



Planning and Environment Act 1987

Panel Report

Maribyrnong Planning Scheme
Amendment C122

2 December 2013



Planning and Environment Act 1987

Panel Report pursuant to Section 25 of the Act

Amendment C122 to the Maribyrnong Planning Scheme

A handwritten signature in dark ink, reading "Cathie McRobert". The signature is written in a cursive, flowing style.

Cathie McRobert, Chair

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Appendix A Revised Schedule 16 to the Development Plan Overlay from Appendix C of the Delegate Report City Strategy dated 11 September 2013

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List of Abbreviations

ACZ	Activity Centre Zone
B3Z	Business 3 Zone
DDO	Design and Development Overlay
DPO	Development Plan Overlay
DTPLI	Department of Transport, Planning and Local Infrastructure
EAO	Environmental Audit Overlay
EPA	Environment Protection Authority
ESD	Ecological Sustainable Design
FCAA	Footscray Central Activities Area
IN1Z	Industrial 1 Zone
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
MUZ	Mixed Use Zone
PTV	Public Transport Victoria
RZ1	Road Zone 1
SPPF	State Planning Policy Framework
VPP	Victoria Planning Provisions

Amendment Summary

The Amendment	<p>Amendment C122 to the Maribyrnong Planning Scheme relates to 11-19 Whitehall Street, Footscray (the site). It proposes to:</p> <ul style="list-style-type: none"> • Rezone the site from Business 3 Zone (B3Z) to Mixed Use Zone (MUZ). The MUZ is proposed to facilitate the redevelopment of the site for residential and commercial uses. • Apply Schedule 16 to the Development Plan Overlay (DPO16) to the site. DPO16 sets the direction for future development and includes an indicative concept plan. • Apply an Environmental Audit Overlay (EAO) to the site.
The Proponent and Planning Authority	City of Maribyrnong
Exhibition	4 July to 4 August 2013
Submissions	<p>Ten submissions were received comprising:</p> <ol style="list-style-type: none"> 1. Submissions supporting the Amendment or raising no objection from: <ul style="list-style-type: none"> • Jemena Electricity • City West Water • N Scott • VicRoads 2. Submissions objecting or seeking changes to the Amendment from: <ul style="list-style-type: none"> • Heritage Victoria • Public Transport Victoria (PTV) • Jayne Oxnard • C Mannix & D Tate • B Speth • D Camilleri

Panel Process

The Panel	<p>Cathie McRobert (Chair)</p> <p>The Panel originally also included Des Grogan as a member but was reconstituted after the directions hearing.</p>
Directions Hearing	8 October 2013 at Footscray
Panel Hearing	29 October 2013 at Planning Panels Victoria
Site Inspections	The Panel made unaccompanied inspections of the site and environs on 8 October 2013.
Appearances	<ul style="list-style-type: none"> • Maribyrnong City Council represented by Claire Baker and Katy McMahon • Ryco Hydraulics Pty Ltd represented by Damian Loughnan of G2 Urban Planning • Ben Speth
Date of this Report	2 December 2013

Overall conclusions and consolidated recommendations

In reaching its conclusions and recommendations, the Panel has considered the submissions and the other material referred to it. This includes written submissions, verbal presentations and the inspection of the site and its environs.

Overall conclusions

The Panel finds the strategic basis for the Amendment is robust and the combination of the proposed MUZ (and future ACZ), together with the framework provided by DPO16, will facilitate appropriate redevelopment of this strategic site for a mix of uses that complement plans for the Footscray Central Activities Area (FCAA). The intensity of the built form envisaged capitalises on the site's location within the activity centre Riverside Precinct, while responding to the site conditions and context. DPO16 provides a particularly comprehensive basis for assessment of proposals that has a strong emphasis on both design quality and environmental sustainability.

The nature of submissions regarding the Amendment suggest a high level of community support (or at least acceptance) of the plans for the site and the Panel commends Council and the proponent on considered planning framework that has been put forward in the Amendment.

Consolidated recommendations

For the reasons set out in this Report, the Panel recommends that Amendment C122 to the Maribyrnong Planning Scheme should be adopted as exhibited, subject to the following recommendations:

- 1. Revise DPO16 to address the issues raised in submissions as shown in Appendix A of this report.**
- 2. Provide additional guidance regarding the objectives and design guidelines for the open space at the Moreland Street frontage and the associated link through the site.**
- 3. Delete the qualification 'indicative' from the concept plan in DPO16.**
- 4. Review the matters identified in Chapter 2.9.2 of this report under 'Other drafting matters'.**

Other Recommendation

- 5. Review the implications of DPO16 on the intended scope of exemptions from permit requirements under the proposed ACZ as part the consideration of Amendment C125.**

1 Introduction

The Amendment proposes a planning framework to facilitate development of the site for a mix of uses. The proposed MUZ is intended to apply in the transitional period before the introduction of the Activity Centre Zone (ACZ) for the whole of the Footscray Central Activities Area (FCAA) through Amendment C125.

1.1 The exhibited Amendment

The MUZ

Under the proposed MUZ residential use is as of right, a permit may be granted for a wide range of other uses and development requires a permit.

DPO16

The proposed DPO16 articulates the following vision for the site:

To create a vibrant, prosperous and sustainable mixed use precinct within the Footscray Central Activities Area, offering a range of housing, employment uses and activities, and which seek to achieve high quality built form and public realm, responsive to the site surrounds.

DPO16 provides detailed guidance on the future development of the site, including the identification open space locations, maximum building heights, pedestrian linkages and vehicle access points on the Indicative Concept Plan included in the schedule (see Figure 1).

