>41.2</td>
</tr>
<tr>
<td>B8</td>
<td>37.0</td>
<td>4.0</td>
<td>41.0</td>
</tr>
<tr>
<td>B9</td>
<td>37.2</td>
<td>4.0</td>
<td>41.2</td>
</tr>
<tr>
<td>B10, B11</td>
<td>37.0</td>
<td>4.0</td>
<td>41.0</td>
</tr>
<tr>
<td>B12</td>
<td>37.2</td>
<td>4.0</td>
<td>41.2</td>
</tr>
<tr>
<td>C1</td>
<td>34.6</td>
<td>7.8</td>
<td>42.4</td>
</tr>
<tr>
<td>C2, C3</td>
<td>45.6</td>
<td>7.8</td>
<td>53.4</td>
</tr>
<tr>
<td>C4</td>
<td>35.7</td>
<td>8.2</td>
<td>43.9</td>
</tr>
<tr>
<td>C5</td>
<td>34.3</td>
<td>8.0</td>
<td>42.2</td>
</tr>
</tbody>
</table>

### Stores

**Min. 6.0m³ per dwelling comprising:**

- **Type A dwellings:** 6.0m³ inc. 2.0-2.5m³ Level 0 under stair & 3.5-4.0m³ at L2.
- **Type B dwellings:** min. 6.0m³ inc. unspecified under L0 stair and 6.0m³ at L2.
- **Type C dwellings:** 6.0m³ inc. 2.5m³ under-stair and separate 3.5m³ at L0.

### Communal (resident / tenant) facilities

Three internal landscaped pocket park open space areas including pergolas, seating, bbq, play areas.

### Community (public) facilities

Nil

### Vehicle access

One 6.5m wide crossing off Williamstown Road.

### Pedestrian access

Footpath along Williamstown Road frontage; pedestrian access to the site via footpaths along east side of the Williamstown Road street crossing; Internal footpaths along one or both sides of internal roads.

### Internal Road widths

Min. 8.7m, typical 10.0m road reserve with min. 5.5m carriageway.

### Dwelling separation

All dwellings arranged in terrace rows, sharing one or more walls with an adjoining dwelling(s).

Rows are separated internally by min. 8.7m, typical 10.0m road reserves.

### Gross floor area / Floor area ratio

- **Gross Floor Area (GFA):** 55,616m²
- **Site area = 17,112m² (1.711 ha) approx.**
- **Plot Ratio / Floor Area Ratio (FAR):** 3.25:1
3.8 The plans which are the subject of this report are those referred to as Architectural Town Planning Submission, 187 Williamstown Road, Port Melbourne, July 2017, being Project No. 216047, Plan, Elevation and Section Drawings Nos. TP00.01 Rev A to TP8C5.04 Rev A, various dates (98 sheets), Development Summary, Materials Palette, Shadow Analysis and Perspective Views and Renders, all dated 22 June 2017, all prepared by Rothe Lowman Architects, and Landscape Plan Drawing No. 0316-0687 D001-00 Rev 03 dated 29-06-2016 prepared by Tract.

4. SUBJECT SITE AND SURROUNDS

4.1 The subject site is located on the north-east corner of Williamstown Road and Todd Road, Port Melbourne.

4.2 The site comprises three adjoining lots and is irregularly shaped, albeit generally triangular with a frontage width to Williamstown Road of 181.05m approx. and a side street abuttal to Todd Road of 124.97m, for an overall area of 17,112m² (1.711ha.) approximately.

4.3 The site is encumbered by three easements for drainage and electricity.

4.4 The land is generally flat with no discernible slope in any direction. Survey particulars show a minor rise of 0.55m from the corner of Williamstown Road to the northern corner of the Todd Road frontage, and a rise of 0.42m to the eastern corner of the Williamstown Road frontage.

4.5 The land is developed with four circa mid twentieth century single storey brick, concrete or galvanised iron warehouse / industrial buildings and associated outbuildings and internal roads.

4.6 The buildings are currently used for industry (printing works) and warehouse storage and associated offices and car parking.

4.7 The land has four existing vehicle crossings along its Williamstown Road frontage and one existing vehicle crossing on its Todd Road frontage.

4.8 Land surrounding the subject site is developed as follows:

• North (rear): Melbourne Grammar School sports fields, and the West Gate Freeway and municipal boundary with the City of Melbourne, and Docklands beyond.

• South (front) (Williamstown Road): One and two storey Fishermans Bend Housing Estate semi-detached dwellings and the Bay beyond.

• East (side): An access road to the Melbourne Grammar School sports fields, a neighbourhood park / retardation basin, and commercial and light industrial and warehouse buildings along Williamstown Road beyond.

• West (side) (Todd Road): The municipal boundary, and the Port of Melbourne Webb Dock International Container Terminal beyond.

It is noted that Webb Dock is undergoing considerable expansion and operates 24 hours a day, every day of the year.

5. PERMIT TRIGGERS

The zone and overlay controls, planning permit requirements and notice and appeal exemptions for the subject site and the proposal are as follows:
<table>
<thead>
<tr>
<th>Planning Scheme Provision</th>
<th>Why is a planning permit required?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Clause 37.04 - Capital City Zone (CCZ1)</strong></td>
<td>Pursuant to Section 2 of the Table of uses at Clause 37.04-1 of the CCZ1 and Clause 1 of the Schedule to the CCZ1, a planning permit is required to use land for a use not in Section 1 or 3 of the Schedule to the zone, including Accommodation if it does not meet the threshold distance from industrial and/or warehouse uses referred to in the Table to Clause 52.10. The land is not within the threshold distance of any use listed in Clause 52.10 and so use for Accommodation does not require a permit under this clause. Pursuant to Clause 37.04-4 of the CCZ1 and Clause 3.0 of the Schedule to the CCZ1, a permit is required to construct a building or construct or carry out works in the Capital City Zone. Pursuant to Clause 37.04-4 of the CCZ1, and Clause 4.0 of Schedule 1 to the CCZ1, a permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works. An application to • Use land (other than for a nightclub, a tavern, a brothel or an adult sex bookshop); • Construct a building or construct or carry out works; • Demolish or remove a building or works; or • Erect or construct or carry out works for an advertising sign; 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. Pursuant to Clause 6.0 of Schedule 1 to the CCZ1: Before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or informal outdoor recreation) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the developer must obtain either; • A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or • A statement in accordance with Part IXD of the Environment Protection Act 1970 by an accredited auditor approved under that Act that the environmental conditions of the land are suitable for the sensitive use. A planning permit is required under this clause.</td>
</tr>
<tr>
<td><strong>Clause 43.01 - Heritage Overlay (HO2)</strong></td>
<td>The land is not in the Heritage Overlay, but abuts HO2 along its southern (Williamstown Road) boundary. A Planning Permit is required to construct or carry out works including removing three vehicle crossovers in the Heritage Overlay. An application to carry out works or construct a vehicle cross-over 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. A planning permit is required under this clause.</td>
</tr>
<tr>
<td><strong>Clause 43.02 - Design and Development Overlay (DDO30)</strong></td>
<td>The land is in Area A1 (4-storey max. height) of the DDO. Pursuant to Clause 43.02-2 of the DDO and Clause 2.0 of Schedule 30 to the DDO, a permit is required to construct a building or construct or carry out works in the Design and Development Overlay. An application 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.</td>
</tr>
<tr>
<td>Clause</td>
<td>Description</td>
</tr>
<tr>
<td>--------</td>
<td>-------------</td>
</tr>
<tr>
<td>Clause 45.06 - Development Contributions Plan Overlay (DCPO2)</td>
<td>Pursuant to Schedule 2 to the DCPO, a permit may be granted to subdivide land, construct a building or construct or carry out works before a precinct wide development contributions plan has been prepared to the satisfaction of the responsible authority if any of the following apply:</td>
</tr>
<tr>
<td>Clause 45.09 - Parking Overlay (PO1)</td>
<td>A planning permit is required to provide car parking spaces in excess of the rates specified in Table 1 of Schedule 1 to the Overlay. The proposed parking provision for the dwellings exceeds the maximum rate set out in the Table.</td>
</tr>
<tr>
<td>Clause 52.10 - Uses with Adverse Amenity Potential</td>
<td>The subject site is not within any threshold distance from industrial and/or warehouse uses referred to in the table to Clause 52.10.</td>
</tr>
<tr>
<td>Clause 52.06 - Car Parking</td>
<td>Car parking must meet the design requirements of Clause 52.06-8 unless the responsible authority agrees otherwise.</td>
</tr>
<tr>
<td>Clause 52.29 - Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 road.</td>
<td>A planning permit is required to create or alter access to a road in a Road Zone Category 1. An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or arterial road under the Road Management Act 2004, land owned by the Roads Corporation for the purpose of a road, or land in a Public Acquisition Overlay if the Roads Corporation is the acquiring authority for the land, must be referred to the Roads Corporation under Section 55 of the Act. A permit, referral and notice are required under this clause.</td>
</tr>
<tr>
<td>Clause 52.34 - Bicycle Facilities</td>
<td>A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities have been provided on the land pursuant to Clause 52.34-1. A planning permit is required to vary, reduce or waive any bicycle facilities requirement of Clause 52.34-3 and Clause 52.34-4. A permit is required under this clause.</td>
</tr>
</tbody>
</table>
6. PLANNING SCHEME PROVISIONS

6.1 State Planning Policy Frameworks (SPPF)

Provisions of the SPPF of particular relevance to the application include:

Clause 9: Plan Melbourne
Clause 11: Settlement, inc. 11.02 Urban Growth, and 11.04 Metropolitan Melbourne
Clause 13: Environmental Risks inc. 13.01: Climate change impacts, 13.02: Floodplains, and 13.04: Noise and air.
Clause 15: Built Environment and Heritage inc. 15.01-1: Urban Design, 15.01-2: Urban design principles, 15.01-3: Neighbourhood and subdivision design, 15.02: Sustainable Design and 15.03: Heritage, inc. Aboriginal cultural heritage.
Clause 16: Housing inc. 16.01-4: Housing diversity and 16.01-5: Housing affordability.
Clause 17: Economic Development
Clause 18: Transport inc. 18.03-1: Planning for ports and 18.03-2: Planning for port environs.

6.2 Local Planning Policy Framework (LPPF)

The Municipal Strategic Statement (MSS) contains a number of clauses that are relevant to these applications as follows:

Clause 21.03 Ecologically Sustainable Development, including Clause 21.03-1: Environmentally Sustainable Land Use and Development and Clause 21.03-2: Sustainable Transport
Clause 21.04: Land Use
Clause 21.06 Neighbourhoods, including Clause 21.06-8: Fisherman’s Bend Urban Renewal Area

The following clauses of the LPPF are also relevant:

Clause 22.06 Urban Design Policy for Non - Residential Development and Multi - Unit Residential Development
Clause 22.12 Stormwater Management (Water Sensitive Urban Design)
Clause 22.13 Environmentally Sustainable Development
Clause 22.15 Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area
6.3 Fishermans Bend Strategic Framework Plan

6.3.1 The Fishermans Bend Strategic Framework Plan July 2014 (Amended September 2016) (FBSFP) is an incorporated document in and pursuant to Clause 81 and the Schedule to Clause 81.01 of the Planning Scheme. Any decision within the FBURA must have regard to the Framework Plan including the Design Guidance provisions.

6.3.2 On 21 October 2017, a draft revised Framework Plan was released by the State Government for consultation. Submissions to the draft Framework can be made up to 15 December 2017.

6.3.3 The Framework Plan is discussed at Section 8 of this report.

6.4 Relevant Planning Scheme Amendments

Amendments GC50 and GC59 were introduced on 14 and 29 November 2016 respectively and changed the Planning Scheme to include:

- New Local Planning Policy, Clause 22.15 Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area encouraging large developments to prepare a master plan, include at least 30% of dwellings as 3-bedroom dwellings, and allocate at least 6% of dwellings as affordable housing, and for developments to provide for non-residential uses.

- A new Design and Development Overlay, Schedule DDO30, which specifies mandatory maximum street wall and tower heights, and mandatory minimum tower street, side and rear boundary setbacks and tower separation distances.

  The requirements of the overlay apply until 31 March 2018.

- An update to the Fishermans Bend Strategic Framework Plan, July 2014 which is an incorporated document to the Port Phillip Planning Scheme.


7. PUBLIC NOTIFICATION / OBJECTIONS AND REFERRALS

7.1 Notice of application

Pursuant to S52.(1)(a), (b) and (d) of the Act, unless the responsible authority is satisfied the grant of a permit would not cause material detriment to any person, notice is required to be given for:

- The proposed provision of dwelling car parking spaces in excess of the rates specified in Table 1 of Schedule 1 to the Parking Overlay.
- The proposed alteration (removal) of vehicle crossings on Williamstown Road and Todd Road (i.e. land adjacent to a Road Zone, Category 1).

