



8.7	220 INGLES STREET, PORT MELBOURNE
LOCATION/ADDRESS:	220 INGLES STREET, PORT MELBOURNE
RESPONSIBLE MANAGER:	GEORGE BORG, MANAGER CITY DEVELOPMENT
AUTHOR:	SANDRA STEWART, SUBDIVISION OFFICER
TRIM FILE NO.:	PF17/308771
ATTACHMENTS:	1. Planning Property Report 2. Location of stages 3. Plan of Subdivision Stage 17
WARD:	Gateway
TRIGGER FOR DETERMINATION BY COUNCIL:	Fishermans Bend Subdivision
APPLICATION NO:	639/2017
APPLICANT:	Tompkinson Group - Torquay
EXISTING USE:	Buildings under construction
ABUTTING USES:	Buildings under construction and vacant warehouse
ZONING:	Capital City – Schedule 1
OVERLAYS:	Heritage Overlay (HO164) Parking Overlay (PO1) Development Contributions Overlay (DCPO2)
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired

PROPOSAL

The subdivision of land, being stage 17 of a staged subdivision. The stage creates 26 lots and common property roadways.

I. EXECUTIVE SUMMARY

- 1.1 Stage 17 creates 26 lots and common property roadways and accessways.

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 is to subdivide the land into 26 lots and common property roadways and accessway.
- 3.2 The 26 lots would each contain a three or four storey townhouse, as approved under Planning Permit 2013/1464. Each townhouse includes a double garage, three bedrooms and a large living / kitchen area. The four storey townhouses also include a roof deck and sunroom.
- 3.3 Pedestrian and car access would be from the common property roadways and accessway created in this stage.
- 3.4 Dwellings are under construction on each of the proposed lots.

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 located to the east of the current stage, and the lots contained in stages 1 to 16.
- 4.2 The site is under construction for 287 townhouses as per the approved permit and endorsed plans. The western corner of the site contains a two storey brick office building. There is a current application for the development of this site,
- 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. However, 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 To the north-west, north and east of the stage which is the subject of this report are earlier stages of this subdivision which contain dwellings nearing completion.
- 4.5 To the west of the stage which is subject of this report is Stage 18 of the subdivision, which contains a two storey warehouse. The site is subject to a current application for development (application no. 640/2017).
- 4.6 To the east of stages 6 and 11 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 been recently approved to accommodate seven dwellings.
- 4.7 To the south west of the site, on the opposite side of Ingles Street, is the Port Melbourne Cricket Ground and a large brick warehouse complex.
- 4.8 To the north west of the site, on the opposite side of Woodruff Street is a warehouse and vacant land.



4.9 To the north east of the site, on the opposite side of Boundary Street, are Council's depot and warehouses.

4.10 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

6.4 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	n/a
South East Water	No objection subject to conditions	Refer condition 2 headed South East Water
Multinet Gas	No objection	n/a
Citipower	No objection	n/a

8. PUBLIC NOTIFICATION/OBJECTIONS

8.1 The applications are 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 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 dwellings to the future residents and workers of this precinct.

Key Element 1: Street Network in the Fishermans Bend Strategic Framework includes the following statements:

- *....the new grid pattern of additional streets can also improve through connectivity, and support public transport and cycling objectives. New local streets will be provided by development to complete the network, facilitating the high level of connectivity envisioned by Plan 1.*
- *Existing historic subdivision and street patterns will be reinforced and reinterpreted through finer grain local streets and laneways and continuous mid-block links.*



The proposed common property Road (Kitchen Road) could provide a connection through the site from White Street to Ingles Street and the Port Melbourne Cricket Ground. Such a connection would accord with a link shown on Plan 1: Street Network in the Fishermans Bend Strategic Framework. Earlier stages of the subdivision have required that an easement of way is created over the central road (Kitchen Road).

9.2 Assessment

The plan of subdivision accords with the relevant plans endorsed under Planning Permit 2013/1464 for the development of the site. Construction of the dwellings on the proposed lots within stage 17 is underway.

A condition on the permit would require that the dwellings are externally complete and the common property areas have been constructed prior to issue of the Statement of Compliance.

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 for the development of the site required the payment of a 5% contribution. 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

As a payment has been required, in accordance with the agreement, no further requirement can be placed on the current subdivision.

10. COVENANTS

- 10.1 The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the titles for the subject site known as Lot 2 of Plan of Subdivision PS 731677K, Volume 11634 Folio 162.

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 comply with the State and Local Planning Provisions contained within the Planning Scheme. They comply with the Fishermans Bend Strategic Framework Plan.
- 13.2 It is considered that the subdivision is worthy of support and it is recommended that Planning Permit be issued subject to conditions

14. RECOMMENDATION - Planning Permit 639/2017

- 14.1 That a Planning Permit be issued for Stage 17 of a staged subdivision of the site at 220 Ingles Street, Port Melbourne:

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 South East Water

Potable Water

- (a) The owner of the subject land must enter into an agreement with South East Water for the provision of potable water supply and fulfil all requirements to its satisfaction.

Recycled Water

- (b) The owner of the subject land must enter into an agreement with South East Water for the provision of recycled water supply and fulfil all requirements to its satisfaction.

All new buildings and major refurbishment of existing buildings within the Fishermans Bend Precinct, must include the installation of a third pipe water supply system to supply non-potable water uses such as toilet flushing, clothes washing and irrigation within the development.

Sewer

- (c) The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.



3 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.

4 Telecommunications

- (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.

5. Completion of Works

Prior to issue of the Statement of Compliance, construction of the proposed buildings within lots 209 to 234 are to be externally complete; and the common property Roads and Shared Access as shown on the plan of subdivision are to be fully constructed in accordance with Planning Permit No. 2013/001464 to the satisfaction of the Responsible Authority.

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)