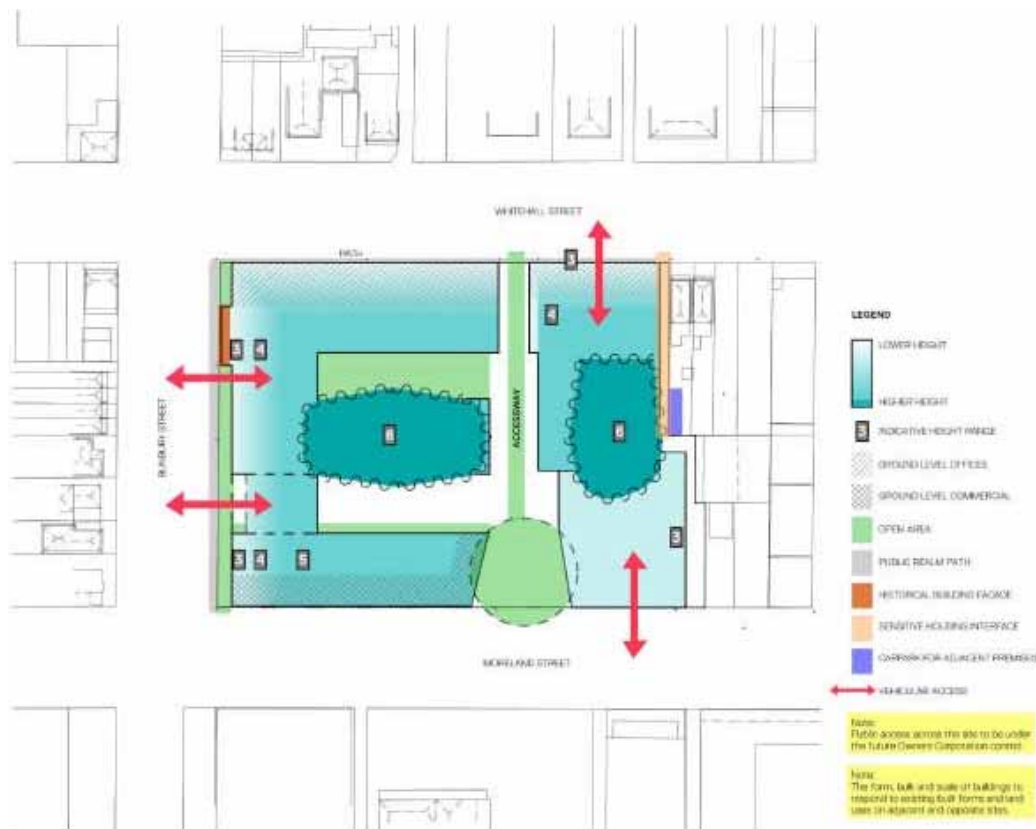


Figure 1 DPO16 Indicative concept plan.

DPO16 also requires the Development Plan to include a range of documents, reports, guidelines and plans that are prepared to the satisfaction of the responsible authority. They include:

- A planning report to detail how the development will meet the requirements of Clause 56 (subdivision).
- A site master plan which details land uses, access, urban design, staging and interface treatments. The Master Plan is informed by design guidelines which include assessments under a Clause 55 relating to matters such as shadowing, built form, layout, and street frontages.
- An integrated transport plan, which will specify in detail the infrastructure contributions to be made to the street network.
- A traffic management plan which identifies the detailed impacts and traffic measures in relation to the road network.
- A landscape concept plan which details the overall landscape treatment including a street tree master plan.
- A heritage assessment plan which addresses the existing building material on the site.
- An Ecological Sustainable Design (ESD) strategy and action plan which develops the directions espoused in the Hampton Sustainability Management Plan.
- A site remediation strategy which addresses site contamination in addition to the EAO.
- Open space - all land identified as open areas in the approved Concept Plan that forms part of the approved Development Plan must be managed by a Body Corporate, and managed in accordance with the approved Landscape Concept Plan and does not form part of the public open space contribution.
- An adverse amenity impacts report which addresses impacts from adjacent land including industrial activity and the Bunbury Street railway tunnel.
- A dwelling diversity and affordable housing report that demonstrates how the development will meet a requirement of 5% of housing stock as affordable housing.
- A construction management plan (CMP) that minimises impacts upon the amenity of the area.
- A services and infrastructure report which examines the engineering requirements of the development.
- A public realm precinct plan which details works and contributions that will be made to nearby community infrastructure, such as pedestrian access ways.

DPO16 provides an exemption from notice and review under Clause 43.04-2 for development that is '*generally in accordance with the development plan*'.

The proposed EAO

Where land has been identified as being potentially contaminated, before a sensitive use¹ commences, or before the construction or carrying out of buildings and works in association with a sensitive use, Ministerial Direction No 1 requires either:

- A Certificate of Environmental Audit to be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*; or

¹ Residential use, child care centre, pre-school centre or primary school.

- An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

The application of the EAO is proposed in response to the site's long term industrial use. Preliminary site investigations for the site² indicate that further detailed investigation, assessment, remediation and audit work is required prior to and during the development of the site. An Auditor has been appointed for the site.

The Panel accepts that the application of the EAO to the site is consistent with Ministerial Direction 1 and *Practice Note 30 Potentially Contaminated Land General Practice Note June 2005*. The application of the EAO was not contentious and is not discussed further in this report.

1.2 Post-exhibition changes supported by Council

As a result of considering issues raised in submissions, Council supports the following changes to the exhibited Amendment:

- The Heritage Inventory listing that exists for this site is to be noted in revised DPO16 (as requested and endorsed by Heritage Victoria).
- The CMP is to ensure there is no direct or indirect impact on the Bunbury Street railway tunnel and railway line and associated infrastructure (as requested by PTV).
- The Bunbury Street railway tunnel and railway line are to be specifically addressed in the adverse amenity impacts assessment (as requested by PTV).
- The environmental management report is to include more specific provisions relating to building materials, conservation and sustainability options in demolition and construction practices (in response to submissions from two residents of the area).

PTV confirmed in writing that it endorses the proposed changes to DPO schedule.