Pursuant to S52.(1)(c) of the Act, notice of the application is also required to be given to the Secretary, Department of Environment, Land, Water and Planning.
Notice is not required for:

- The proposal to demolish or remove a building or works, and/or construct a building and/or construct or carry out works (including a vehicle crossing) in the Capital City Zone and/or the Design and Development Overlay and/or the Heritage Overlay;
- The proposed use of the land for Accommodation (dwellings);

as they are exempt from the notice requirements of S52(1)(a), (b) and (d), the decision requirements of S64(1), (2) and (3) and the review rights of S82(1) of the Act.

7.2 Objections

Seven objections were received. A summary of the grounds of objection is as follows:

**Victorian International Container Terminal Limited**

- The proposal would be incompatible with and inappropriate opposite the existing and recently expanded container terminal at Webb Dock.
- Concerned that complaints from residents about port operations, noise or light spill would compromise $600 million redevelopment works carried out over the last 2.5 years at Webb Dock (as part of the $1.6 billion Port Capacity Project undertaken by the Port of Melbourne to improve freight and logistics within Port Melbourne) and inhibit the recent expansion of the port to operate 24 hours a day every day with a capacity of one million standard containers by the end of 2017.
- Concerned that complaints from residents about port traffic and noise would compromise existing and future increased all day truck traffic along Williamstown and Todd Road necessary to service the container terminal, noting:
  - Weight restrictions from Webb Dock onto the Westgate Bridge necessitate laden vehicles using alternative routes to and from the terminal, including along Williamstown Road; and
  - **Key Element 1: Street Network** in the Fishermans Bend 02: The Strategic Framework highlights that:
    
    "Existing freight traffic will be managed by the Principal Freight Network. Volumes of truck movements will decrease as Fishermans Bend develops, however, Williamstown Road, Lorimer Street and Prohasky Street will need to continue to cope with freight traffic."

- The subject site is of strategic importance to the Port of Melbourne because the only direction the port can expand is towards Williamstown Road. The site and nearby land has been included in a “Freight and Logistics Buffer” in the FBURA. The development of the land for residential purposes would be contrary to the purpose of the Freight and Logistics Buffer to preserve land for adjacent freight and logistics operations.
- Concerned the approval of dwellings on the land in proximity to the port and in the “Freight and Logistics Buffer” would establish a precedent for further residential development in the area, which would increase the potential for complaints and restrictions on the ports operations and expansion, and would be inconsistent with current zoning and land use.
- There are safety and noise issues associated with having residents so close to industrial operations.
While the Victoria International Container Terminal's operations set a global standard in international container terminals, it is inevitable there would be discomfort and disruption to any neighbours who were to move into the dwellings.

**Port of Melbourne Operations Limited**

- The proposal represents a high potential for future land use conflicts with the adjacent Port assets at Webb Dock. Residential development on this site is strategically inappropriate and would result in development where amenity expectations of the residents are unlikely to be met resulting in significant pressure to modify activities on the abutting Webb Dock.
- The proposal is at odds with the principal goals of *Plan Melbourne 2017-2050*, the State Planning Policy Framework, and the *Fishermans Bend Strategic Framework Plan* September 2016.
- The proposal potentially jeopardises PoM’s ability to comply with conditions of the Port Capacity Project, Webb Dock Precinct, October 2012 Incorporated Document (PCP Incorporated Document), and provisions of State Environment Protection Policy (Control of Noise from Industry, Commerce and Trade) No. N-1 (SEPP N-1).
- Under current SEPP N-1 noise limit provisions, the development of the land for dwellings would impose a legal obligation on the port to plan and implement mitigation measures that will enable compliance with the limits.
- The proposal should be refused, and the Environmental Significance Overlay (ESO4) should be applied to the City of Port Phillip area directly adjacent the Webb Dock noise wall to protect PoM activities from incompatible uses, consistent with land adjoining Webb Dock at Garden City.
- The scale, land use mix and building massing of the proposal would be contrary to the decision guidelines of the Fishermans Bend Strategic Framework Plan September 2016 and Clause 18.03-2 Ports which seeks to ‘manage land in the environs of commercial trading ports so that land uses are compatible with port operations and provide reasonable amenity expectations’.
- If a planning permit were to be issued, a condition should require the Applicant to enter into a S173 agreement to notify prospective residents that the amenity of the dwellings may be affected by their proximity to the port, and that the port will not accept or respond to any complaints regarding port operations.

**Transport for Victoria (Freight, Ports and Intermodal division)**

- The proposal would be inappropriate because the site is in close proximity to Webb Dock and in a designated buffer zone.
- The application does not sufficiently consider / address the potential expansion and intensification of the dock use and associated truck traffic over the duration of the 50 year lease of the port.
- The proposed residential use will conflict with the future use of the port.
- If a planning permit were to be issued, a condition should require the Applicant to enter into a S173 agreement to notify prospective residents that the amenity of the dwellings may be affected by their proximity to the port, and that the port will not accept or respond to any complaints regarding port operations, nor accept any inquiries from those residents in future planning processes for the port.
Residents (x 3), 12 Sandridge Ave, 4 Pye St, and 256 Williamstown Rd, Port Melbourne

- The proposed (nose to tail) tandem garages will not be utilised to their full potential, which will result in residents/visitors parking along Williamstown Road, to the disadvantage of existing nearby residents without on-site parking who rely on on-street parking. Changing the design to provide two parking spaces side by side would ameliorate this problem.
- The tandem garage design and narrow internal roads will result in congestion within the estate.
- The single entry/exit on Williamstown Road and increased density will result in traffic congestion, particularly in the morning and evening peaks, and increased traffic hazard.
- The density of the proposal would not be in keeping with the neighbouring suburb and should be reduced.
- The proposal would not provide any additional community facilities, amenities or infrastructure.
- The proposal would provide very little green/open space for residents and would not build a sense of community or the opportunity for children to play and people to interact.
- The height, design, materials and colours of the proposal would not resonate with the heritage overlay area buildings opposite.
- The proposal would generate noise and environmental impacts during construction and once completed. Concerned about how any contaminated land would be remediated, including preventing any airborne emissions.

Melbourne Grammar

- No objection to development of the site for housing but concerned it may constrain the operation of the adjacent school football, cricket, soccer, hockey and tennis facilities.
- The proposal would not provide sufficient visitor parking spaces, which would result in visitors parking on-street, reducing the number of spaces available for overflow parking associated with inter and intra-school sports events. Request the number of visitor parking spaces be increased from 12 proposed to 24 (i.e. one space per five dwellings) to meet the parking standard of Clause 52.06 of the Planning Scheme.
- Residents may be affected by mowers and rollers etc. used in the early morning before matches, including Saturday mornings in cricket season.
- Residents may be affected by light spill from existing floodlights on the northern part of the grounds, which are used up to 10.30pm, especially in the winter months. Concerned the dwellings may inhibit the installation of floodlights on the southern oval in the near future. Note the GHD report considered light spill from the Port and trucks accessing the Port, but made no mention of lighting on the School’s ovals.
- Request dwellings facing the sports grounds incorporate the same acoustic attenuation measures as dwellings facing the port to avoid future complaints about noise from the sports grounds and the ongoing operation of the on-site maintenance workshops, which are located close to the development site.
• Request the existing perimeter fence between the site and the sports grounds be retained or replaced with a new 1,800 mm high fence, and that no gates be allowed from the dwellings to the sports grounds.

• Concerned residents of the dwellings will access and use the sports grounds as defacto public open space including for off-leash dog exercising (noting the access gates off Williamstown Road are open for much of the week and weekend). The design should direct people away from the sports ground entry.

• The proposed development should respond to the ‘agent of change’ notion and take responsibility for protecting the amenity of new occupants residents to ensure the ongoing use of the sporting ovals are not in any way constrained due to perceived amenity impacts of noise, lighting or activity.

• Request that in the event a permit issues, it contains a ‘reverse amenity’ condition to the effect that future residents will not be able to lodge complaints with Council about the ongoing operation of the School’s sporting facilities nor seek to have any restrictions placed on the nature, frequency of use and or operating times.

These matters are discussed further at Section 8 of this report.

7.3 Significant Social Effects

It is considered that the objections do not raise any matters of significant social effect under Section 60(1B) of the Planning Environment Act 1987.

Impacts of the proposal are discussed further at Section 8 of this report.

7.4 Internal referrals

The application was internally referred. A summary of the responses is as follows:

**Transport Safety Engineering**

**Parking Layout and Access Arrangements**

- All proposed access ways are at least 3.0m
- Car space dimensions and aisle widths are considered satisfactory.
- Vehicles can satisfactorily enter/exit the site in a forwards direction.
- Access ways at the entrance are two-way and considered acceptable.
- Given Williamstown Road is a VicRoads controlled road, approval will need to be sought from VicRoads.

**Parking Overlay and Parking Provisions**

- The FBURA target rate for the provision of residential parking is 0.5 spaces/dwelling.
- It is proposed to provide 177 resident parking spaces, which equates to a rate of 1.45 spaces/dwelling. This level of parking for residents is considered high and not in line with the FBURA target rate. **It is recommended reducing the level of off-street parking for residents.**
- The traffic report indicates that 12 parking spaces will be provided on-site for residential visitors. This level of parking for visitors equates to a rate of 0.07 spaces/dwelling and is considered acceptable.

**Traffic Generation**

- Traffic generation assumptions of 7 inbound and 30 outbound movements during the AM peak and 22 inbound and 15 outbound movements during the PM peak.
• The total traffic generation from the proposal is 37 movements for entry and exit volumes during peak hours. This is considered satisfactory.
• **Please note that 0.3 trips per dwelling has been used. No cumulative trip generation for other developments have been considered.**

**Pedestrian Sightlines**
• Pedestrian sight triangles have been provided in accordance with Clause 52.06 and is considered acceptable.

**Provisions for Loading & Waste Collection**
• A Loading Zone is not required under Clause 52.07 of the Planning Scheme. I am satisfied that all potential loading associated with the proposal can be contained wholly within the site, this is considered satisfactory.
• The traffic report indicates that access around the internal road network has been assessed for a 6.4m long Mini Rear Loader (MRL), with a copy of the swept paths attached as Appendix C. This is considered satisfactory.
• Waste Management plan to be referred to Council's Waste Management department for assessment.

**Provision for Bike Parking**
A proposed parking provision of:
• 244 resident bike spaces
This level of bicycle parking is considered satisfactory.

**VicRoads Warrants for Signalised Pedestrian Crossings**
The installation of a pedestrian crossing with flashing lights may be appropriate where, for any one hour of an average weekday, the following apply:
• The number of pedestrians crossing within 20m of the proposed site exceeds 60 persons per hour, and
• The number of vehicles per hour which pedestrians have to cross in one bound exceeds 500.

Please note that both Williamstown Road and Todd Road are VicRoads controlled roads, any pedestrian crossing would need VicRoads approval.

**Urban Design**
• Site permeability and integration with surrounding area (appears gated).
• Not sure how the functioning port will impact amenity within the open space? Understand this is being addressed internally with an acoustic solution.
• Communal open space is tiny and looks like an afterthought.
• Integration of the existing sawtooth profile redbrick wall needs further consideration. Also opportunity to provide some planting in front/creepers.
• Suggest consideration is given to re-use/recycling of bricks from existing structures on-site, potentially for the dwellings with frontage along Williamstown Road.
• Expanding on this point - further consideration required on the materiality (brick) of dwellings to Williamstown Road and how these respond to the Garden City context and materiality.
Opportunity to appropriately and tastefully reference visually the Garden City dwellings to the south and existing warehouse typology particularly with respect to roof forms and profiles (gable/hip roofs). This applies particularly along the Williamstown Road frontage.

**Waste Management**

I have reviewed the WMP for 187-201 Williamstown Rd and have no comments. All requirements have been met.

**Development Engineer**

No comments

**Subdivision Officer**

(Note)…. existing easements which encumber part of the northern boundary and centrally on the site (and) … current application to remove those easements….If the easements cannot be removed, many dwellings would be compromised.

It is proposed that the internal roads be common property to be maintained by the Owner’s Corporation. The roads do not meet the dimensions for an Access Street - Level 1 (Clause 56.06-8). The carriageway widths meet the requirements, but the verge width and provision of footpaths on both sides has not been met.

However, it appears the road network would be acceptable. There is no through capacity for any of the roads, so there would be no requirement for Council access through an easement of way and/or Section 173 Agreement. The pocket park located at the eastern end of the site is considered to be communal open space, and would not satisfy Council’s requirement for a Public Open Space Contribution.

**Sustainable Design / Water Sensitive Urban Design**

Further information is needed before the project proposal could be considered to meet Council’s standards for best practice.

**General Comments:**

**BESS report:** Project needs to be ‘published’ from BESS website to allow review.

**Materials:**

Consider providing an outline of materials to be used and their impacts with reference to Council’s Best Practice Standards including:

- **Concrete:** substitute some cement content of concrete with recycled content.

- **Embodied energy:** minimise use of high embodied energy materials such as aluminium or zinc, and when using materials with high-embodied energy such as bricks, consider those manufactured with low embodied carbon.

