



8.7	220 INGLES STREET, PORT MELBOURNE - STAGE 18
LOCATION/ADDRESS:	220 INGLES STREET, PORT MELBOURNE
RESPONSIBLE MANAGER:	GEORGE BORG, MANAGER CITY DEVELOPMENT
AUTHOR:	SANDRA STEWART, SUBDIVISION OFFICER
TRIM FILE NO.:	PI177/2016
ATTACHMENTS:	1. Planning Map 2. Plan including development layout 3. Plan of Subdivision
WARD:	Gateway
TRIGGER FOR DETERMINATION BY COUNCIL:	Fishermans Bend Subdivision
APPLICATION NO:	1177/2016
APPLICANT:	Tompkinson Group - Torquay
EXISTING USE:	Vacant warehouse and buildings under construction
ABUTTING USES:	Dwellings under construction
ZONING:	Capital City Zone (CCZ1)
OVERLAYS:	Heritage Overlay (HO164) Parking Overlay (PO1) Development Contributions (DCPO2)
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired

PROPOSAL

The consideration of Stage 18 of a staged subdivision. The subdivision creates lot A and S53, being the balance of the site.

I. EXECUTIVE SUMMARY

- 1.1 It is proposed to subdivide the land into 1 lot and a further stage for redevelopment.
- 1.2 This application, being stage 18 would create lot A which contains a warehouse and Stage lot S53 which is the balance of the site. S53 has been the subject of several earlier applications and consists of stages 2 to 16.
- 1.3 The application would also create carriageway easements over the private roads which abut lot A to the north and east, in favour of lot A.



KEY ISSUES

1. Ensuring compliance with the requirements of the permit for the development of the site 2013/1464
2. Ensuring access and servicing to each lot.
3. Ensuring a Public Open Space requirement of 8% is paid on the site

2. RELEVANT BACKGROUND

The following relevant applications have previously been considered for the subject site:

Application No.	Proposal	Decision	Date of Decision
2013/1464	Demolition of buildings and works and the use and development of land for townhouse style dwellings, temporary hoarding signage and the provision of car parking spaces in excess of prescribed rates under Schedule 1 of the Parking Overlay	Approval by the Minister for Planning	10 January 2014
135/2016	Stage 1 of a staged subdivision	Approved	20 May 2016
518/2016	Stage 2 of a staged subdivision	Approved	22 August 2016
517/2016	Stage 3 of a staged subdivision	Approved	22 August 2016
515/2016	Stage 4 of a staged subdivision	Approved	22 August 2016
606/2016	Stage 5 of a staged subdivision	Approved	September 2016
608/2016	Stage 6 of a staged subdivision	Approved	September 2016
609/2016	Stage 7 of a staged subdivision	Approved	September 2016
610/2016	Stage 8 of a staged subdivision	Approved	September 2016
611/2016	Stage 9 of a staged subdivision	Approved	September 2016
612/2016	Stage 10 of a staged subdivision	Approved	September 2016
613/2016	Stage 11 of a staged subdivision	Approved	September 2016



683/2016	Stage 13 of a staged subdivision	Approved	October 2016
758/2016	Stage 14 of a staged subdivision	Approved	October 2016
760/2016	Stage 15 of a staged subdivision	Approved	October 2016
762/2016	Stage 16 of a staged subdivision	Approved	October 2016

3. PROPOSAL

- 3.1 The application proposes to subdivide the land into one lot and one stage lot for future development.
- 3.2 The Minister for Planning issued Planning Permit 2013/1464 on 10 January 2014 for the demolition of buildings and works and the use and development of land for townhouse style dwellings, temporary hoarding signage and the provision of car parking spaces in excess of prescribed rates under Schedule 1 of the parking Overlay.
- 3.3 Lot A would contain an existing two storey warehouse which is shown on the plans endorsed under Planning Permit 2013/1464 as a double storey brick building to be retained. It would have an area of 3416m², with a frontage to Ingles Street of 61.38m and a frontage to Woodruff Street of 55.22m.
- 3.4 S53 contains the remainder of the site which is currently being developed with 287 townhouses as approved under Planning Permit 2013/1464.
- 3.5 A carriageway easement would be created within S53 over the two private roads which abut lot A. The private roads will service the townhouses approved under Planning Permit 2013/1464. The easement will allow the owners of lot A to use those roads to access the lot.