The Panel also endorses these revisions and makes no further comment on them, except to note the changes in the discussion of issues in Chapter 2.

1.2.1 Panel Recommendation

Revise DPO16 to address the issues raised in submissions as shown in Appendix A of this report.

1.3 Existing planning scheme provisions

The B3Z, which currently applies to the site, encourages the integrated development of offices and manufacturing industries and does not allow residential development. The Development Contributions Plan Overlay applies to the site, it specifies contributions to be made towards road and community infrastructure. The Bunbury Street railway line and tunnel are subject to the Heritage Overlay (HO108).

² Undertaken by Coffey Environments Australia Pty Ltd and detailed in the Site Remediation Strategy.



Figure 2 Existing zoning (The site is shaded in red)

1.4 The site and surrounds

The site is currently developed as the Ryco Hydraulics offices and factory. The land is bound by Whitehall Street, Bunbury Street, Moreland Street, and a mix of residential and small industrial uses to the north. The site is strategically located between the Footscray train station (a major transport hub located that is approximately 300 metres to the west of the site) and the Maribyrnong River (160 metres to the east) and benefits from views to the city.

The site is within the FCAA and the locality is characterised by a combination of residential, community, light industrial and business uses which comprise:

- On the northern boundary - two single storey detached dwellings with small frontages to Whitehall Street, a car park and small light industrial buildings. The height and building form of the light industrial, retail, community and residential uses to the north of the site (along Wingfield and Yewers Streets) is varied. Further north, on the opposite side of Hopkins Street is the Joseph Road precinct, which is a large urban renewal precinct designated for substantial mixed use development (including high density residential up to 25 storeys).
- To the south - Bunbury Street consists of low-rise residential buildings including some attached 'workers cottage style' dwellings and a popular local café. Underneath Bunbury Street, a reinforced concrete arch tunnel provides dual track access for freight trains traveling over the Maribyrnong River.
- To the west - Whitehall Street has varied built form with 1-3 storey medium density dwellings and a small convenience shop. Whitehall Street is a busy arterial road with two lanes in each direction and a central median. There are traffic lights at the intersection of Wingfield and Whitehall Streets and a pedestrian crossing on Whitehall Street (near the corner of Whitehall and Bunbury Streets).

- To the east - between Moreland Street and the Maribyrnong River, is the Footscray Community Arts Centre and Arts Precinct. North of the arts centre is medium to high density residential development (up to six storeys) fronting the river, which has retained elements of the heritage buildings previously on that site.



Figure 3 The site and surrounds

1.5 Background

Ryco Hydraulics has advised Council that:

- The company has increasingly found it difficult to continue its manufacturing operation in Australia.
- Whilst manufacturing will no longer remain on the site and some 40 jobs will be lost in operations/warehousing activities, the intent is for the research and development arm of the company (currently 70 people) to remain on the site in the new premises.
- Employment retention on the site is dependent on a quick passage of the rezoning proposal.

Amendment C90 to the Maribyrnong Planning Scheme, which was exhibited in May 2010, proposed to rezone land within the FCAA to the Comprehensive Development Zone (schedule 4) and to incorporate a new document titled '*Footscray Central Activities District Comprehensive Development Plan May 2010*'. There were 95 submissions lodged and the Amendment was abandoned.

Amendment C125 now proposes to implement the Footscray Structure Plan (see discussion in Chapter 1.6.4).

1.6 The strategic basis for the Amendment

1.6.1 Strategic Context

Council submitted that:

- Footscray's designation as a Central Activities Area acknowledges the many benefits and opportunities of the centre, which is just 5 km from Melbourne's CBD, is on the banks of the Maribyrnong River and is a major transit hub that will benefit from the Regional Rail Link project.
- The site's location within the FCAA brings an expectation of significant levels of change. Footscray is in transition; significant commercial change is underway and its population is expected to double over the next 20 years.
- The *Maribyrnong Economic and Industrial Development Strategy* (2011) does not identify the site as core industrial land, due to the existing sensitive interfaces with residential uses and the Footscray Community Arts Centre. However, the proposed rezoning facilitates a mix of both residential and employment generating uses that are appropriate for a Central Activities Area.

1.6.2 Planning Policy

The explanatory report and Council's submission to the Panel stated that the Amendment is consistent with the State and Local Planning Policy Frameworks, and in particular the following clauses:

- **Clause 10.04 Integrated Decision Making** – Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.
- **Clause 11.01-2 Activity Centre Planning [Strategies]** – Give clear direction in relation to preferred locations for investment.
- **Clause 11.04-1 City Structure** – To facilitate the development of a multi-centred metropolitan structure.
- **Clause 11.04-2 Activity Centre hierarchy** – To create a network of activity centres comprising the Central Activities Districts, Principal Activity Centres, Major Activity Centres, Specialised Activity Centres and Neighbourhood Activity Centres.
- **Clause 13.03-1 Use of contaminated and potentially contaminated land and 21.05- 4 Potentially Contaminated Land** – To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.
- **Clauses 15.01-1 and 21.06-1 Urban Design** – To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity; building a sense of place and community in activity centres; and encouraging a high quality public realm and well designed residential area.
- **Clause 16.01-3 Strategic redevelopment sites** – To identify strategic redevelopment sites for large residential development in Metropolitan Melbourne.
- **Clause 21.04-1 Activity Centre Planning** - The proposal supports the objectives by helping deliver '*an activity centre network with a variety of easily accessible, pleasant*

and safe places where people can gather, socialize, shop, work, live, be entertained and make use of community and leisure services without having to travel far'; and facilitating the transformation of the FCAA into a 'mixed use retail, commercial, residential and community services centre with a sense of place'.

- **Clause 21.07 Housing** - ensuring the provision of more housing opportunities in substantially changed activity centre areas, including affordable housing.
- **Clause 21.08 Economic Development** - by facilitating a diverse range of employment opportunities through mixed use development that retains office and commercial uses.
- **Clause 21.10-3 Arts and Culture** - The DPO guidelines and concept plan will address the Footscray Community Arts Centre and strengthen the role and expression of the centre.
- **21.11-1 Footscray Central Activities District** - The Amendment continues to support Footscray's position as a key activity hub.