**Indoor Environment Quality:**

**Natural Ventilation:** Council’s Best Practice Standard is for dwellings to be naturally ventilated via single and/or cross ventilation. Further details are required to establish if windows allow practical natural ventilation.

Consider provision of operable window sashes over or next to or instead of sliding glass doors, including at least one sash per room that can be locked in an ajar position.

Concerned many rooms rely on light wells for ventilation. Consider using a secondary route for airflow through a non-conditioned space to stimulate air-movement.
Daylight: Council’s Best Practice Standard is to reduce the reliance on artificial light, not rely on borrowed light within dwellings and all habitable rooms to have external, openable windows.

Consider providing windows and/or translucent elements to garage doors, fanlights over entry doors where there is not a void over with daylight access (e.g. B1 etc.), window access to corridors, laundries and light courts (e.g. B2 etc.), and windows or skylights to all Level 2 bathrooms.

Winter sun: FBSFP Obj 7.4 Std 2 states developments should maximise northern orientation. Council’s Best Practice for living areas and private open spaces is at least 70% of apartments in a development receive a minimum of three hours direct sunlight between 9am and 3pm in mid-winter.

Approximately half of the proposed dwellings would have south-oriented living areas. Where townhouses run east-west, indents in the building form should favour access to northern sun. Consider reversing lots with plan recesses facing southward.

Solar panels: Council’s Best Practice Standard is on-site renewable energy generation and reduced energy peak demand though provision of solar panels. FBSFP Obj 7.4 Std 5 states developments incorporate where possible should provide solar panels and photovoltaics to reduce energy needs. Consider photovoltaic arrays.

Energy:

Clotheslines: Council’s Best Practice Standard is provision of external clothes lines. The clotheslines shown appear too narrow for domestic linen. Consider widening.

Shading: FBSFP Obj 7.4, Std 2 states developments should provide external shading to facades to reduce summertime heat loads. Council’s Best Practice Standard is for external shading to habitable room glazing to allow winter sun, while blocking summer solar heat gains to increase thermal comfort and energy efficiency.

Shading is not indicated for many windows and glazed doors (e.g. B2 elevation 1), and where windows are recessed into facades, the recess is inadequate to protect from undesirable solar heat loads

Lighting: Council’s Best Practice Standard is to install energy efficient lighting. Consider committing to a maximum illumination power density at least 20% lower than required by the BCA and single dwellings to have 4w/m² maximum power density.

Water: Council’s Best Practice Standard is to improve water efficiency and reduce total operating potable water use though installation of WELS rated appliances within one star of best available. Consider Water efficient appliances inc. 5 star minimum WELS rating for dishwashers.
Stormwater: Rainwater tanks need to be connected to all toilets to claim the demand used in the model. The Sustainable Management Plan specifies ‘Re-use of water for toilet flushing in ground floor toilets’, however … (most) … dwelling types plans show toilets on first and second floors.

The proposed raingardens must be shown on the landscape plans. The ‘Civil Functional Layout Plan prepared by TGM Group’ referred to in the Sustainable Management Plan has not been provided. A maintenance manual for the raingardens must be provided.

The location and a maintenance manual for the gross pollutant trap must be provided.

Obj 7.3 Std 4 of the FBSFP states surface generated stormwater should be minimised through maximising permeability and providing rain-gardens, swales and other WSUD. Consider providing permeable ground level paths and driveways where possible.

Transport: No external visitor bike parking appears to have been shown.

Urban ecology: Use of lighter colour roofing and/or paving can assist in alleviating the Urban Heat Island Effect; Provide detail of the albedo (i.e. the measure of reflectivity) of the roofing and paving material where these will be exposed to direct sun

Irrigation: Council’s Best Practice Standard is for a tap and drainage on balconies and in courtyards to allow potential to garden. Consider provision of taps and floor waste gullies to balconies, courtyards and yards.

Community and Service Planning

- No proposed community infrastructure in the application.
- The site has not been identified for the delivery of community infrastructure.
- The proposed development should encourage greater integration with the adjoining open space (including the Melbourne Grammar Sports Ground).

Open Space and Recreation

- The dwellings may be affected by light spill from Webb Dock, truck headlights, and floodlighting to part of the Melbourne Grammar sports ground to the north.
- Use of the adjacent sports grounds may increase as the Fishermans Bend population increases. The proponent should ensure they have considered any visual amenity impacts from the sports ground lighting. It may also be useful for the proponent to consult with Melbourne Grammar to discuss any plans they may have to increase the usage of these sports fields.
- Question if the proposal would generate the need for a signalised pedestrian crossing on Williamstown Road at the eastern end of the site near Pye Street to link the development site to Buckingham Reserve.
- Pursuant to Council’s Greening Port Phillip - An Urban Forest Approach 2010, a monetary tree value would be assigned to each tree removed on the northern boundary of the subject site.

Heritage

No heritage issues, but interesting that they’re now proposing to retain the side wall with its distinctive sawtooth profile that will provide some evidence of the industrial history of the area.
Housing Officer

Note no proposed affordable housing proposed. Allocation of a 3-bedroom townhouse for affordable housing would suit a large family.

7.5 External Referrals

The application was required to be externally referred as follows:

<table>
<thead>
<tr>
<th>Referred to</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads Corporation - Clause 52.29 - S55 of the Act. An application to create or alter access to .... a road declared as a ..... arterial road under the Road Management Act 2004, land owned by the Roads Corporation</td>
<td>No objection subject to conditions.</td>
</tr>
<tr>
<td>Director of Public Transport - Clause 52.36 - S55 of the Act An application to .... construct a building or construct or carry out works for ... A residential development comprising 60 or more dwellings or lots ...</td>
<td>No objection subject to conditions.</td>
</tr>
</tbody>
</table>

8. OFFICER'S ASSESSMENT

1. 8.1 Strategic Context

2. Fishermans Bend Strategic Framework Plan (September 2016)

3. 8.1.1 The Fishermans Bend Strategic Framework Plan (September 2016) (FBSFP):

- Does not identify the subject site for any specific use.
- Designates a 6 metre landscape setback along the Williamstown Road frontage of the site;
- Includes the land in a freight and logistics buffer (relative to freight traffic on Williamstown Road, Prohasky Street and Lorimer Street, including freight traffic to and from the Port of Melbourne [Webb Dock]).
- Notes Williamstown Road and Todd Road as main roads.

4. The freight and logistics buffer does not prohibit the development and use of land for accommodation / dwellings. The Framework Plan notes the buffer seeks ‘.... to protect freight operations in Fishermans Bend, as well as ensure new development provided appropriate amenity for the new community’.

8.1.2 On 21 October 2017, a draft revised Framework Plan was released by the State Government for consultation. Submissions to the draft Framework can be made up to 15 December 2017.

8.1.3 The draft Framework Plan:

- Continues to:
  - Not identify the subject site for any specific use.
  - Include the land in a freight and logistics buffer (relative to freight traffic on Williamstown Road, Prohasky Street and Lorimer Street, including freight traffic to and from the Port of Melbourne [Webb Dock]).
  - Notes Williamstown Road and Todd Road as main roads.
  - Limit building height to a mandatory four storey maximum.
• Deletes the 6 metre landscape setback along the Williamstown Road frontage of the site.
• Adds:
  - Recognition of the proximity of the gas and oil transmission lines to the rear of the site.
  - Recognition of Williamstown Road as an existing on-street cycling route and Todd Road as including an existing off-road cycling path.
  - Designation of a potential future elevated road / rail freight corridor to the west and north of the site from Webb Dock to Swanson/Appleton Docks and Dynon Freight Terminal (via an alignment generally along the south side of the freeway till Thackray Road, and then generally parallel to the west side of the Bolte Bridge across the Yarra River).
  - Note the site as being in a mixed-use medium (non-core activity) area of the Wirraway Precinct.
  - A Floor Area Ratio (FAR) of 2.1:1 (current application FAR = 3.25:1).

5. Fishermans Bend Vision September 2016

8.1.4 The Fishermans Bend vision for the Wirraway precinct is:

• A family friendly inner city neighbourhood close to the bay and Westgate Park, with:
  o Small parks, plaza and playgrounds throughout the neighbourhood linked by leafy streets lined with different types of shops, businesses and homes;
  o A choice of diverse housing including small to medium scale apartment buildings;
  o Residential developments incorporating Intimate scaled green spaces where people can meet, gather and relax;
  o Contemporary architecture which sensitively references the area’s cultural and industrial heritage; and
  o Higher densities around the intersection of Plummer and Salmon Street.

6. The proposal would meet the first four dot-points with the exception of the shops and businesses reference in point one. The final dot point is not applicable.

7. State Planning Policy Framework (SPPF)

8. 8.1.5 Clause 18.03 of the SPPF sets out State Planning Policy for Ports and port environs as follows:

18.03-1 Planning for Ports

Objective
To recognise the transport and logistics role of Victoria’s commercial trading ports at Melbourne ….. in supporting the State’s economy and to facilitate their ongoing sustainable operation and development.

Support the effective and competitive operation of Victoria’s commercial trading ports at local, national and international levels.
Strategies
Provide for the ongoing development of ports in accordance with approved Port Development Strategies.

Identify and protect key transport corridors linking ports to the broader transport network.

Manage any impacts of a commercial trading port and any related industrial development on nearby sensitive uses to minimise the impact of vibration, light spill, noise and air emissions from port activities.

18.03-2 Planning for Port Environs

Objective
To plan for and manage land in the environs of commercial trading ports so that development and use are compatible with port operations and provide reasonable amenity expectations.

Strategies
Protect commercial trading ports from encroachment of sensitive and incompatible land uses in the port environs.

Plan for and manage land in the port environs to accommodate uses which depend upon or gain significant economic advantage from proximity to the port’s operations.

Ensure that industrially zoned land within the environs of a commercial trading port is maintained and continues to support the role of the port as a critical freight and logistics precinct.

Identify and protect key transport corridors linking ports to the broader transport network.

Ensure any new use or development within the environs of a commercial trading port does not prejudice the efficient and curfew free operations of the port.

Ensure that the use and intensity of development does not expose people to unacceptable health or safety risks and consequences associated with an existing major hazard facility.

Ensure that any use or development within port environs:
• is consistent with policies for the protection of the environment.
• takes into account planning for the port.

Policy guidelines
Planning must consider as relevant:
• The Victorian Transport Plan (Department of Transport, 2008).
• Victorian Ports Strategic Framework (Department of Transport, 2004).
• Freight Futures: Victorian Freight Network Strategy for a more prosperous and liveable Victoria (Department of Transport, 2008).
• Port Futures (State Government of Victoria, 2009).
• Port Development Strategy 2035 Vision (Port of Melbourne Corporation, 2009).
9. Local Planning Policy Framework (LPPF)

10. Clause 22.15: Local Policy for Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area

11. An assessment of the proposal against the local policy is as follows:

<table>
<thead>
<tr>
<th>Policy Measure</th>
<th>Officer Assessment</th>
</tr>
</thead>
</table>
| **Dwelling Diversity and Affordable Housing**  
Encourage development on sites greater than 3,000m², proposing more than 300 dwellings or proposing more than 1 building, to prepare a master plan for the whole site that includes provision for:  
- Publicly accessible spaces that accommodate local passive recreation that are consistent with the Open Space Key Element of the Strategic Framework Plan;  
- Diversity of land uses, including non-residential floor space (see ‘Employment’);  
- Diversity of dwelling types and sizes, including an affordable housing component; and  
- Diversity of built form typologies, including low and medium rise buildings. | 13. **Not applicable**: The proposed 17,112m² (1.711 ha) area and 122 dwellings do not meet the threshold measures. Notwithstanding this, the application documents include a plan of the whole site showing:  
- A mix of three bedroom dwellings of different sizes.  
- Low rise buildings.  
14. The plan does not show provision for:  
- Publicly accessible space for local passive recreation;  
- Diversity of land uses (100% residential floor area);  
- An affordable housing component;  
- Diversity of built form typologies: Only a town house typology is proposed. |
| **Encourage all new development that proposes accommodation uses and is over 12 storeys in height should provide at least 30% of dwellings as 3-bedroom units.** | 15. **Not applicable**: Three storey maximum height is less than 12 storey policy threshold. |
| **Encourage all new development that proposes accommodation uses and is over 12 storeys in height, to allocate at least 6% of dwellings as affordable housing to a registered housing association or provider.** | 16. **Notwithstanding this, all the proposed dwellings would all be 3-bedroom dwellings, which would significantly exceed the 30% policy target.** |
| **Employment**  
Encourage all development to provide opportunities for street level home occupation and non-residential use. | 17. **Not applicable**: Three storey maximum height is less than 12 storey policy threshold. |
| **Encourage all development over 40 metres in height within the Montague neighbourhood to provide a minimum amount of non-residential floor space equivalent to at least 15% of total habitable gross floor area.** | 18. **Achieved**: The Type A dwellings facing Williamstown Road feature ground floor plans which provide opportunity for use for street level SoHo offices and non-residential uses. |
| **Encourage all development over 40 metres in height within the Montague neighbourhood to provide a minimum amount of non-residential floor space equivalent to at least 15% of total habitable gross floor area.** | 19. **Not applicable**: Site is not in the Montague Precinct. |
Encourage all development on sites along Normanby Road, Williamstown Road, Fennell Street, Plummer Street, Buckhurst Street, Ingles Street, Montague Street and Salmon Street should provide non-residential uses along at least 60% of the ground level street frontage.

