



# Department of Planning and Community Development

DPCD REF: BMIN012245 **PLANNING AND LOCAL GOVERNMENT**  
 FILE REF: 11/009381 **REQUESTED  VOLUNTARY**   
 MINISTERIAL REF: BMIN012245 **FOR DECISION**  
 CRITICAL DECISION DATE:

## MINISTER FOR PLANNING

**SUBJECT: REVIEW OF ADVISORY COMMITTEE REPORT FOR FORMER PORT PHILLIP WOOLLEN MILLS SITE**

**DATE: 13 October 2011**

Name	Position	Phone no.
<b>Prepared by</b>		
<b>Reviewed by</b> Karoline Ware	Assistant Director, Priority Projects	
<b>Reviewed by</b> Jane Monk	Director, State Planning Services	
<b>Approved by</b> David Hodder	Executive Director, State Planning Services and Urban Development	

## RECOMMENDATIONS

That you:

- a) note the report of the Former Port Phillip Woollen Mills Advisory Committee and the Department's comments on the advice and recommendations of the Committee.  Noted  Please discuss
- b) publicly release the Committee's report.  Approved  Not Approved
- c) prepare, adopt and approve Amendment C86 to the Hobsons Bay Planning Scheme that results in the following:
  - Rezone that part of Precinct 20 that forms the boundary to Kanowna Street and Nelson Place to Mixed Use Zone.
  - Apply the Design and Development Overlay Schedule 11, and the Environmental Audit Overlay to all of Precinct 20.
  - ~~Amend the Schedule to clause 64.04 Administration and enforcement of this Scheme in the form of the attached document to allow you to become the Responsible Authority for Precinct 20.~~  Approved  Not Approved
- d) exempt yourself from sections 17, 18 and 19 of the *Planning and Environment Act 1987* (the Act) in relation to Amendment C86 to the Hobsons Bay Planning Scheme pursuant to s.20(4) of the Act, and sign the attached 'Reasons for Intervention' relevant to this amendment.  Approved  Not Approved
- e) sign the attached letter to Councillor Michael Raffoul, Mayor of Hobsons Bay City Council, and Ashley Williams, Managing Director Evolve Development, advising them of your decision.  Approved  Not Approved

**MATTHEW GUY MLC**  
 Minister for Planning  
 Date:

*AD. 22.11.*

*Port Phillip sit to the Council, not me.*

*Mandatory in other areas only 2 dimensions in other as recommended.*

## PURPOSE

1. To provide recommendations, having regard to the advice you received from the Advisory Committee (AC) appointed on 27 May 2010 under Section 151 of the *Planning and Environment Act 1987* (the Act) for the Former Port Phillip Woollen Mills site in Williamstown, known as Precinct 20 (the Precinct) as defined by the *Hobsons Bay Industrial Land Management Strategy 2008*.

## BACKGROUND

2. Hobsons Bay City Council (Council) received a request for the preparation of Amendment C75 in March 2009. Council resolved in December 2009 not to support Amendment C75 on the basis of, amongst other things, inconsistencies with State and Local Planning Policy and the failure of the amendment to address the protection of adjoining industrial sites.
3. Council formed this view despite the approval of Amendment C33 on 12 December 2008. Amendment C33 was requested by Council and supported the residential use of the Precinct by introducing the *Hobsons Bay Industrial Land Management Strategy 2008* as a Reference Document into the Hobsons Bay Planning Scheme (the Scheme).
4. The Panel Report for Amendment C33 also supports a mix of uses including residential. The panel commented that the Precinct is an area in need of revitalisation and its location close to the Williamstown activity centre may make it attractive for both business and residential uses, necessitating a rezone to either Residential or Mixed Use zones.
5. In an effort to resolve the matter, and following meetings with Council; the Port of Melbourne Corporation; BAE Systems; and others, the former Minister for Planning approved Amendment C75 to the Scheme in April 2010, utilising section 20(4) of the *Planning and Environment Act 1987* (the Act) to exempt Amendment C75 from the notice requirements of the Act. The 'Reasons for Intervention' for this amendment state that compliance with any of the notice requirements was not warranted, and the interests of this part of Victoria made such an exemption appropriate.
6. Amendment C75 rezoned a majority of precinct 20 from Industrial 1 Zone to Residential 1 Zone and applied the Environmental Audit Overlay. (**BMIN007271 - Attachment 1**)
7. On 27 May 2010 an Advisory Committee (the Committee) was appointed by the former Minister for Planning and asked to review planning and urban design matters relating to the proposed redevelopment of the Precinct. (**Terms of Reference for the Committee - Attachment 2**)
8. The Committee held hearings from September 2010 to March 2011 and delivered its final report, containing findings and recommendations on 10 May 2011. (**Advisory Committee Report - Attachment 3**)
9. Two existing Design and Development Overlays (DDO) currently affect the Precinct (DDO4 and DDO8) restricting building height to 2 storeys (DDO4) and 3 storeys (DDO8). At present, a permit cannot be granted to exceed these heights. The Precinct is also covered by seven Heritage Overlays (HO1, HO8, HO35, HO43, HO162, HO210 and HO211).