1.6.3 Draft Footscray Structure Plan 2013

The *Draft Footscray Structure Plan 2013* utilised the numerous studies and strategies that have been prepared for Footscray, in particular Amendment C90 and the *Footscray City Edge Masterplan*. The *Footscray Skyline Study Revised Report October 2012* (prepared by SJB Architects) provided guidance on preferred building height limits and responded to the concerns raised in the Amendment C90 submissions.

The Draft Structure Plan provides guidance on land uses within the different precincts, services and infrastructure required, and the appropriate character and scale of new development. The site is within the Riverside Precinct (Precinct 4) and is identified as a key development site with proposed heights of 2 to 6 storeys. The vision for the precinct states:

The Riverside Precinct capitalises on its Maribyrnong River frontage providing multiple access points for people from the wider CAA to access the river. The mixed use precinct offers a range of housing and employment uses, utilising various building and allotment types and sizes, responding to the different urban conditions throughout the precinct. The precinct is the central focus for the arts and creative industries flourishing in Footscray. The aboriginal, archaeological and built heritage is evident and celebrated. Public realm and built form responses minimise the impact of traffic on the residents and deliver high amenity streetscapes.

The objectives for this precinct relate to:

- maintaining and respecting the precinct's diversity and historic value; creating a distinct mixed use precinct that capitalises on its river frontage and incorporates arts, historical and maritime theme;
- encouraging local employment and services without compromising the amenity of residential areas; creating multiple walking and cycling linkages to the river, nearby uses and the central and station precincts of the CAA;
- ensuring new residential development is protected from traffic noise and built form transitions to lower heights near the River frontage.

The relevant Riverside Precinct strategies are summarised below:

- *On larger sites encourage internal access ways which reflect the grid character of surrounding streets. Built form should respond to the internal street environment.*
- *Ensure buildings include appropriate building design to mitigate against traffic noise in particular along Hopkins, Whitehall and Napier Streets.*
- *Encourage development to capitalise on the precinct being the arts and creative industries focus of the CAA through provision of public art and adaptability of building forms.*
- *Buildings within the Transition Area, in particular along Moreland and Bunbury Streets and along the riverfront should provide appropriate reductions in building height and mass toward the existing lower scale buildings at the interface and not exceed 3 storeys.*
- *Built form should respect the heritage context allowing for heritage prominence to be maintained and sensitively mitigated.*

1.6.4 Amendment C125

Amendment C125, which proposes to implement the draft Structure Plan in planning scheme provisions, has been exhibited. As the site is within the FCAA and is in Precinct 4 of the Draft Footscray Structure Plan, it will be subject to Amendment C125. Amendment C125 proposes to introduce:

- The Activity Centre Zone (ACZ) with precinct specific objectives and guidelines identified in the schedule to the zone.
- A Parking Overlay (PO) to guide parking provision, the EAO and the Heritage Overlay (HO) (applied to additional places).

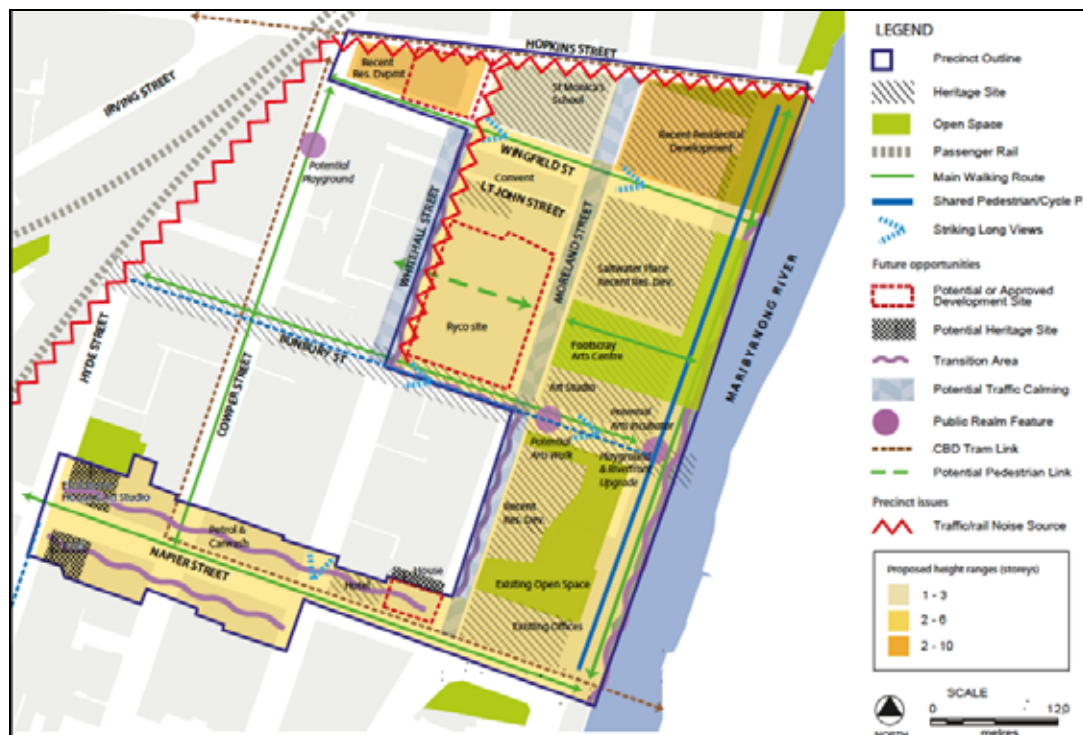


Figure 4 Riverside precinct plan (Draft Footscray Structure Plan 2013)

Amendment C125 would result in the site being included in the ACZ but DPO16, which is proposed in the current Amendment, would continue to apply.