<table>
<thead>
<tr>
<th>20. Achieved in part - variation required:</th>
<th>The proposal does not formally provide any non-residential use along Williamstown Road. A variation is supported because:</th>
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<tbody>
<tr>
<td>• 100% of the Type A dwellings facing Williamstown Road feature ground floor plans that provide opportunity for use for street level SoHo offices and non-residential uses.</td>
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<tr>
<td>• The site’s abuttal to two main roads gives it high visibility, but poor access to parking for businesses.</td>
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<tr>
<td>• The site is not identified in the Strategic Framework Plan as a principle commercial precinct.</td>
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<tr>
<td>• The site is not contiguous with other commercial development along Williamstown Road.</td>
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</tr>
<tr>
<td>• The site is approximately 230m from, and would unnecessarily compete with the existing local shopping centre at Centre Road.</td>
<td></td>
</tr>
<tr>
<td>21. It is considered the site is not well suited to commercial use beyond small SoHo uses.</td>
<td></td>
</tr>
</tbody>
</table>

8.2 Building Height and Setbacks

Heights:

8.2.1 The subject site is in a mandatory four storey maximum height limit area pursuant to Schedule 30 to the Design and Development Overlay.

8.2.2 Objective 3.1 of the SFP Design Guidance encourages streets frontages of new developments to be of a low scale, generally up to 20 metres or not more than 5 storeys (as applicable). Objective 3.1, Guideline 1 also encourages a degree of parapet/wall height variation, rather than a constant 5 storey.

8.2.3 The three storey (9.75m) maximum height of the proposed townhouses would be less than the 20m preferred height of Objective 3.1, and would provide a satisfactory transition in height from the heritage graded one and two-storey Victorian Housing Commission (VHC) Fishermans Bend Estate dwellings opposite across Williamstown Road.

Setbacks:

8.2.4 Street frontage setbacks are proposed to be:

- **North (rear) (internal street):** Type C dwelling (typical) (angled frontages): Level 0 (gnd) and L1: min. nil, max. 1.75m, L2 min. 1.75m, max. 4.77m.
- **South (front) (Williamstown Road):** Type A dwellings (typical): Level 0 (gnd) and L1: min. 7.35m (including 6.0m landscape setback), L2: min. 13.9m (including 6.0m landscape setback) with rooftop terrace forward of this to min. 7.35m (approx.) of the frontage.
- **East (side):** N/a
- **West (side) (internal street):** Type A dwelling: 2.5m, Type B dwellings: Level 0 (gnd), L1 & L2: nil.
8.2.5 Side and rear setbacks are proposed to be:

- **North (rear):** Rear setback - Type C dwelling (typical) (angled boundary): Level 0: (gnd) min. 2.03m max. 4.35m, Level 1: min. 5.13m, max. 7.45m (with 3.1m rooftop terrace forward of this to 2.03m to 4.35m), Level 2: min. 4.48m to max. 7.45m.
- **South (front) (Williamstown Road):** N/a
- **East (side):** Type A dwellings 2.0m. approx., Type C dwellings: 2.5m
- **West (side) (Todd Road):** Side setback - Type A dwelling: 2.0m approx., Rear setback - Type B dwellings: Level 0 (gnd), L1 & L2: 0.0m.

8.2.6 The 6.0m landscaped setback from Williamstown Road would complement the approx. 6.5m to 8.0m front garden setbacks of the heritage graded VHC Fishermans Bend Estate dwellings opposite across Williamstown Road, and the public open space and landscape setbacks of properties to the east and would be satisfactory.

The 0.0m setback from Todd Road, retaining or matching the existing factory wall on the boundary would maintain the hard edge and industrial character of the existing saw tooth factory buildings on the land and would also be satisfactory.

The internal street setbacks facing typical 10.0m road reserves would provide separation between dwellings in excess of the ResCode 9.0m overlooking benchmark, and sufficient space for pedestrian and car traffic, and are also considered to be satisfactory.

8.3 Dwelling Layout, Amenity and Diversity.

8.3.1 All of the dwellings are proposed to have three bedrooms which would make them suitable for a range of household types including couples, families and share accommodation.

8.3.2 Overall lot/dwelling widths would vary between 5.0m and 5.6m, and internal garage widths would be mostly between 3.5m and 3.6m (albeit with some narrowing to 3.0m at the rear). These widths are considered satisfactory.

Council’s sustainable design officer raised concerns with the level of natural ventilation and daylight to some internal spaces and recommended garage doors incorporate windows and/or translucent elements, and windows be provided to corridors off light courts etc. eg. B1, B2, B3, B6, B7, B8, B9, B10, B11 and B12 dwellings. In addition, the Level 1 courtyard of the B4 and B5 dwellings should incorporate a glazed section of floor to provide light to the ground level corridor below. These matters could be provided for by conditions of any approval that may issue.

8.3.3 Dwelling floor areas (excluding garages) and courtyard, rear yard, or terrace open space areas would range from:

- 120.1m² floor area + 41.2m² open space for a Type B7 dwelling, to
- 171.9m² floor area + 42.4m² open space for a Type C1 dwelling;

with most dwellings being between 120m² and 140m² in area.

These areas are above average and would be satisfactory.
8.3.4 Ground level private open space areas would be a mix of paved and permeable landscaped surfaces.

Communal open space areas within the site would be permeable and would be landscaped with lawn, shrubs and trees (including retained existing trees), and would be clear of shadow though most of the day, including between 11.00am and 2.00pm at the equinox.

8.3.5 The 10.0m width of the internal roads would provide satisfactory separation between rows of dwellings and would exceed the ResCode benchmark 9.0m overlooking measure between windows etc.

8.3.6 The subject site abuts two main roads and is proximate to the port and a number of industrial uses, and school playing fields. Any approval should include a condition for all dwellings to incorporate noise attenuation methods in their construction to ensure reasonable internal amenity day and night. Noise issues are discussed further at Section 8.4 of this report.

8.4 Noise

Introduction

8.4.1 The subject site abuts two main roads (Todd Road and Williamstown Road), is opposite the Victorian International Container Terminal (VICT) at Webb Dock across Todd Road, and is proximate (300m) to the Westgate Freeway and other industrial uses including a shipping container storage depot on Prohasky Street, and abuts sports grounds to the north.

8.4.2 Council needs to consider if the subject sites proximity to these roads, industries and sports grounds makes it a suitable location for residential development having regard to:

• Whether future residents can be ensured reasonable amenity by designing the buildings to incorporate satisfactory noise attenuation measures; and

• Whether the existing nearby main roads and industries and sport grounds may be inhibited from continuing or increasing their activities as a result of future residents complaining about noise (i.e. reverse amenity impacts).

Applicant’s initial submission

8.4.3 The application documentation included a Noise Impact Assessment (NIA) prepared by Arup Pty Ltd and an Amenity Buffer Constraint Assessment (ABCA) prepared by GHD.

Noise Impact Assessment

8.4.4 The NIA determined the dominant current noise impacts on the site were from traffic on Todd and Williamstown Roads rather than freeway traffic, or use of the port or the nearby container storage depot.

8.4.5 The NIA acknowledged:

• Recent expansion of Webb Dock in accordance with the Port Development Strategy 2035 Vision, Port of Melbourne Corporation, August 2009

• The potential for increased noise from expanded port operations (and a possible
future rail connection) to affect surrounding communities;

- The recent establishment of buffer areas and construction of 5.0 to 7.0m high noise walls facing Todd Road by the Port of Melbourne (within their land).

8.4.7 The NIA proposed the design sound levels of Australian Standard AS 2107-2016 Acoustics - Recommended design sound levels and reverberation times for building interiors as the benchmark for the new dwellings, and noted AS 2107 specified a range of sound levels (typically varying by 5 to 10 dB(A)).

The assessment stated the dwellings would ‘… be designed to achieve a sound level towards the lower limit of the range of sound levels …’.

8.4.8 The NIA recommended dwelling facades facing Todd Road, Williamstown Road and the container storage depot to the north incorporate increased noise mitigation measures as follows:

- External wall construction facing Todd Road and Williamstown Road to incorporate specialised construction including air gaps;
- Windows facing Todd Road, Williamstown Road and the north to incorporate double-glazing with air gaps.
- A 1.7m high noise barrier along the Todd Road boundary of the site, featuring a minimum surface density of 10-15kg/m² and no holes or gaps (particularly at the base of the fence).

8.4.9 The NIA argued the rows of dwellings along the Todd Road and Williamstown Road perimeters would shield the remaining dwellings from traffic noise so they would achieve a satisfactory level of noise mitigation using conventional construction techniques.

Amenity Buffer Constraint Assessment

8.4.10 The ABCA considered noise and odour and light spill impacts and concluded that existing or proposed controls and standards would satisfactorily protect existing dwellings to the south of Williamstown Road, and future residents on the subject site.

Council initial response

8.4.11 Officers raised concerns the design and acoustic protection of the dwellings facing Todd Road would be unsatisfactory and the NIA:

- Relied unduly on present day noise testing (noting recent reduced traffic levels on Todd Rd because of port/road works);
- Did not give sufficient consideration to future anticipated noise generation; from port operations and a possible future rail link to and from the docks;
- Set out a noise level range rather than a specific minimum level, and;
- Did not address noise intrusion via gaps between buildings along Todd Road.

8.4.12 Officers requested further information including a response to the above concerns. Officers also engaged an independent Noise Consultant to peer review the applicant’s NIA and advise Council on noise matters.

8.4.13 Council’s Independent Noise Consultant advised:
- The proposed façade and glazing recommendations do not appear to be sufficient to meet the internal noise amenity they state they will achieve;
- Truck noise is the biggest issue at the intersection;
- Do not foresee major future noise impacts from infrastructure based on Fishermans Bend redevelopment plans issued to date, (assuming any rail link to Webb Dock would use the existing line along Lorimer St and Wharf Rd). Significant freight rail moving directly along Todd Rd would be a different proposition
- Late night/early morning operation of the Prohasky Street container storage depot facilities would generate noise impacts.

**Applicant Further Information Response**

8.4.14 In response to Council’s concerns, the applicant provided an updated Noise Impact Assessment (and a subsequent clarifying memo) and revised the design to:
- Retain the existing saw tooth brick wall along Todd Road to act as an acoustic barrier and strengthen the neighbourhood character of the proposal.
- Redesign the Type B dwellings to delete all doors and windows facing Todd Road, incorporate the retained saw tooth brick wall as an acoustic barrier, and reorientate them to face east and be accessed from the internal road network.
- Delete an opening to Todd Road, and screen the space between the Type A dwellings facing Williamstown Road and the Type B dwellings abutting Todd Road with the retained saw tooth wall.

8.4.15 Council’s Independent Noise Consultant advised:
- The changes to the buildings along Todd Road would provide an improved acoustic outcome;
- Question if the specified glazing to Williamstown Road can achieve the applicants intended noise levels;
- The applicants should specify a single noise level rather than a range.
- Concerned about some inconsistencies in reports.
- Recommend the dwelling be designed and constructed to achieve internal noise levels of 35dB(A) Leq-9hr or less in bedrooms and 40dB(A) Leq-15hr or less in all other habitable rooms with windows and doors closed.
- Recommend the noise levels be verified upon completion of construction and tested by a suitably qualified acoustic consultant and where noise levels are exceeded during post construction measurements, the applicant make rectifications and re-test as necessary to demonstrate compliance with the noise levels to the Responsible Authorities satisfaction.
- Recommend the Applicant engage another independent and qualified acoustic consultant to witness the testing and setup on-site as well as review results.
- Recommend the applicant’s consultant evaluate the ports works constructed to date (including the existing noise barriers) relative to the noise attenuation levels predicted by the Environmental Noise Assessment Port Capacity Project AECOM 22 January 2014.

**Objector Concerns**

8.4.16 The Port of Melbourne, the Victorian International Container Terminal, and
Transport for Victoria raised concerns residents of the proposed dwellings may be affected by noise from existing and future port operations, and may seek to limit the times and nature of the ports of the ports activities.

They argued the port is of State economic significance and the subject site and other nearby land in the FBURA is not suitable for residential use because of the potential for resident noise impacts and reverse amenity impacts on the port.

8.4.17 They also raised concerns that windows in the west side wall of the western-most Type A dwelling facing Williamstown Road would allow noise ingress, and the Level 2 front terrace private open space of the Type A dwellings facing Williamstown Road would be above the height of the Todd Road noise barriers and directly exposed to noise from the port and would not be able to meet SEPP N-1 noise limits for the port operations.