## ISSUES/COMMENTS

### Advisory Committee Recommendations and Findings

10. In summary, the Committee found that state and local planning policy justifies denser development of the Precinct.
11. The Committee noted that the land is urgently in need of redevelopment; a residential outcome is the best use of the land; that the locational context of the land allows for a dense form of development.

12. The Committee made recommendations on the following topics:
- Heritage;
  - Buffer from Hazardous Facilities;
  - Interface Issues – Noise/Air Emissions
  - Traffic, Parking and Public Transport;
  - Social Infrastructure;
  - Urban Design and Built Form including Design Panel;
  - Planning Control Tools;
  - Responsible Authority (RA) status;
  - Zoning of the land;
  - Planning controls on other land in Precinct 20;
  - Changes to other parts of the Hobsons Bay Planning Scheme;
  - Other Amenity impacts; and
  - Coastal Sea Rise.
13. It is noted that the Committee made recommendations on many issues however, only Departmental recommendations that vary from the Committee recommendations and matters requiring further discussion (Rezoning) are addressed in this brief.

#### **Rezoning to Mixed Use Zone**

14. Although the Committee's terms of reference did not extend to the zoning of the land, the former Minister having only recently applied the Residential 1 Zone to most of the Precinct, the Committee's findings on issues of risk; safety; and interface raise doubts about the zoning of the land (largely zoned Residential 1, with the corner of Nelson Place and Kanowna Street, usually referred to as the 'Titanic site', zoned Industrial 1).
15. One of the most defining elements of the Committee's consideration is the WorkSafe Advisory Note issued in September 2010, some five months after the former Minister's decision to apply the Residential 1 zone.
16. The Terms of Reference do not prejudice your review of the zoning of the land and your obligation to consider both the concerns of submitters to the Committee, and the WorkSafe Advisory Note.
17. In light of the Committee's analysis, the matters of concern put to it and the advent of the WorkSafe Advisory Note it is recommended that the entire site be rezoned Mixed Use.
18. A Mixed Use zoning, in conjunction with the Design Development, and Environmental Audit Overlays, provide greater opportunity and flexibility than the Residential 1 zone to address safety concerns, while not sterilising appropriate development of the site.

#### **Buffer from Hazardous Facilities**

19. The Committee recommended that WorkSafe be included as a Referral Authority under Section 55 of the *Planning and Environment Act 1987* and be listed in the Scheme for all planning applications within the 'Inner Planning Advisory Area' or the 'Outer Planning Advisory Area' as specified in WorkSafe's Guidance Note of September 2010. (**Major Hazard Facilities Guidance Note - Attachment 4**)
20. In addition to the WorkSafe concerns, the Precinct forms part of the land under consideration by the Port and Environs Advisory Committee. You have been briefed on the Ports and Environs Advisory Committee's recommendations on the planning controls and buffers for Victoria's ports, which included land uses surrounding major hazard facilities. (**BMIN010342 - Attachment 5**)
21. The Port and Environs Advisory Committee noted the findings of the Maribyrnong Amendment C82 Panel which adopted a 'precautionary principle' in setting out a long term strategic framework for land uses near Major Hazard Facilities. That Panel specifically recommended prohibiting residential uses in the inner and outer advisory areas due to the very low, but nonetheless present risk to residents.
22. The WorkSafe Note rates the risk to life within the 'Inner Planning Advisory Area' as '1 fatality in 10 million years'. Although there is a very low but nonetheless present risk, none of the Precinct is located in this area.

23. The risk to residents in the 'Outer Planning Advisory Area' where a corridor of the Precinct is located (approx one block wide) is much less than 1 in 10 million years. The WorkSafe Note states that:
- 'fatalities are unlikely [within the 'Outer Planning Advisory Area'] but persons present may suffer some adverse effects or have difficulty responding to an emergency which may result in harm'.*
24. Within this corridor, the Department's suggested DDO11 caps building heights to 13 metres (two to four storeys), which is the Advisory Committee's recommendation, and requires the RA seek and consider the views of WorkSafe prior to any development. (Department's Recommended DDO11 - Attachment 7)
25. During the Committee process WorkSafe requested that densities be limited within the 'Outer Planning Advisory Area' given the possible risks associated with high residential densities in proximity to Major Hazard Facilities. The proposed DDO11 adequately responds to WorkSafe's request by:
- Imposing maximum building heights within the WorkSafe area; and
  - Requiring that the RA seeks the views of Work Safe Victoria before deciding on an application within the Advisory Area (Both Inner and Outer Planning Advisory Areas).
26. Having addressed the concerns of WorkSafe in this manner, while still affording them the opportunity to comment, Section 55 referral status is therefore not required.
27. It should be noted that there is limited information available to the general public, Council and departmental officers on the approach to risks associated with residential uses in close proximity to Major Hazardous Facilities appropriately, the future views of WorkSafe will be relevant.