Council and the proponent's submissions to the Panel emphasised the consistency between Amendment C125 and C122 provisions relating to the site. DPO16, including the indicative concept plan, has been informed by the relevant provisions within the Structure Plan and the ACZ.

Council submitted that a site specific amendment is the best way to proceed as it can expedite approval of an effective framework, with implementation via the development planning process. Both the Council and the proponent's submissions referred to concern that reliance on the changes proposed in Amendment C125 could result in lengthy delays for no good reason. Whereas Amendment C122 has not received any strident opposition, some 60 submissions have been lodged relating to Amendment C125. The proponent's concerns are reinforced by the recent experience where concerns raised in submissions resulted in Amendment C90 being abandoned.

1.6.5 Site Specific Investigations

The proponent commissioned a series of studies in support of the request for rezoning of the site. Reports prepared to support the Amendment request relate to traffic, social impact, heritage, ESD, infrastructure and potential contamination were provided to the Panel. They included:

- *Ryco, Whitehall Street Footscray, Heritage Assessment Biosis 2012*
- *11- 19 Whitehall Street Footscray Rezoning Application Social Impact Assessment Final Report December 16 2012 ASR Research Community Planning*
- *11- 19 Whitehall Street Footscray Rezoning Application Traffic Engineering Assessment December 2012 Traffix Group*
- *Site Remediation Strategy - Ryco Site Whitehall Street Footscray 19 December 2012 Environments*
- *Infrastructure Report Ryco Hydraulics 11- 19 Whitehall Street Footscray Rezoning Application November 2012 DCE Dalton Consulting Engineers*
- *11- 19 Whitehall Street Footscray Environmental Management Plan December 2012 Hampton Sustainability (the Hampton report).*

The Panel notes the extensive work underpinning the request for the Amendment and discusses findings of these assessments where relevant to the consideration of issues in chapter 2.

1.6.6 Discussion

There has been no challenge to submissions from Council and the proponent that this strategic redevelopment site within the FCAA enjoys policy support for development for a mix of uses or that development should optimise the opportunity presented by such a well located, large site. The Panel accepts that:

- The planning framework should facilitate a form of development that capitalises on the site's various positive attributes.

- The proposed mixed use development, with maintenance of a significant employment component on the site and encouragement of active uses at ground level along Moreland Street, is a positive attribute of the proposal.
- The planning framework proposed in Amendment C122 is informed by, and is consistent with, the planning framework for precinct 4 in the Draft Footscray Structure Plan³, which Amendment C125 proposes to implement. While this Panel's role does not extend to evaluating the Draft Structure Plan as a whole, it is clear that Amendment C122 supports the Draft Structure Plan. This provides a high level of comfort that the Amendment implements the planning intentions for the site and the FCAA.
- Reports submitted in support of the request for rezoning have considered a range of issues to be addressed in the development of the site. While in some cases these reports identify the need for further assessment in subsequent development planning and permit processes, the assessments undertaken establish an appropriate basis for evaluation of the Amendment. These reports have not identified impediments or constraints that raise any fundamental questions about the suitability of the proposed planning framework for the site.

The Panel finds the strategic basis for the Amendment is robust.

1.7 Issues raised in submissions and dealt with in this report

The following chapters of this report discuss the following issues, which were raised in submissions seeking changes to the Amendment and have not been resolved by post-exhibition changes that are supported by Council:

- Building height
- Design issues
- Traffic and parking
- Heritage
- Adequacy of Infrastructure
- Protection of street trees
- Affordable Housing
- The Form and Drafting of the Amendment.

³ The Panel notes as an aside that its brief review of the ACZ for the purposes the current Amendment raised a query, for consideration of Amendment C125, regarding the more onerous conditions proposed for warehouses than industry.

2 Consideration of the issues

2.1 Building height

2.1.1 The issues

The written submission from a resident of Bunbury Street sought a reduction in the height of buildings allowed. The submitter is concerned that the natural light to the houses in Bunbury Street may be reduced. Another written submission from residents of Moreland Street indicated that, while the proposed maximum height of six stories seems acceptable, development of a greater height would adversely impact on their property which is directly opposite the site. Mr Speth questioned the clarity of height and setbacks provisions in DPO16 and the lack of prescriptive requirements. He suggested that the 'indicative' qualification in the title of the concept plan (and other provisions) undermines confidence in the height provisions. Mr Speth would prefer revision of heights down to two stories at the street and four stories in the interior of the site. However, at the hearing he supported many aspects of the proposed building envelope as appropriate responses to the attributes of the site. Mr Speth acknowledged the rationale adopted in the concept plan relating to building height, and did not consider the six storey development in the location indicated to be egregious.

2.1.2 Discussion

DPO16, and in particular the comprehensive scope of its design guidelines, addresses a range of matters to ensure the bulk of the buildings on the site is moderated (such as through the selection of materials, built form articulation and the transition in height at key interface areas). The existing street trees, together with the requirement for the Public Realm Precinct Plan with a street tree master plan that extends to the streets immediately fronting the site, should result in public realm treatments that moderate the perception of building bulk from the adjoining streets.

The Panel agrees with the Council and the proponent responses relating to building height that:

- Three to six storeys is modest for a Central Activities Area.
- The proposed indicative height range of up to six storeys is consistent with the Draft Footscray Structure Plan which was informed by the Footscray Skyline Study. It is noted that initial options for the site that proposed buildings up to eight stories were revised to accord with the preferred height in the Structure Plan.
- Limiting height to three storeys along the Bunbury Street, Whitehall Street and south eastern boundaries responds to the site's context. The existing buildings on the site are of an industrial scale (including walls on the boundary with Bunbury Street of approximately 9.5 to 12 metres) and three storeys to the streets is lower than several recent apartment developments in the immediate area (such as the six storey building on the corner of Moreland Street and Saltriver Place).
- Analysis shows there will be no shadowing affecting the opposite side of Bunbury Street. The Panel notes that the DPO16 design guidelines require the submission of

Shadow diagrams (internal and external to the site) for the equinox between 10.00am and 3.00pm.