8.4.18 Melbourne Grammar School raised similar reverse amenity concerns regarding the future use of their sports fields.

Background Reports / Documents

8.4.19 Two reports and an incorporated document related to the expansion of the port were cited in the application documentation and objections as follows:

- Port Capacity Project, Webb Dock Precinct Incorporated Document, October 2012 (Amended August 2016). This is an Incorporated Document to the Melbourne and Port of Melbourne Planning Schemes. It was last updated 23/09/2016 by Amendment GC54.
- Environmental Noise Assessment - Port Capacity Project, AECOM Australia Pty Ltd for Port of Melbourne Corporation, 22 January 2014.

8.4.20 The Port Development Strategy 2035 Vision August 2009 set out the broad vision for the recent expansion of the port.

8.4.21 The Port Capacity Project, Webb Dock Precinct Incorporated Document Aug 2016 includes a condition that 'The amenity of the immediate adjoining area shall not be detrimentally affected by the use of development, through the appearance of any building, works or materials and the emission of excessive noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste produces, grit or oil.'

8.4.22 The Environmental Noise Assessment - Port Capacity Project 22 January 2014 recorded background (predominantly road traffic) noise levels along Todd Road in the vicinity of the subject site ranging from 52-61 dB(A) daytime, 51-58 dB(A) evening, and 50-56 dB(A) night.

The assessment also modelled day and night noise levels for the expanded port based upon the proposed locating of less intensive uses around the perimeter of the site and provision of on-site buffer and acoustic screen walls facing Todd Road.

The modelling determined that the subject site would experience atypically low levels of noise from the expanded port operations, in the order of 33 to 36 dB(A) or less (measured at 1.5m above natural ground level), which would be less than the expected noise impacts on the existing dwellings south of Williamstown Road of 39 to 42 dB(A).
8.4.23 It is acknowledged that noise levels above the 5.0m and 7.0m sound barriers facing Todd Road may be higher than the modelled levels (noting the three-storey dwellings are proposed to have top (Level 2) floor finished floor levels/terraces of 6.0m [with 1.7m side screens and 1.0m front balustrades] and a maximum roof top height of 9.75m.

Planning Controls and Noise Level Standards

8.4.24 The Planning Scheme does not require a permit to use the land for a dwelling (Accommodation), but does require a permit to construct a building. The Fishermans Bend Strategic Framework Plan (September 2016) which is an incorporated document to the Planning Scheme includes the subject land in a Freight and Logistics Buffer. The buffer seeks ‘… to protect freight operations in Fishermans Bend, as well as ensure new development provided appropriate amenity for the new community’.

The buffer does not prohibit the development and use of the land for dwellings, or specify the nature or measures of protection works.

8.4.25 Relevant noise level standards include:
- AS2107-2016 Acoustics - Recommended design sound levels and reverberation times for building interiors, Standards Australia.
- AS2702-1984 Acoustics - Methods for the measurement of Road Traffic Noise, Standards Australia.
- AS3671-1989 Acoustics - Road traffic noise intrusion - Building siting and construction, Standards Australia.

AS2107 specifies a range of recommended sound levels as follows:

<table>
<thead>
<tr>
<th>Type of occupancy/activity</th>
<th>Design sound level ((\text{LAeq,t})) range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Houses and apartments in inner city areas or entertainment districts or near major roads -</td>
<td></td>
</tr>
<tr>
<td>Apartment common areas (e.g. foyer, lift, lobby)</td>
<td>45 to 50 dB(A)</td>
</tr>
<tr>
<td>Living areas</td>
<td>35 to 45 dB(A)</td>
</tr>
<tr>
<td>Sleeping areas (night time)</td>
<td>35 to 40 dB(A)</td>
</tr>
<tr>
<td>Work areas</td>
<td>35 to 45 dB(A)</td>
</tr>
</tbody>
</table>

The obligation to meet the standard falls on the developer rather than the person or person generating the noise (i.e. the agent of change principle applies).

8.4.27 Department of Environment, Land, Water and Planning (DELWP) Planning Practice
Note 83 - Assessing external noise impacts for apartments, August 2017 recommends sound levels as follows:

<table>
<thead>
<tr>
<th>Living areas (6.00am to 10.00pm)</th>
<th>40 dB(A) LAeq,16h</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bedrooms (10.00pm to 6.00am)</td>
<td>35 dB(A) LAeq,8h</td>
</tr>
</tbody>
</table>

8.4.28 State Environment Protection Policy (SEPP) No. N-1 applies in the opposite manner to AS2107 in that it obliges industry and commerce to manage their noise levels to protect residential areas / uses.

Noise limits under SEPP N-1 are based on land use and time of day calculations and are measured directly outside dwellings and are cumulative, which means noise from all relevant sources needs to be controlled to meet the calculated noise levels.

Assessment

8.4.29 Officers facilitated a number of meetings with the applicants and their noise consultant, objectors and Council’s noise consultant, which culminated in the noise consultants agreeing the dwellings achieve sound levels as follows:

<table>
<thead>
<tr>
<th>Type of occupancy/activity</th>
<th>Design sound level (LAeq,t) range</th>
</tr>
</thead>
<tbody>
<tr>
<td>AS2107 (inc. AS3671)</td>
<td>Equal to or less than 38 dB(A)</td>
</tr>
<tr>
<td>Living areas (15 hrs - 7.00am-10.00pm)</td>
<td>Equal to or less than 33 dB(A)</td>
</tr>
<tr>
<td>Sleeping areas (night time 9 hrs 10.00pm-7.00am)</td>
<td></td>
</tr>
<tr>
<td>SEPP N-1</td>
<td>Leq 58 dB(A) or lower daytime periods, Ldn 51 dB(A) or lower night time periods</td>
</tr>
</tbody>
</table>

8.4.30 In addition, the applicants agreed to enter into a S173 Agreement to incorporate covenants on the title(s) of the property advising purchasers of the proximity and nature of the ports existing and possible future expanded operations, and the need to maintain acoustic standards in the dwellings.

8.4.31 The agreed noise levels are considered satisfactory because:
- They meet or exceed the relevant Australian Standard;
- They would protect against both existing and projected future port operation and traffic noise;
- They set specific noise levels which are measurable and enforceable.

8.4.32 The agreed noise limits and the S173 Agreement could be provided for by conditions of any approval that may issue for the proposal.

Other matters

8.4.33 One objector argued the Planning Scheme should be amended to include the land in an Environmental Significance Overlay (ESO4) the same as was applied to the residential area to the south in 2012, arguing this would protect the port from the encroachment of sensitive uses and inappropriate development.

8.4.34 Council must decide the application on the basis of the current planning controls applicable to the land.

8.4.25 It is noted that ESO4 does not require a permit to use the land for Accommodation
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(inc. dwelling) use, but it does require a permit to construct a building to be used for the purposes of ‘Accommodation’.

The ESO4 would require Council to consider the current and future operation of the port before deciding on an application, and notes the Port Development Strategy 2035 Vision, Port of Melbourne Corporation, August 2009 as a reference document.

Furthermore, should the application be supported, the recommended conditions will operate similarly to the requirements of the ESO4.

8.5 Transport and parking

8.5.1 Street Network

Internal Street Network

8.5.1-1 The minimum 8.7m and typical 10.0m road reserve with minimum 5.5m carriageway dimensions of the internal road network would allow for two way traffic and separated pedestrian and landscaped areas along both sides and would meet or exceed the design requirements of the benchmark provisions of Clause 56.06 for an Access Lane.

The geometry of the internal roads would allow satisfactory access for cars and service/emergency vehicles up to 6.4m in length.

The plans and supporting docs do not detail the Water Sensitive Urban Design (WSUD) details of the internal road network such as designing and profiling roads to direct stormwater to raingardens and retention facilities for treatment / reuse for irrigation of verges and open space areas, and controlled and limited discharge to the drainage network. These matters could be provided for by a condition of any approval that may issue for the proposal.

8.5.1-2 The internal roads would remain private land and not be required to vest in Council. The new roads would service the proposed dwellings only and would have no pedestrian or vehicle through-traffic role, and would not form part of the future FBURA street network.

Nonetheless, access to the site should not be gated, and the roads will need to be constructed to Council’s engineering standards and take into account possible soil contamination and any environmental audit requirements and strategies for future maintenance and emergencies.

These matters could be provided for by conditions of any approval that may issue for the proposal.

External Street Network

8.5.1-3 Council’s traffic engineers raised no objection to the removal of existing vehicle crossings on Williamstown Road and Todd Road and advised that sightlines and entry/exit via the existing central vehicle crossing on Williamstown Road (serviced by a central median exit and slip road entry) would be satisfactory.

8.5.2 Car Parking

Parking Overlay

The subject site is within the Parking Overlay pursuant to Clause 45.09 of the Planning
Scheme. The Parking Overlay specifies maximum rather than minimum parking rates as follows:

<table>
<thead>
<tr>
<th>REQUIREMENT:</th>
<th>COMPLIANCE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car parking provision</td>
<td></td>
</tr>
</tbody>
</table>
| Dwelling: Maximum 1 space per dwelling x 122 dwellings = 122 spaces.       | Not achieved: A total of 189 car spaces comprising 67 single and 110 (55 pairs) nose-to-tail tandem garage spaces for the dwellings, and 12 external visitor spaces within the common property are proposed. The garage spaces equate to a parking provision of 1.45 spaces / dwelling which would:  
  • Exceed the maximum parking rate specified in the Parking Overlay; and  
  • Exceed the SFP target rate of 0.5 spaces per dwelling. |
|                                  | Public transport proximate to the site is currently limited to buses along Todd and Williamstown Roads, but future plans may see a tram along Prohasky and Plummer Streets, 250 to 350m to the east. |
|                                  | Other FBURA town house approvals at 164 and 220 Ingles Street and 19 Salmon Street have been approved with a maximum of one car space per dwelling. |
|                                  | It is considered that having regard to:  
  • the subject sites location at the far end of the FBURA, distant from existing and proposed fixed rail public transport;  
  • the development comprising only 122 dwellings;  
  • the majority (67) of the dwellings being provided with one car space only;  
  discretion to exceed the SFP target rate and Parking Overlay recommended maximum rate can be supported. |
|                                  | It is noted that the removal of three existing vehicle crossings on Williamstown Road would facilitate the creation of three new marked on-street parking spaces on Williamstown Road. |
|                                  | New dwellings would not be eligible for resident or visitor parking permits to park in permit zone on-street spaces on Council roads. |
| Motorcycle parking               |                                                                            |
| Dwelling: At least one space per 100 car parking spaces x 189 spaces = 2 spaces. | Not achieved: No formal motorcycle parking spaces are proposed. The consultant traffic report argues the formal requirement should be waived because there are a number of external areas within the site where motorcycles could be parked, and residents can also park motorcycles in their garages. Officers agree there are multiple spaces where motorcycles can park, and a condition of any approval should require at least two spaces to be formally shown on the plans. |

8.4.3 Design Standards for Car Parking

8.4.3-1 Car parking should meet the dimensions and design requirements of Clause 52.06-8. An assessment of the application against the standards is as follows:

<table>
<thead>
<tr>
<th>Design Standard 1: Accessways:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum of 3m wide</td>
<td>Achieved</td>
</tr>
<tr>
<td>Internal radius of at least 4m at changes of direction or intersection or be &gt;4.2m wide</td>
<td>Achieved - intersections would be &gt; 4.2m wide.</td>
</tr>
<tr>
<td>Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre.</td>
<td>Achieved</td>
</tr>
</tbody>
</table>

124
Provide Min. 2.1m headroom beneath overhead obstructions, calculated for a vehicle with a wheelbase of 2.8m.  
Achieved

If serving 4 or more car spaces or connects to a road in a Road Zone, cars must be able to exit the site in a forward direction.  
Achieved

Provide a passing area at the entrance at least 5m wide & 7m long if serving 10 or more car spaces & is either more than 50m long or connects to a road in a Road Zone.  
Achieved

Have a corner splay or area at least 50% clear of visual obstructions extending >2m along the frontage road from the edge of an exit lane & 2.5m along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided or adjacent landscaped areas provided the landscaping is less than 900mm in height.  
Achieved

If access to 4 or more car parking spaces is from land in a Road Zone, the access to the car spaces must be >6m from the road carriageway.  
Achieved

**Design Standard 2: Car parking Spaces**

<table>
<thead>
<tr>
<th>Angle of car parking spaces to access way</th>
<th>Access way width</th>
<th>Car park width</th>
<th>Car park length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parallel</td>
<td>3.6 m</td>
<td>2.3 m</td>
<td>6.7 m</td>
</tr>
<tr>
<td>45º</td>
<td>3.5 m</td>
<td>2.6 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td>60º</td>
<td>4.9 m</td>
<td>2.6 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td>90º</td>
<td>6.4 m</td>
<td>2.6 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td></td>
<td>5.8 m</td>
<td>2.8 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td></td>
<td>5.2 m</td>
<td>3.0 m</td>
<td>4.9 m</td>
</tr>
</tbody>
</table>

Car spaces in garages or carports should be at least 6m long and 3.5m wide for a single space & 5.5m wide for a double space measured inside the garage/carport.  
Achieved in part – variation supported - Garage spaces would mostly comply, albeit for some narrowing to min. 3.0m at one end. A variation is supported because the non-compliance would be minor.
Design Standard 3: Gradients

Accessway grades should not be steeper than 1:10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design should have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the car park; and the slope and configuration of the vehicle crossover at the site frontage. This does not apply to accessways serving three dwellings or less.