4. SUBJECT SITE AND SURROUNDS

- 4.1 The subject site includes almost the entire block bounded by Ingles Street, Woodruff Street, Boundary Street and Munro Street, except for the lot containing the historic building at 164 Ingles Street, and the lots contained in stages 1, both of which are located adjacent to the corner of Ingles Street and Munro Street.
- 4.2 The site is under construction and would contain 287 townhouses and associated private roads as per the approved permit and endorsed plans. The western corner of the site contains a two storey brick office/warehouse building, which is not currently proposed for redevelopment, and would be contained within the proposed lot A.



- 4.3 The site is within the Sandridge Precinct of the Fishermans Bend Urban Renewal Area. The area is currently characterised by low rise, commercial development. This is one of many sites which are being redeveloped, have planning approvals for redevelopment or have current applications for development with Council or the State Government.
- 4.4 Adjoining the site to the south east is a three storey, stuccoed, Classical Revival office building, which was the former administrative offices of John Kitchen and Sons Pty Ltd (later Lever and Kitchen). The site has recently been redeveloped to accommodate seven dwellings, known as “The Block”.
- 4.5 To the south west of the site, on the opposite side of Ingles Street, is the North Port Oval and a large brick warehouse complex.
- 4.6 To the north west of the site, on the opposite side of Woodruff Street is a warehouse and vacant land.
- 4.7 To the north east of the site, on the opposite side of Boundary Street, are Council’s depot and warehouses.
- 4.8 To the south east of the site, on the opposite side of Munro Street are warehouses.

5. PERMIT TRIGGERS

The following zone and overlay controls apply to the site, with planning permission required as described.

<i>Zone or Overlay</i>	<i>Why is a permit required?</i>
<i>Clause 37.04 Capital City Zone</i>	A Planning Permit is required to subdivide land pursuant to Clause 37.04-3. A permit granted must be generally in accordance with the incorporated Fishermans Bend Strategic Framework Plan, July 2014 (amended April 2015).
<i>Clause 43.01 Heritage Overlay</i>	A Planning Permit is required to subdivide land pursuant to Clause 43.01-1.

6. PLANNING SCHEME PROVISIONS

6.1 State Planning Policy Frameworks (SPPF)

The following State Planning Policies are relevant to this application:

- Clause 11 Settlement
- Clause 15 Built Environment and Heritage
- Clause 17 Economic Development;
- Clause 18 Transport



6.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

- Clause 21.04 Land Use, including
- Clause 21.04-1 Housing and Accommodation
- Clause 21.04-2 Activity Centres
- Clause 21.04-3 Office and Mixed Activity Areas
- Clause 21.04-5 Public Open Space and Foreshore
- Clause 21.04-7 Subdivision
- Clause 22.05 Subdivision Policy

6.3 Other relevant provisions

- Clause 52.01 Public Open Space Contribution and Subdivision
- Clause 65 Decision Guidelines

7. REFERRALS

7.1 Internal referrals

The application was referred to the following areas of Council for comment:

- Council Valuers will provide street numbering for the proposal.
- Council’s drainage engineer has advised that there are no Council assets proposed within this development

7.2 External referrals

Referral Authority	Response	Conditions
Melbourne Water	No objection subject to conditions	Refer condition 2
South East Water	No objection subject to conditions regarding servicing of each individual lot.	Refer condition 3
Multinet Gas	No objection	n/a
Citipower	No objection	n/a



8. PUBLIC NOTIFICATION/OBJECTIONS

- 8.1 The application is exempt from the Notice requirements of Section 52(1)(a), (b) and (d) of the Planning and Environment Act 1987 pursuant to Clause 37.04-3 of the Port Phillip Planning Scheme.

9. OFFICER'S ASSESSMENT

9.1 Local Policy

The site is within the Sandridge Precinct, referenced in the Fishermans Bend Strategic Framework. The dwellings and roadways within Stage lot S53 have been approved and will provide accommodation in reasonable proximity to the light rail, and existing open space. The subdivision of the land will allow the sale of the warehouse building. It is likely that the new owner will apply for redevelopment of the buildings.

9.2 Assessment

The plan of subdivision accords with the plans endorsed under Planning Permit 2013/1464 for the development of the site. The endorsed plans clearly show that the warehouse is separate from the townhouse development, therefore it is reasonable to create a lot for the warehouse.

The creation of a carriageway easement over the two private roads which abut lot A is reasonable. It will provide access to any future development on lot A to the abutting roads being constructed for the townhouses.

The subdivision would not adversely affect the significance of the warehouse as a heritage place. The boundary would run along the approved private roads, with setbacks to the warehouse in accordance with the approval for the redevelopment of the site under Planning Permit 2013/1464. The proposed subdivision would allow the heritage warehouse to be separated from the unit development under construction. Once separated, further development of the warehouse is likely, subject to future permit applications. However, the subdivision itself would not result in an outcome that would adversely affect the significance, character of appearance of the heritage warehouse.