#### **Traffic, Parking and Public Transport**

28. The Committee recommended a variety of measures within the DDO to in effect, limit the amount of parking provided in the Precinct.
29. The Department does not support limiting parking due to the Precinct being located at the end of the Williamstown train line with limited connecting services, and that cars are still the preferred mode of transport to and from Williamstown. The parking required by the scheme should remain in place and be assessed on a case by case basis.
30. Notably, the parking rates required by the scheme are currently under review by *The Car Parking Advisory Committee 2011*. Submissions were due by 7 October 2011.

#### **Urban Design and Built Form Including Design Panel**

31. The Committee recommended that a revised version of the current Design and Development Overlay is the most appropriate tool to guide future development of Precinct 20. (Committee's proposed DDO - Attachment 6)
32. The Committee DDO recommends maximum building heights of two to four storeys within the WorkSafe 'outer area' and eight storeys outside this area.
33. Although the Committee recommended mandatory height controls for the entire precinct, the Department supports mandatory height controls only for that part of the precinct affected by the 'Outer Planning Advisory Area', as both the proposed DDO11; and the suite of Heritage controls affecting the precinct provide adequate direction for appropriate design outcomes for the remainder of the Precinct.

34. The Committee proposes that the revised DDO should require any application for development of the land to be considered by a Design Review Panel. The Department is supportive of a formal process including input from the Departments Urban Design Unit, as well as the State Government Architect. **(Department's Recommended DDO11 - Attachment 7)**
35. Given these resources, and the prescriptive content of DDO11, a formal panel is not required. It should be noted that any party can still be informally notified of any permit applications within the Precinct at the discretion of the Responsible Authority.
36. The Department supports a revised version of the Committee's DDO being applied to the Precinct (DDO11) in light of the mitigating factors above including the *'Buffer From Hazardous Facilities'* section of this brief, paragraph 19-27.

#### **Environmental Audit Overlay (EAO)**

37. The Committee recommended that the EAO be extended to the entire precinct with the exception of 23 Ann Street, Williamstown.
38. The Department recommends that a precautionary approach be taken and the EAO be extended to the entire precinct including 23 Ann Street, Williamstown, as there is insufficient evidence to guarantee that there are no contaminated land issues with 23 Ann Street, Williamstown.
39. It should be noted that there may be financial implications associated with application of the EAO however, it is considered prudent to ensure that any possible land contamination issues are appropriately considered prior to any sensitive uses being established within the precinct. As the Precinct becomes more developed, the EAO may be removed if it can be demonstrated that the land has no contamination.

#### **Developer Contributions**

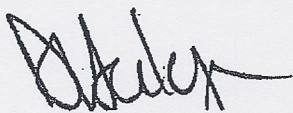
40. The Committee recommended that the developer enter into an agreement pursuant to section 173 of the Act between the Developer and the City of Hobsons Bay.
41. As a section 173 agreement is by definition an agreement between the Responsible Authority and another party, (and as it is recommended that the Minister for Planning become the RA), the Department recommends against formalised provisions for developer contributions within the DDO.
42. As RA, it is open for you to either enter into section 173 agreements on a case by case basis with anyone developing land within the Precinct. These agreements can be in favour of Hobsons Bay City Council where appropriate, or can require public works be carried out.
43. To achieve this, the notice and review provisions within DDO11 state that the RA should seek the views of (amongst others) Hobsons Bay City Council (including but not limited to detailed developer contributions to be paid or allocated to Council).


#### **Minister as Responsible Authority**

44. As previously mentioned, the Committee recommends that you become the Responsible Authority for the Precinct and be responsible for considering any future permit for redevelopment following a typical application process.
45. The Department supports your Responsible Authority status for the Precinct due to Council's ongoing reluctance to make planning decisions for this site, and the proximate State significant land uses that surround it. The Department's Priority Projects Unit is ready to brief you on any redevelopment Permit Applications that arise.

**CONSULTATION**

46. This brief was prepared in consultation with Urban Development, Heritage Victoria, Legal Services and Planning Policy and Reform units of DPCD. Hobsons Bay City Council have made submissions to the Committee, but have not been consulted in preparing this brief.



David Hodge   
Executive Director  
State Planning Services and Urban Development

Date:

18/10/11