![Diagram 1 Clearance to car parking spaces](image)

<table>
<thead>
<tr>
<th>Type of car park</th>
<th>Length of ramp</th>
<th>Maximum grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public car parks</td>
<td>20 metres or less</td>
<td>1:5 (20%)</td>
</tr>
<tr>
<td></td>
<td>longer than 20 metres</td>
<td>1:6 (16.7%)</td>
</tr>
<tr>
<td>Private or residential car parks</td>
<td>20 metres or less</td>
<td>1:4 (25%)</td>
</tr>
<tr>
<td></td>
<td>longer than 20 metres</td>
<td>1:5 (20%)</td>
</tr>
</tbody>
</table>

Where the difference in grade between two sections of ramp or floor is greater than 1.8 (12.5 per cent) for a summit grade change, or greater than 1:6.7 (15 per cent) for a sag grade change, the ramp should include a transition section of at least 2 metres to prevent vehicles scraping or bottoming. Grade changes of greater than 1:5.6 (18 per cent) or less than 3 metres apart should be assessed for clearances.

Design Standard 4: Mechanical Parking:

At least 25% of the mechanical spaces can accommodate a vehicle clearance height of at least 1.8m.

Spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation.

Not applicable

Design Standard 5: Urban Design
Ground level parking, garage doors & accessways should not visually dominate public space.  

Achieved - Dwelling facades facing internal roads would be architecturally resolved to reduce the prominence of garage entries.

Car parking within buildings (including visible portions of partly submerged basements) should be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.  

Achieved

Design of car parks should take into account their use as entry points to the site.  

Achieved

**Design Standard 6: Safety**

Car parking should be well lit & clearly signed.  

Refer Building Regs

The design of car parks should maximise natural surveillance and pedestrian visibility from adjacent buildings.  

Achieved - The car parks would be secure.

Pedestrian access to car parking areas from the street should be convenient.  

Achieved

Ped routes through parking areas/building entries & other destination points should be clearly marked & separated from traffic in high activity parking areas.  

Not applicable

**Design Standard 7: Landscaping:**

The layout of parking areas should provide for water sensitive urban design treatment & landscaping.  

Achieved in part - WSUD details needed.

Landscaping & trees should be planted to provide shade/shelter, soften appearance of ground level parking & aid in identification of pedestrian paths.  

Achieved

Ground level parking spaces should include trees planted with flush grilles. Spacing of trees should be determined having regard to the expected size of the selected species at maturity.  

Achieved

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### 8.6 Vehicle Crossings

There are four existing vehicle crossings to the land off Williamstown Road and one existing vehicle crossing to the land off Todd Road. It is proposed to:

- Retain the central crossing off Williamstown Road and use it as the main site entry;
- Remove and make good the three other crossings off Williamstown Road (This would allow approximately three parallel car parking spaces to be created);
- Remove the existing crossing off Todd Road.

The application was referred to VicRoads who raised no objection subject to conditions for removal and making good of vehicle crossings and marking of new on-street parking spaces.

### 8.7 Loading

The Planning Scheme does not require an on-site loading bay for waste collection or for resident use such as moving house, deliveries, tradespersons etc. These could be achieved by temporary parking in the internal road network without unduly disrupting access to dwellings.

### 8.8 Bicycle Facilities

Clause 52.34-1 of the Planning Scheme requires bicycle parking and facilities as follows:
The Planning Scheme does not require bicycle parking for the proposal.

The application proposes two resident bicycle racks in each dwelling garage. This would be satisfactory.

**8.9 Waste Management**

A Waste Management Plan (WMP) was submitted with the application.

Waste is proposed to be collected via the internal street network by a private contractor using a rear lift vehicle (nom. 6.4m long, 2.1m high, and 6.4 tonnes gross vehicle mass).

Council’s Waste Management Section raised no objection to the plans or the associated WMP.

**8.10 Shadow Impacts**

The three-storey height of the dwellings would not generate any material on or off-site shadow impacts.

**8.11 Wind Impacts**

The three-storey height of the dwellings would not generate any material on or off-site wind impacts.

**8.12 Sustainable design / Water Sensitive Urban Design**

A Sustainable Management Plan (SMP) and a Water Sensitive Urban Design Response were provided with the application.

Council’s Sustainable Design officer advised the design needed revisions and additions to meet Council’s standards for best practice.

These could be provided for by conditions of any approval that may issue for the proposal.

**8.13 Public Open Space**

No public open space is proposed on the site.

The three small open space areas within the site would be private communal open space, incorporating lawn and landscaping, pergolas, seating, a bbq and play areas, and the 6.0m landscaped setback facing Williamstown Road forms front yards for the Type A dwellings.

These areas would provide resident amenity and landscaped outlooks, but would not provide sufficient area for leisure or recreation.

Public open space for the proposal would be best provided by an 8% cash contribution in accordance with the Planning Scheme, which could then be used to purchase or develop land identified in the Fishermans Bend Strategic Framework Plan as open space area.

**8.14 Landscaping**
Two relevant reports were lodged with the application as follows:

- A Tree Consultant assessment of the species, condition and worthiness of retention of all existing trees on or adjacent to the site; and
- A Landscape Consultant report regarding proposed landscaping.

The Tree Consultant report noted:

- There are 55 trees on or close to the site;
- None of the trees are indigenous to the area, although a row of 17 Bracelet Honey Myrtle trees are native to Victoria and a single Wallangarra White Gum is native to Australia;
- The Honey Myrtles were approximately 40 years old, and the remaining trees were younger plantings and exotics;
- All but the Wallangarra White Gum are small to medium in size;
- No trees on the site are of high worth for retention, but six trees fell into the ‘can be retained’ category.
- The Planning Scheme retention of native vegetation provisions do not apply;

Council’s Parks division raised no objection to the proposal. The protection of trees during the construction process could be provided for by a condition of any approval that may issue.

8.15 Community Facilities

No community facilities or places are proposed as part of the development.

The subject site is not in a preferred area for ‘mixed used development’ in Council’s draft Fishermans Bend Community Infrastructure Plan. Based on the location of the site, and the nature, design and density of the development, Officers would not encourage accommodating any community infrastructure in the development.

The proposal would best provide for community infrastructure by a cash development contribution.

8.15 Development Contributions

The construction proposed as part of the permit application triggers a requirement for a development contribution.

Any approval should include a condition that development contributions be provided via a S173 Agreement, with 10% of contributions payable at the issue of the building permit, and 90% prior to the issue of a Statement of Compliance (for subdivision).

8.16 Environmental Audit

An Environmental Assessment of the land was submitted with the application. The Assessment determined:

- The site has been previously excavated to a depth of 2.9m and then backfilled and levelled. The site does not have a history of widespread landfill or waste deposition. Trace elements of glass, metal and brick fragments were identified and hydrocarbon odour and discoloration were noted in boreholes in the centre and rear of the site.
- Much land in the Fishermans Bend area was mined for sand during circa 1900 to 1960s or thereabouts. The excavations were later often filled with waste materials.
- The adjacent sports field site was mined and later filled with industrial and later municipal waste. This land was later capped with soil.
• The subject site is known to have been developed for industry (manufacture of paper and plastic bags and food wrap) prior to 1960 and into the 1970s. The site is currently used for food packaging.

• The industrial use has involved storage of chemicals and fuel (including an underground tank), and waste storage. The current use is considered low risk.

• The assessment concludes past and current activities on the site may have resulted in contamination. The assessment has not tested for asbestos.

The Assessment recommended further groundwater and vapour assessment of the site should be undertaken to determine any necessary remediation actions.

An environmental audit has not been undertaken for the land. Pursuant to Clause 6 of the Schedule to the Capital City Zone (Officer emphasis added):

Before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or informal outdoor recreation) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the developer must obtain either;

• A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or

• A statement in accordance with Part IXD of the Environment Protection Act 1970 by an accredited auditor approved under that Act that the environmental conditions of the land are suitable for the sensitive use.

This could be provided for by conditions of any approval that may issue for the proposal.

8.17 Melbourne Water floor levels

Melbourne Water has recommended minimum floor levels for the FBURA to protect buildings from predicted flooding and sea level rise impacts as follows:

<table>
<thead>
<tr>
<th>Land use</th>
<th>Floor level (m. AHD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>On-street parking spaces, External entry to individual dwellings</td>
<td>1.9 to 2.1</td>
</tr>
<tr>
<td>Commercial Lobbies / retail</td>
<td>2.4</td>
</tr>
<tr>
<td>Garage / Car parking entry</td>
<td>2.4m plus 600mm mechanical freeboard</td>
</tr>
<tr>
<td>Habitable Residential and Office, Lifts/Services</td>
<td>3.0</td>
</tr>
</tbody>
</table>

It is proposed to fill the whole of the land to a minimum of 3.0m AHD, such that garages would have a finished floor level of minimum 3.0m AHD and dwellings would have a minimum floor level of 3.15m AHD, which would exceed Melbourne Water’s recommendations and would be satisfactory.

8.18 High Pressure Gas and oil Transmission Pipelines

The subject site is in the buffer zone of the South Melbourne to Brooklyn 750mm high pressure gas transmission pipeline No. T33, and the VIVA Hastings to Altona and Geelong high pressure crude oil pipeline.

Any approval should include a notation alerting the permit applicant to the proximity of the pipelines and the potential need for protection works.

8.19 Light Spill

The school sports grounds to the north include flood lighting to the northern oval. The school has indicated they may wish to add floodlights to playing fields to the south closer to or abutting the townhouse site. This would require a planning permit.
Any future lighting would need to be designed with cut-off luminaries to contain light to the sports grounds and prevent light spill to the subject site. This is standard practice and would apply whether the subject site remained as is or was developed for dwellings.

9. COVENANTS

A review of the supplied Titles confirmed they are not encumbered by a restrictive covenant or a Section 173 Agreement or a building envelope. Both titles are however encumbered by easements as follows:

- **Volume 10330 Folio 247**, commonly known as Plan of Consolidation 355622W is encumbered by three easements as follows:
  
  E-1: A 3.02m wide easement across part of the north-west corner of the subject site for drainage in favour of part of the subject site;
  
  E2: A 1.2m (approx.) wide easement near the corner of Williamstown Road and Todd Road for electricity supply in favour of Citi-Power;
  
  E3: A 3.0m wide easement across the rear of the site in favour of the lands parent title.

- **Volume 10809 Folio 571**, commonly known as TP815984V is encumbered by two easements as follows:
  
  E-1: A 3.02m wide easement across part of the rear of the site for drainage in favour of Crown Grant Volume 9756 Folio 086;
  
  E2: A 1.2m (approx.) wide easement near the corner of Williamstown Road and Todd Road for electricity supply in favour of Citi-Power.

A review of the plan revealed that dwellings 50, 51, 52, 53, 54 and 55 would encroach on Easement E-1 (Drainage) on Volume 10330 Folio 247 (PC 355622W).

Officers raised this concern with the applicant, who responded by lodging a separate planning permit application to remove Easements E-1 (drainage) from PC 355622W and TP 815984V. This application is being considered by Council’s Subdivision Officer.

Pending a decision on the application to remove the easements, any approval for the townhouses should include a condition requiring the dwellings to be clear of the easement(s).

10. OFFICER DIRECT OR INDIRECT INTEREST

10.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

11. OPTIONS

11.1 Approve the application as lodged, subject to conditions;

11.2 Approve with changed or additional conditions

11.3 Refuse - on key issues

12. CONCLUSION

12.1 Officers raised concerns including detail design car parking matters, urban design including building materials and roof profiles, limited open space provision and reverse amenity impacts from the adjacent sports grounds, and sustainable design and water sensitive urban design matters.
12.2 Seven objections were received, raising concerns about potential noise and light spill resident amenity impacts from the port opposite and adjacent sports grounds and associated reverse amenity impacts, strategic planning matters, insufficient car parking, traffic generation and safety, and building style and height facing heritage graded dwellings opposite.

12.3 The townhouses would be architecturally satisfactory and would provide family suitable accommodation.

12.4 The internal road layout and resident open space areas would also be satisfactory, subject to further details of water sensitive urban design measures.

12.5 The three-storey scale and dwelling density of the proposal would be reasonable in the strategic context of the four storey maximum building height allowed on the land and its location at the westernmost end of the Fishermans Bend Urban Renewal Area, abutting open space and parkland and opposite one and two-storey heritage graded dwellings across Williamstown Road.