However, during the Hearing the Panel queried whether the very limited setback of the fourth level shown on the Bunbury Street section in Amendment application report (16 May 2013) would achieve the apparent design intent of more recessive upper levels. This section does not form part of the Amendment and the Panel is satisfied that the concept plan in DPO16 indicates a more generous setback of the upper levels from Bunbury and Whitehall Streets.

The Panel appreciates Mr Speth's concern that there could be departures from the concept plan in DPO16. However, the requirement that the Development Plan must be generally in accordance with a Concept Plan that forms part of DPO16 provides a greater level of certainty than often applies under a DPO. Furthermore, the Panel is satisfied that the proposed concept plan effectively illustrates an appropriate building envelope while maintaining some design flexibility.

Finally, the Panel notes that building height is expressed in terms of the number of storeys, rather than more specific reference to height in metres, which is often the preferred form of drafting. This drafting preference particularly applies where mandatory maximum heights are proposed, rather than nominating preferred heights, as is the case in DPO16. The Panel considers the less prescriptive reference to the number of storeys envisaged in different parts of the site in the DPO16 concept plan provides reasonable guidance on the scale of buildings to be accommodated.

2.2 Design issues

2.2.1 The issues

Submissions from two residents of the immediate area emphasised the need for high quality design, construction and finishes.

These submissions advocated the adoption of world's best practice environmentally sustainable design principles and the inclusion of features such as low embedded energy building materials, water reclamation, wind and solar power, green walls, and the promotion of active forms of transport. At the Hearing, Mr Speth indicated he was impressed by the design approach and principles identified in the Hampton report.

These residents also sought high quality public open space and highlighted the potential for cafes/restaurants/a wine bar and galleries to complement the Footscray Arts Centre precinct. Again, Mr Speth acknowledged the merit of the location of open space and pedestrian linkage on the concept plan but raised some concern regarding the public accessibility and design of the public thoroughfare through the site.

Mr Speth emphasised the importance of residents having '*a right of reply to a specific design*'. He was concerned that undertakings made during this initial stage may not be realised.

After considering submissions, Council supported changes to DPO16 to strengthen the ESD provisions by making specific reference to the Hampton report, the environmental impact of materials used, and sustainable construction practices. At the Hearing the proponent

expressed a commitment to implementing the ESD initiatives that were identified in the documentation accompanying the application for rezoning.

2.2.2 Discussion

The Panel considers that the combination of the proposed MUZ (and future ACZ), together with the detailed framework provided by DPO16, will facilitate a range of uses, built form and linkages to complement plans for the FCAA and, in particular, to reinforce Moreland Street's arts precinct role.

DPO16 provides a particularly comprehensive basis for assessment of proposals that has a strong emphasis on both design quality and environmental sustainability. The ESD provisions of DPO16 require the adoption of best practice to achieve strong environmental outcomes that reduce environmental impacts and the reference to the Hampton report in post-exhibition revisions establishes the framework for design and assessment of the proposed development during future planning processes. Features and initiatives that will reduce the development's environmental impact extend to areas such as energy and water efficiency, waste management, transport, indoor environmental quality and materials selection.

In chapter 1.2 the Panel has already recommended adoption of the proposed post-exhibition changes and this includes the revisions relating to the Ecologically Sustainable Design Strategy.

At the hearing the Panel queried the implications for public access of the DPO16 requirement (under permit conditions) for the body corporate to manage open space identified in the Concept Plan. Council and the proponent confirmed that there is a clear expectation/intention for these spaces, and particularly the thoroughfare, to be publicly accessible at all times. The management of these spaces at night will require consideration during subsequent design and assessment processes. The Panel agrees with Mr Speth that the design of the open space at the Moreland Street frontage and the associated link through the site should contribute to the integration of the site with the arts precinct and will be critical to perceptions of whether it is attractive to potential users. The Panel considers the intent for this space is apparent in the framework provided by DPO16, however, it is one area where some additional guidance could be provided. Otherwise, the Panel considers DPO16 provides a sound basis on which to progress the design and development of the site.

2.2.3 Panel Recommendation

Provide additional guidance regarding the objectives and design guidelines for the open space at the Moreland Street frontage and the associated link through the site.

2.3 Traffic and parking

2.3.1 The issues

VicRoads (Metro North West Region) was generally supportive and did not object in principle to the proposed Amendment as submitted. The VicRoads submission supported the location of the proposed vehicular access points.

The written submission from a resident of Bunbury Street expressed concern about:

- The effect of increase traffic volumes on Bunbury Street in terms of access, pollution, noise, and health issues; and
- The adequacy of on-site car parking provision and that current residents will need to compete for on-street car spaces.

2.3.2 Discussion

The site's location within the FCAA and adjoining Whitehall Street, which is a busy arterial road and truck route, provides the existing context and the basis for consideration of traffic impacts – this not an area where uncongested conditions exist and the activity centre location will require management of traffic associated with more intensive development.

The distribution of access to the site across three street frontages and rationalisation of access points will improve existing access arrangements and have been endorsed by VicRoads.

The Traffix Group review of the street network in the area supported the development concept. While the Traffix Group report foreshadowed more detailed analysis traffic network and definition of necessary remedial works as part of future planning for the site, it indicated that:

- The development will contribute to the need for traffic signals at the intersection of Hopkins Street and Moreland Street. The Panel notes that the proponent recognises that a contribution for these works will be required.
- Traffic impacts at the Whitehall Street – Bunbury Street intersection are acceptable and remedial works are not required.