Public Open Space Contribution

An 8% Public Open Space Contribution is required for the subdivision of the site in accordance with Clause 52.01 of the Port Phillip Planning Scheme. Usually such a contribution is required upon subdivision, however the permit 2013/1464 for the development of the site for the 287 townhouses required the payment of a 5% contribution. It is noted that requirement related only to the town house development site. Council later negotiated and entered a Section 173 agreement with the owners of the site, that an 8% contribution be paid. Clause 6.2 of the agreement states:

The Council further covenants and agrees that the Public Open Space Contribution payable under this Agreement, once paid, is in full satisfaction of any public open space requirement that otherwise is, might be or might have been payable in respect of the subdivision of the Land and upon the development of the Land in accordance with the Development Permit and/or any subsequent subdivision of the Land following such



development, whether such requirement arises under the Scheme, the Subdivision Act 1988, the Local Government Act 1958, the Building Control Act 1981 or any other relevant legislation and no further public open space requirement shall be made in respect of the Land

The agreement specifically exempts proposed lot A comprising the warehouse and the land containing the Block development (lot 1 on PS 731677K). As a payment has been required, in accordance with the agreement for stage 53, no requirement can be placed on the subdivision at this time. A contribution would be required upon any further subdivision of the warehouse lot (lot A).

10. COVENANTS

The applicant has completed a restrictive covenant declaration form declaring that there is a Section 173 Agreement registered on the title for the subject site known as Lot 2 of Plan of Subdivision PS731677K, Volume 11634 Folio 162. The agreement was required by Planning Permit 2013/1464 to control the payment of the development contributions and the public open space contribution required in that permit. The agreement does not restrict or affect the subdivision of the site.

11. OFFICER DIRECT OR INDIRECT INTEREST

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

12. OPTIONS

- 12.1 Approve as recommended
- 12.2 Approve with changed or additional conditions
- 12.3 Refuse - on key issues

13. CONCLUSION

- 13.1 The proposed subdivision accords with the plans endorsed under Planning Permit 2013/1464 for the development of the site and complies with the State and Local Planning Provisions contained within the Planning Scheme. The plan of subdivision complies with the Fishermans Bend Strategic Framework Plan.
- 13.2 It is considered that the subdivision is worthy of support and it is recommended that the Planning Permit be issued subject to conditions



14. RECOMMENDATION - Planning Permit

14.1 That a Planning Permit be issued for Stage 18 of a staged subdivision of the site at 220 Ingles Street, Port Melbourne

14.2 That the decision be issued as follows:

1. No Alterations

The size, layout, level and location of the lots as shown on the endorsed plan of subdivision shall not be altered or modified without the consent of the Responsible Authority.

2. Melbourne Water

- (a) Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
- (b) Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988

3. South East Water

The Plan of Subdivision must be accompanied by an Owners Corporation Schedule. All lots shown on the Plan of Subdivision (Lot A) must be included in the Owners Corporation Schedule.

or

The owner of the subject land can enter into an agreement with South East Water for the provision of separate services to each individual lot.

4. Telecommunications

The owner of the land must enter into an agreement with:

- (a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- (b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

5. Telecommunications

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and



- (b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

6. Time for starting and completion

This permit will expire if one of the following circumstances applies:

- (a) The subdivision is not certified within two (2) years of the date of this permit.
- (b) The certified plan is not registered at Land Registry within five (5) years of the date of the Plan of Subdivision being Certified by Council.

The Responsible Authority may extend the period referred to in (a) if a request is made in writing before the permit expires or within six (6) months afterwards

Notes:

- (a) The Council has made this decision having particular regard to Sections 58, 59, 60, and 62 of the Planning and Environment Act 1987.
- (b) The following South East Water agreement options are available:
 - i. Application to enter into a Development Agreement-Works – If South East Water reticulated sewer/water/recycled water (as applicable) is required to be extended to service lots within the development
 - ii. Application to enter into an agreement-Non Works – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner only requires Statement of Compliance to release the titles (i.e. subdivision prior to building)
 - iii. Plumbing Industrial, Commercial, Units & Private Water application – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner wishes to commence construction of the building/s (i.e. building prior to subdivision).
- (c) If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference **285187**.
- (d) Further application for electricity supply to each lot may be required and all electrical installations in the subdivision shall comply with the requirements of "Victorian Service and Installation Rules and the Distribution Code".