12.6 It is considered that officer and objector concerns can be satisfactorily addressed by conditions to modify the proposal including conditions for the dwellings to incorporate a high level of noise attenuation in their construction to achieve a satisfactory level of resident amenity and not adversely impact on the existing or future use of the port or adjacent sports grounds.

12.7 It is recommended that Council support the application and issue a Notice of Decision to Grant a Permit subject to conditions.
14. RECOMMENDATION

14.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit.

14.2 That a Notice of Decision to Grant a Permit be issued to demolish the existing buildings on the land except for the saw tooth factory wall along the Todd Street boundary and construct dwellings and associated car and bicycle parking and construct or carry out works, remove four vehicle crossovers, and provide dwelling car parking spaces in excess of the rate specified in the Parking Overlay at 187-201 Williamstown Road, Port Melbourne.

14.3 That the decision be issued as follows:

1. Amended Plans required

Before the development and/or use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

(a) Deletion of windows or change to non-operable windows on the west side of the Lot 1 dwelling.
(b) Plan notations that any window on the west side of the Lot 1 dwelling meets the noise attenuation / mitigation standards of the corresponding conditions in this permit.
(c) Changes to increase the level of natural ventilation and daylight to internal spaces, for example, but not limited to, garage doors to incorporate windows and/or translucent elements; windows provided to corridors off light courts etc. in B1, B2, B3, B6, B7, B8, B9, B10, B11 and B12 dwellings; Level 1 courtyards of B4 and B5 dwellings to incorporate a glazed section of floor to provide light to ground level corridor below.
(d) Fencing of the full length of the northern and eastern boundaries, with no gates from the subject site to the adjacent school sports grounds.
(e) Detail drawings of the height, design, materials, finishes and colours of all fencing,
(f) The provision of two motorcycle parking spaces on site.
(g) Any changes required to meet the requirements of the Sustainable Management Plan in the corresponding condition(s) in this permit.
(h) Any changes required to meet the requirements of the Water Sensitive Urban Design Response in the corresponding condition(s) in this permit.
(i) Any changes required to meet the noise attenuation and mitigation requirements of in the corresponding condition(s) in this permit.
(j) Plan notations for lighting to main building entries, pedestrian areas and car parks;
(k) All plant, equipment and services (including air conditioning, heating units, hot water systems, etc.) which are to be located externally.
(l) The development to include dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network to the satisfaction of the relevant water authority.
(k) All plan and elevation drawings to be fully dimensioned, including natural ground level, floor levels, and incremental and total wall and building heights and lengths,
with heights to be expressed to Australian Height Datum (AHD) and/or reduced levels;

(l) A coloured schedule (2 copies in a form that are able to be endorsed and held on file) of the materials, colours and finishes to be used on the main external surfaces, including roofs, walls, windows, doors of the proposed building.

(m) The dwellings to be clear of easements (except with the express written consent of the easement beneficiary).

2. **City of Port Phillip Requirements Prior to Commencement**

Before each stage of the development starts (other than demolition or works to remEDIATE contaminated land in accordance with an Auditors direction), plans, engineering drawings and computations (as applicable) must be submitted to, approved by and be to the satisfaction of the Responsible Authority for the following matters:

(a) All road works and associated drainage.

(b) Independent drainage, the direction of stormwater runoff and a point of discharge for each lot.

(c) Underground reticulated water (including dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network), sewerage, gas, electricity and telecommunications to each lot to the satisfaction of the Responsible Authority and the relevant servicing authority.

(d) All works for stormwater, Water Sensitive Urban Design, drainage, street trees, and landscaping.

(e) All bearings, distances, levels, street names, lot numbers, lot sizes, reserves and easements.

(f) A certified plan showing the extent and depth of fill in excess of 300mm placed on any of the lots.

(g) Payment to the City of Port Phillip of an engineering design checking fee equivalent to 0.75% of the value of documented works.

3. **City of Port Phillip Requirements Prior to Completion and Occupation**

Prior to the issue of a Statement of Compliance for each stage of the subdivision of the land and the occupation of any building approved under this permit, the following must be undertaken or caused to be provided to the satisfaction of the Responsible Authority:

(a) Each lot must be independently drained and provided with a legal point of discharge;

(b) Full construction of all new roads and footpaths, drainage and reserves (as applicable);

(c) Fire plugs and water supply in accordance with the requirements of the Metropolitan Fire and Emergency Services (MFB) ‘Planning Guidelines for Emergency Vehicle Access and Minimum Water Supplies within the Metropolitan Fire District (Guideline No: GL-27)’ to the satisfaction of the City of Port Phillip Fire Safety Officer and the Chief Officer of the Metropolitan Fire Brigade;

(d) Vehicle crossings (including removal of redundant crossings and making good);

(e) Underground reticulated water (including dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network), sewerage, gas, electricity and telecommunications to each lot to the satisfaction of the Responsible Authority and the relevant servicing authority;

(f) Payment to the City of Port Phillip of a supervision fee equivalent to 2.5% of the actual cost of street construction works as specified in the relevant Street Construction Contract Schedule;
(g) Issue of a Final Completion Certificate by Asset Management Section, for the acceptance of street construction, site grading etc;
(h) Filling, shaping and grading of the communal open space areas to drain satisfactorily to an approved place of discharge, and coverage with soil of sufficient quality to allow the establishment and maintenance of grass and deep rooted trees;
(i) Water supply/tapping’s (including water meters) to the communal open space areas;
(j) Street nameplates or payment in this respect;
(k) All reticulated services including electricity to be underground;
(l) Steel or concrete poles for public street lighting;
(m) Street lighting in accordance with the relevant Australian Standard;
(n) A full set of ‘as constructed’ digitised construction plans for roads and drainage;
(o) A full set of ‘as constructed’ digitised plans for the entire work in each development stage;
(p) A certified plan showing the extent and depth of fill in excess of 300mm placed on any of the lots.

4. Sustainable Management Plan
Before the development starts (other than demolition or works to remediate contaminated land) a Sustainable Management Plan that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority. The plan should include:

(a) A published ‘BESS’ report to allow review.
(b) Measures to increase the level of natural ventilation and daylight to internal spaces, for example, but not limited to, garage doors to incorporate windows and/or translucent elements; windows provided to corridors off light courts etc. in B1, B2, B3, B6, B7, B8, B9, B10, B11 and B12 dwellings; Level 1 courtyards of B4 and B5 dwellings to incorporate a glazed section of floor to provide light to ground level corridor below.
(c) Shading of windows to allow winter sun but block summer solar heat gains.
(d) A response to the water management requirements of Objectives 7.2 and 7.3 of the Strategic Framework Plan (September 2016) which specifies water for toilet flushing to be provided from on-site stormwater collection and a requirement for developments to be third pipe ready for future connection to a precinct-wide alternative water supply.
(e) Details to show the design capturing 100% of stormwater on-site and either re-use or treating the water prior to discharging off-site.
(f) Details indicating which catchment areas are connected to their respective treatment types (ie.. rainwater tanks and rain gardens etc.).
(g) Specification of building materials with low embodied energy.
(h) Details of the albedo of roofing and paving materials which would be exposed to direct sun.

Upon approval the Plan will be endorsed as part of the planning permit and the project must incorporate the sustainable design initiatives listed to the satisfaction of the Responsible Authority.

5. Incorporation of Sustainable Design initiatives
Prior to the occupation of the development approved by this permit, a report from the author of the Sustainable Management Plan approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority.
Authority. The report must confirm that all measures and recommendations specified in the Ecologically Sustainable Design report have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Response must be submitted to and approved by the Responsible Authority. The Response must:

(a) Set out proposed stormwater treatment measures for the development and how they would meet the relevant Policy objectives of Clause 22.12 Stormwater Management (Water Sensitive Urban Design) of the Planning Scheme;

(b) Include justification for how the development meets the objectives of Clause 22.12 if the water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended) are not met.

Upon approval the Response will be endorsed as part of the planning permit and the project must incorporate the Water Sensitive Design initiatives listed to the satisfaction of the Responsible Authority.

7. Incorporation of Water Sensitive Urban Design initiatives
Prior to the occupation of the development approved by this permit, a report from the author of the Water Sensitive Urban Design Response approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures and recommendations specified in the Water Sensitive Urban Design Response have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the Responsible Authority. The manual must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures. The program must include, but is not limited to:

- Inspection frequency
- Cleanout procedures
- As installed design details/diagrams including a sketch of how the system operates

The WSUD Maintenance Manual may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Building User's Guide or a Building Maintenance Guide.

9. Noise Attenuation for Dwellings
Dwellings must be designed to and must (upon completion, unoccupied, but ready for occupancy and with windows and doors closed) comply with the internal noise levels detailed in Table 1.

Table 1: Noise Objectives

<table>
<thead>
<tr>
<th>Noise Assessment</th>
<th>Type of occupancy/ activity</th>
<th>Design sound level (LAeq,t) range</th>
<th>Duration Assessment</th>
</tr>
</thead>
</table>


10. **Noise From Port**

The subject development shall maintain noise mitigation treatment to limit noise from commercial operations from the Port of Melbourne Corporation (PoMC) (west of Todd Road) to the external private open areas of all dwellings to $L_{eq}$ 58 dB(A) or lower for daytime periods and $L_{eq}$ 51 dB(A) or lower for evening and night-time periods, adjusted in accordance with State Environment Protection Policy No. N-1.

The Responsible Authority may, periodically at its discretion and/or in response to a resident noise complaint, require the Owners Corporation undertake, or cause to be undertaken a Noise Commissioning Assessment by a suitably qualified acoustic consultant. The noise assessment must exclude traffic noise emissions from Todd Road and Williamstown Road and be completed in accordance with the requirements State Environment Protection Policy (Noise from Industry, Commerce or Trade) No. N-1.

If the Noise Commissioning Assessment determines that noise from the Port of Melbourne Corporation (PoMC) (west of Todd Road) exceeds the above limits, the Owners Corporation must undertake or cause to be undertaken additional noise mitigation treatment to meet the above noise limits.

11. **Incorporation of Noise attenuation Measures**

Upon completion and prior to the occupation of the building(s) allowed by this permit, a report by a suitably qualified acoustic consultant must be submitted to, approved by and be to the satisfaction of the Responsible Authority:

- Certifying that the dwellings incorporate the noise attenuation measures as specified in the endorsed Acoustic Report and shown on the endorsed plans.
- Verifying the dwellings achieve the internal noise levels specified in the corresponding condition(s) in this permit.

The report must detail the set-up on site and methodology of the testing process. Where post construction measurement and testing shows internal noise levels exceeding those specified in the corresponding condition above, the applicant must make rectifications and re-test as necessary to demonstrate compliance with the noise levels to the satisfaction of the Responsible Authority.

The cost of certification acoustic works is to be met by the Permit Applicant.

12. **Agreement under Section 173 of the Planning and Environment Act 1987 Re: Proximity of Port and Building Noise Levels**

Before the development starts (other than demolition or works to remediate contaminated land), the applicant must:

- Enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority and the Port of Melbourne Corporation;
- Register the agreement on the title(s) for the land in accordance with Section 181 of the Planning and Environment Act 1987; and
- Provide the Responsible Authority with the dealing number confirming the registration of the title.

The agreement must be in a form to the satisfaction of the Responsible Authority, and the
applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority’s reasonable costs and expense (including legal expenses) incidental to the preparation, execution, registration, enforcement and ending of the agreement.

The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:

(a) Confirm that the land is located adjacent to an active, 24 hour per day working port located at the Port of Melbourne;

(b) Acknowledge the adjacent Port is projected to expand and increase its operations from circa 1 million standard containers in 2017 to circa six million standard containers in 2040, generally in accordance with the Port Development Strategy 2035 Vision, Port of Melbourne Corporation, August 2009.

(c) Require that the dwellings to be constructed on the land must be constructed to the acoustic standards to be achieved by the conditions of Planning Permit P0307/2017.

(d) Require that the dwellings must be designed and constructed to comply with the ventilation requirements of the Building Code of Australia, AS3666 and AS1668 with all windows and doors closed.

(e) Require that the owner of each dwelling, prospective owner of each dwelling and/or the Owners Corporation at the time is made aware of their responsibility, in writing, for maintaining the outdoor acoustic standards required by the conditions of this permit and the construction of any additional noise attenuation structures or features to achieve the outdoor acoustic standards required by the conditions of this permit.

(f) Require that the dwellings allowed by this permit must at all times comply with the acoustic standards required by the conditions of this permit;

(g) Require that the owner of each dwelling, prospective owner of each dwelling and/or the Owners Corporation at the time is made aware of their responsibilities, in writing, to maintain doors, glazing and acoustic seals to fulfil the indoor acoustic standards required by the conditions of Planning Permit P0307/2017.