The Panel is not in a position to assess specific levels of parking provision in the absence of a specific development proposal. However, the Panel notes Council advice that the intent is that sufficient parking will be provided on site to provide for its own demands and the level of car parking provision will be assessed on the basis of requirements applicable to the FCAA. Neither the assessment undertaken in support of the request for rezoning, nor the characteristics of the site and immediate area indicate that the rezoning presents particular concerns regarding parking provision that suggest the Amendment should not proceed.

Subsequent processes will address the adequacy of traffic management and car parking provision when a development plan and then a permit are submitted for a specific proposal. The Panel accepts that the Traffic Management Plan required by DPO16 will assess the likely impacts of the proposed development on traffic and car parking in nearby streets.

2.4 Heritage

2.4.1 The issues

The written submission from a resident of Bunbury Street expressed concern that the proposed design would have an adverse impact on Bunbury Street heritage values.

2.4.2 Discussion

The Panel notes that Bunbury Street railway line and tunnel are subject to HO108 but, while any future development should respect the character of residential properties in Bunbury Street to the south of the site, these houses are not recognised in the planning scheme as significant heritage places.

The Panel queried why the identification of the site as a place of industrial heritage significance in three heritage assessments⁴ has not been advanced by Council to recognition in the planning scheme. However, separate Amendment processes have addressed heritage issues more comprehensively than is possible in this Amendment, and the outcome has been that the HO does not apply to the site. The proposed concept plan in DPO16 indicates an intention to incorporate sections of the Art Deco facades in Bunbury Street as recommended in the Biosis assessment. There may be other opportunities to incorporate existing fabric or industrial themes in the design of the new development, as recommended by Biosis⁵.

As noted in Chapter 1.2 the revisions to DPO16, which include recognition of Heritage Inventory listing in DPO16 as requested by Heritage Victoria, are endorsed. The Biosis heritage assessment indicates that this level of recognition will require a consent application and Heritage Council evaluation of proposals affecting an archaeological site that will be guided by the significance and integrity of the property⁶.

2.5 Adequacy of infrastructure

2.5.1 The issues

The written submission from a resident of Bunbury Street questioned whether such high density development will adversely affect the water pressure, sewerage, waste collection services and the like for current residents in the area.

2.5.2 Discussion

The DCE Dalton Consulting Engineers assessment⁷ stated

Information provided by service authorities and on-site inspections suggest that there is (sic) adequate services to cater for the intended development and that all facilities can be provided to the subject property under the normal extension arrangements.

⁴ City of Footscray Urban Conservation Study Graeme Butler and Associates 1989, Western Region Industrial Heritage Study Vines & Ward 1989 and Maribyrnong Heritage Study (Stuart 2000).

⁵ Page 23 Ryco, Whitehall Street Footscray, Heritage Assessment Biosis 2012.

⁶ Pages 19-20 Ryco, Whitehall Street Footscray, Heritage Assessment Biosis 2012.

⁷ Infrastructure Report Ryco Hydraulics 11- 19 Whitehall Street Footscray Rezoning Application November 2012 DCE Dalton Consulting Engineers.

The Panel has no reason to question this finding. It is noted that that servicing agencies raised no objection to the Amendment and, as Council and the proponent submitted, all service infrastructure requirements will be addressed by the applicable authorities prior to development.

2.6 Protection of public transport infrastructure

2.6.1 The issues

PTV sought changes to the DPO16 Construction Management Plan and Adverse Amenity Impacts Assessment to ensure the Bunbury Street Railway Tunnel and Railway Line and associated infrastructure is not adversely affected by development of the site, either during construction or after uses commence.

A written submission from a resident of Bunbury Street queried whether additional traffic from development of the site will affect the railway tunnel under Bunbury Street as there have been past issues with subsidence.

2.6.2 Discussion

The Panel accepts the advice from Council that PTV, VicTrack and Council's Department of Development have confirmed there have not been any significant issues with subsidence in this area.

As noted in Chapter 1.2, the Panel has endorsed post-exhibition revisions to DPO16 that respond to PTV concerns.

2.7 Protection of street trees

2.7.1 The issues

Mr Speth sought assurances that street trees would be protected during construction.

Council responded that, in accordance with Council's Street Planting Strategy (2013) the design of buildings and crossovers is expected to avoid adverse impacts upon street trees.

2.7.2 Discussion

In addition to Council's Street Planting Strategy, the Panel notes that DPO16 also requires street trees to be addressed. DPO16 requires the preparation of Public Realm and Arts Precinct Plan, which details how the development will improve the public realm adjacent to the site, and a Landscape Concept Plan which, amongst other things, includes a street tree master plan for the streets immediately fronting the site. Further, in addition to the obligations to protect street trees, it is highly likely that the future developer will recognise that the mature street trees on adjoining streets are an asset that should be protected.

2.8 Affordable housing

2.8.1 The issues

Mr Speth emphasised the appeal of Footscray as an economically and socially diverse community and expressed concern that most current Footscray residents could not afford housing in new developments in the locality. He would like 50% of the units on the site to be for low and middle income individuals and families. While Mr Speth acknowledged such a

requirement may be ambitious, he considered the bar should be set higher than the 5% sought by DPO16. Mr Speth noted the potential role of housing associations and cited international and interstate examples where development was subject to higher rates of affordable housing provision, such as in South Australia where 15% affordable housing is required where surplus government land is redeveloped and in Ireland where the rate is 20%.

Council expressed concern that, in the absence local or state policy framework support for affordable housing targets and an implementation mechanism, a 50% target could not be delivered. It responded to this issue, in summary, that:

- The level of affordable housing requested must also meet market demands and developers ability to provide the target proposed.
- The 5% affordable housing provision in DPO16 is consistent with Council's current practice for negotiating inclusion of affordable housing as part of redevelopment of key sites and is considered realistic and achievable on the site.
- The provision is consistent with the Social Impact Report view:

Although a non-statutory requirement, this assessment recommends that, as a general guide, the subject site strive to have 10% of all its dwellings classified as "affordable housing" (or 60 dwellings).