(h) The owner must inform every prospective purchaser or tenant of a dwelling in the building, in writing, that the adjacent Port is a source of significant noise,

13. Agreement under Section 173 of the Planning and Environment Act 1987 Re: Developer Contribution

Before the development starts (other than demolition or works to remediate contaminated land), the applicant must:

(a) Enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority;

(b) Register the agreement on the title(s) for the land in accordance with Section 181 of the Planning and Environment Act 1987; and

(c) Provide the Responsible Authority with the dealing number confirming the registration of the title.

The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority’s reasonable costs and expense (including legal expenses) incidental to the preparation, registration, enforcement and ending of the agreement.
agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:

(a) The developer to pay a development contribution of:
   - $15,900 per dwelling
   - $180 per sqm of gross commercial floor area;
   - $150 per sqm of gross retail floor area;

or other amount outlined within an approved development contribution plan to the satisfaction of the Responsible Authority.

(c) Require that development contributions are to be indexed quarterly from 1 July 2015 using the Price Index of Output of the Construction Industries (Victoria) by the Australian Bureau of Statistics.

(d) Require registration of the Agreement on the titles to the affected lands as applicable.

(e) Include a schedule of the types of infrastructure to be delivered by the Development Agency using development contributions.

(f) Confirm that contributions will be payable to the Metropolitan Planning Authority.

(g) Confirm that the contributions will be used by the Development Agency as stipulated by the Metropolitan Planning Authority to deliver the schedule of types of infrastructure.

(h) Require that a bank guarantee to the value of 50% of the development contribution must be deposited with the Responsible Authority prior to the commencement of any works. The bank guarantee will be returned upon full payment of the development contribution.

(i) Confirm the procedure for reducing the contribution paid if the permanent development contributions plan for the area is less than the amount stipulated in the Section 173 Agreement.

(j) Require that payment of 10% of the contribution is at the time of issue of the building permit and 90% to be made prior to the issue of a Statement of Compliance in accordance with the Subdivision Act 1988.

(k) The agreement must make provision for its removal from the land following completion of the obligations contained in the agreement.

14. Vehicle crossings
Prior to the occupation of the building(s) allowed by this permit, vehicle crossings must be constructed in accordance with Council’s current Vehicle Crossing Guidelines and standard drawings and all redundant crossings must be removed and the footpath, naturestrip, kerb and road reinstated as necessary at cost of the applicant/owner to the satisfaction of the responsible authority.

15. Alteration/Reinstatement of Council or Public Authority Assets
Prior to the occupation of the building(s) allowed by this permit, the Applicant/Owner shall do the following things to the satisfaction of the Responsible Authority:

(a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for development.

(b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.

(c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of reinstatement.
16. **Public Services**
Before the occupation of the development allowed by this permit, any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/owner to the satisfaction of the relevant authority and the Responsible Authority. All costs associated with any such modifications must be borne by the applicant/owner.

17. **Contaminated Land**
Before the development starts (other than demolition or works to remediate contaminated land), the Responsible Authority must be provided with:

(a) A certificate of Environmental Audit for all of the land in the Planning Unit issued in accordance with Section 53Y of the *Environment Protection Act* 1970; or

(b) A Statement of Environmental Audit for all of the land in the Planning Unit issued under Section 53Z of the *Environment Protection Act* 1970 confirming that the environmental conditions of the land are suitable for the use and development allowed by this permit.

18. **Compliance with Statement of Environmental Audit**
Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the statement.

Where a Statement of Environmental Audit is issued for the land, before the commencement of the use, and before the issue of a Statement of Compliance under the *Subdivision Act* 1988, and before the issue of an occupancy permit under the *Building Act* 1993, a letter prepared by an Environmental Auditor appointed under Section 53S of the *Environment Protection Act* 1970 must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.

Where a Statement of Environmental Audit is issued for the land, and any condition of that statement requires any maintenance or monitoring of an on-going nature, the owner(s) must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning & Environment Act* 1987, which must be executed before the commencement of the permitted use and before the certification of the Plan of Subdivision under the *Subdivision Act* 1988. All such expenses related to the Section 173 Agreement including drafting, negotiating, lodging, registering, execution and ending of the Agreement, including those incurred by the Responsible Authority, must be met by the owner(s).

19. **Remediation Works Plan**
Before any remediation works are undertaken in association with the environmental audit, a ‘remediation works plan’ must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plans are permitted to be carried out before the issue of a Certificate or Statement of Environmental Audit.

20. **Walls on or facing the boundary**
Before the occupation of the development allowed by this permit, all new or extended
walls on or facing the boundary of adjoining properties and/or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

21. 3D Model
Before the development starts other than demolition and site preparation works, a 3D digital model of the overall development and its immediate surrounds, as appropriate, must be submitted to the Responsible Authority and be to the satisfaction of the Responsible Authority in conformity with the Department of Planning and Community Development Advisory note – 3D Digital Modelling.

In the event that substantial modifications are made to the overall development a revised 3D digital model must be submitted to and be to the satisfaction of the Responsible Authority.

22. Dual Water Reticulation
Before the occupation of the development allowed by this permit, the development must include dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network to the satisfaction of the relevant water authority to the satisfaction of the Responsible Authority.

23. No Alterations
The layout of the site and the size, levels, design and location of buildings and works, and external materials, finishes and colours shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority, unless the Port Phillip Planning Scheme exempts the need for a permit.

24. Satisfactory continuation
Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

25. Services to be underground
All new services to the property including water, electricity, gas, sewerage, telephone and telecommunications (whether by means of a line or cable) must be installed underground and located in a position approved by the Responsible Authority. All costs associated with any such works must be borne by the applicant/owner.

26. Lighting baffled
All lighting of external areas must be suitably baffled so as not to cause nuisance or annoyance to nearby properties or roads.

27. No equipment and services
No equipment, services and exhausts other than those shown on the endorsed plan must be erected above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

28. Building equipment and services
No external plant, equipment, services and exhausts other than those shown on the endorsed plans may be constructed unless otherwise agreed to in writing by the Responsible Authority.
Any satellite dishes, antennas or similar structures associated with the development must be designed and located at a single point on each building in the development to the satisfaction of the Responsible Authority, unless otherwise approved to the satisfaction of the Responsible Authority.

29. **Parking and Loading Areas Must Be Available**
   Car, motorcycle and bicycle parking areas and access lanes must be developed and kept available for those purposes at all times and must not be used for any other purpose such as storage to the satisfaction of the Responsible Authority.

30. **Water Supply / Recycled Water / Sewerage Provision**
The construction of the development must comply with the provisions of any agreements between the owner and the relevant water authority relating to the supply of water, recycled water or the provision of sewerage as appropriate. All works in relation to the supply of water, recycled water or sewerage must be completed prior to the issue of a Statement of Compliance unless an alternative arrangement is set out in any agreement with the relevant water authority.

31. **Energy Supply Provision**
The construction of the development must comply with the provisions of any agreements between the owner and the relevant energy authority relating to the supply of energy as appropriate. All works in relation to the supply of energy must be completed prior to the issue of a Statement of Compliance unless an alternative arrangement is set out in any agreement with the relevant energy authority.

**VicRoads Conditions**

32. The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the development hereby permitted.

33. Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:
   i. Formed to such levels and drained so that they can be used in accordance with the plan.
   ii. Treated with an all-weather seal or some other durable surface.

34. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.

35. The proposed development requires the construction of a crossover. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

36. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel and nature strip to the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the development hereby approved.

37. The additional on-street car parking spaces must be constructed and line marked to VicRoads standards.

**Public Transport Victoria Conditions**
38. The permit holder must take all reasonable steps to ensure that disruption to bus operations along Williamstown Road and Todd Road is kept to a minimum during the construction of the development. Forseen disruptions to bus operations during construction and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.

39. The existing bus stop and associated infrastructure on Williamstown Road must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.

40. Waste Management
An adequate waste management arrangement must be provided for the premises, in accordance with Council's Community Amenity Local Law No:3.

Without the further written consent of the Responsible Authority, waste management for the proposal must be in accordance with the endorsed Waste Management Plan to the satisfaction of the Responsible Authority.

41. Completion of Landscaping
The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.

42. No Damage to Existing Tree(s)
The proposed development and works must not cause any damage to any existing street tree or tree on adjoining land. Root pruning of any street or adjacent tree must be carried out to the satisfaction of the Responsible Authority prior to the construction of any crossover/works.

All street and adjacent trees will require a tree protection zone which complies with AS 4970-2009 at all times throughout the demolition and construction phase of the development. A tree protection fence is to be installed around any tree that is likely to be impacted by construction. The fence is to be constructed in a diamond or square position around each tree trunk from 4 panels of a minimum height 1.8m x minimum length 2.1m, interlocking by bolted clamps and concrete pads. No entry to this area is permitted without the consent of the Responsible Authority.

43. Number of Dwellings
Without the further written consent of the Responsible Authority, no more than 122 dwellings may be constructed on the land.

44. Time for Starting and Completion
This permit will expire if one of the following circumstances applies:

(a) The development is not started within two (2) years of the date of this permit.
(b) The development is not completed within four (4) years of the date of commencement of works.
(c) The use is not commenced within two (2) years of the completion of the development.

The Responsible Authority may extend the periods referred to if a request is made in writing:
(a) Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
(b) Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

Permit Notes:

Building Approval Required
This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

Building Works to Accord With Planning Permit
The applicant/owner will provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with this planning permit.

Due Care
The developer must show due care in the development of the proposed extensions so as to ensure that no damage is incurred to any dwelling on the adjoining properties.

Days and Hours of Construction Works
Except in the case of an emergency, a builder must not carry out building works outside the following times, without first obtaining a permit from Council’s Local Laws Section:
- Monday to Friday: 7.00am to 6.00pm; or
- Saturdays: 9.00am to 3.00pm.

An after hours building works permit cannot be granted for an appointed public holiday under the Public Holidays Act, 1993.

Drainage Point and Method of Discharge
The legal point of storm water discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of storm water from the site must be submitted to and approved by the responsible authority prior to the commencement of any buildings or works.

Permit required for signs
This permit relates only to the use and development of the land and does not comprise an approval for the erection of any advertising signs. The location and details of any advertising signs to be erected on the land and not exempt pursuant to the Port Phillip Planning Scheme, must be the subject of a separate planning permit application.

Waste Collection
The applicant must consult with Council’s Waste Management Department regarding the location of waste bins and collection options. Waste management must be in accordance with Council’s Community Amenity Local Law No. 3.

Roads and laneways to be kept clear
During the construction of the buildings and works allowed by this permit, the roads and laneway(s) adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless with the written consent of the Responsible Authority.

Parking Infringements
Any parking infringement relating to the proposed development may be reported to Council’s Parking Enforcement Section on 9209.6751 (B.H.) or 9209.666 (A.H.)

No resident or visitor parking permits
The owners and occupiers of the development allowed by this permit will not be eligible for Council resident or visitor parking permits.

Cross-over Permit Required
A cross-over permit must be obtained from Council (contact 9209.6216) prior to the carrying out of any vehicle crossing works (including removal of a redundant crossing).

Air Conditioning Plant
Any air conditioning plant must be screened and baffled and/or insulated to minimise noise and vibration to other residences in accordance with Environmental Protection Authority Noise Control Technical Guidelines as follows:
Noise from the plant during the day and evening (7:00am to 10:00pm Monday to Friday, 9:00am to 10:00pm Weekends and Public Holidays) must not exceed the background noise level by more than 5 dB(A) measured at the property boundary;

Noise from the plant during the night (10:00pm to 7:00am Monday to Friday, 10:00pm to 9:00am Weekends and Public Holidays) must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open).

Construction Management Plan
Before the development starts, a Construction Management Plan in accordance with Council’s Local Law, must be submitted to and approved by Council.

Building Projections Beyond Site Boundaries
Any building projection beyond the site boundary may require the developer / property owner to enter into a S173 Agreement and/or licence with the Council to authorise occupation of Council land, and may be subject to an annual license fee.

Broadband, Communications and Digital Economy
The development must provide for and meet the requirements of the Australian Government Department of Broadband, Communications and Digital Economy publication Fibre in new developments; policy update updated dated 22 June 2011 (as amended).

Council contacts
Approval may be required from other Council Departments (where relevant) before the proposal may commence, and discussion with Council’s Development Engineer is recommended prior to the submission of plans for standards of construction of crossovers and stormwater drains. The following contact details are provided for your assistance:

- Building Department 9209.6253
- Health Department (Community Amenity) 9209.6262
- Local Laws 9209.6852
- Development Engineer 9209.6774

High Pressure Gas Transmission Pipelines
The subject site is in the buffer zone of the South Melbourne to Brooklyn 750mm high pressure gas transmission pipeline No. T33, and the VIVA Hastings to Altona and Geelong high pressure crude oil pipeline. These pipelines are considered by APA GasNet and Viva Energy to be major assets and pipeline protection works may be required for asset integrity and public safety reasons. The development should be referred to APA GasNet and Viva Energy for review and comments.

VicRoads Note:
The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act of this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.