Based on the 10% affordable housing target, this assessment recommends 4% (or 24 dwellings) be delivered by the private sector (using the definition of Affordable Housing" adopted by Council) and 6% (or 36 dwellings) be delivered as some form of social housing.

This social housing proposal would be conditional upon funding (land and construction) being secured by a registered Community Housing Association in partnership with the developer(s) of the subject site.

The 5 % provision in the DPO is slightly higher than the 4% recommended in the report suitable for private sector delivery and is considered a realistic figure in terms of what is deliverable on the site given the current policy and delivery environment.

In the absence of a specific provision in the Planning scheme that requests a specific percentage for Affordable Housing that is justified by a strategically sound evidence base indicating that it is realistic and deliverable in the current market situation, it is not considered appropriate to increase the level beyond the 5% without an understanding of how the relative viability of such a policy target could be delivered.

2.8.2 Discussion

While the Panel recognises the very substantial need for more housing that is affordable, the 5% provision in DPO16 reflects an agreed position between Council and the proponent and this agreement has been reached in the absence of explicit policy directions on the issue. If more affordable housing is actually provided, this would be a positive outcome but the proposed provision at least provides for the inclusion of some affordable housing in the development of the site.

2.9 The form and drafting of the Amendment

2.9.1 The issues

A submission from a local resident supported of the mixed used zone proposed and high density development in this location. The themes and provisions of the DPO were generally endorsed as appropriate but it was argued that, for such a large site the Design and Development Overlay (DDO) provides a more appropriate mechanism to guide future development than the DPO. This was primarily due to there being too much scope for proposals to be deemed to be 'generally in accordance' with the approved development plan and the associated loss of third party rights to notice and appeal rights under the DPO. Like Mr Speth, this submission considered the opportunity for review by the community of the plans submitted acts as a disincentive to the submission of plans with significant shortfalls, such as poor materials, excessive blank walls at ground levels, excessive borrowed light, poor cross-ventilation, car parking areas that are not concealed and heights in excess of those originally contemplated in the DPO.

Council advised the purpose of the relevant overlays and the VPP *Practice Note 23 Applying the Incorporated Plan and Development Plan Overlays* were considered when deciding which overlay to use. Council submitted that the use of a DPO on the Ryco site provides greater certainty for the community, landowners and third parties about the form of development likely to be realised on the site than would be provided under the current zoning and future ACZ for the site. Council argued that the DPO achieves benefits of integrated planning for use and development within a comprehensive set of explicit guidelines. The DPO provides a strategic framework that can provide guidance on issues beyond built form and the built environment such as provisions for contextual and social planning, land use, traffic, potentially contaminated land, construction management and adverse amenity issues relating to the Bunbury Street Railway Tunnel and Railway Line. Therefore, the DDO was not considered the best planning tool to guide future use and development of the Ryco site. The DPO was also preferred to the alternative of the Incorporated Plan Overlay as it was considered development can be appropriately managed by a plan which satisfies the planning authority and a planning scheme amendment was not considered necessary in this case to amend the plan.

Council noted that:

- Where development is not generally in accordance with the plan approved under the DPO, for example if the height identified on the concept plan in DPO16 were exceeded, then normal third party rights would apply.
- The Ryco site is in single ownership with no existing residential population, and is not directly adjoining an established residential area. There are two residential properties on the northern boundary which benefit from existing use rights but are located within a non-residential zone.
- The comprehensive strategic planning and community consultation undertaken as part of Amendment C122 and the wider Footscray Amendment C125 provided opportunities for third parties to present their views and concerns relating to the development of the site.

- The exemption from notice and review provided under the DPO16 is consistent with exemptions from notice and review under the proposed ACZ which turns on these rights in limited circumstances⁸

2.9.2 Discussion

The DPO and Third Party Rights

The DPO removes third party rights in both the development planning process and, if the proposal is consistent with the approved development plan, for an application under any provision of the planning scheme.

DPO16 has been developed with the benefit of extensive work undertaken to inform the Footscray Structure Plan, as well as detailed site specific assessments. The current Amendment and Panel processes have also provided third parties with opportunities to present their views and concerns about the type of development to be facilitated on the site. It is apparent from the submissions made that there is an unusual level of comfort about the proposed form of development and, with exception of one written submission, concerns that exist relate more to the potential for departures from that framework.

The Panel agrees with Council that the comprehensive framework proposed in the DPO16, including the Indicative Concept Plan within the schedule to the overlay, provides clear direction and certainty about the future form of development of the site (although the Panel considers the qualification 'indicative' should be deleted from that plan in DPO16 as the conceptual nature of the plan is apparent). The Panel is satisfied that DPO16 delivers an appropriate level of assurance that key parameters – such as the building envelope, the location of vehicle access points, open space and pedestrian linkages, ESD principles, public realm considerations and the like- will provide for well designed redevelopment of this large site to contribute to realisation of the objectives of the Structure Plan Riverside precinct without unreasonable impacts on the amenity of the area. The Panel considers it is reasonable in these circumstances for the 'technical' assessment of proposals and the various plans to be submitted in subsequent planning processes to rest with the Responsible Authority.

Given the very comprehensive framework provided by DPO16, the Panel concludes that the removal of third party right for subsequent planning processes is reasonable.

The exemption from all permit requirements for proposals that are consistent with an approved development plan under the DPO should be reviewed as part the consideration of Amendment C125; for example, to ensure that the limits on exemptions under the proposed ACZ are not inadvertently affected by the exemptions associated with DPO16.

⁸ Including – Specified uses within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre; and an application to use the land for the purposes of a Gambling premises, Hotel, Nightclub, Place of assembly or Tavern.

Other drafting matters

During the course of the hearing the following matters regarding the drafting of DPO16 were noted:

- Provision for re-subdivision of the existing titles on the site could compromise the redevelopment and review of the second last dot point of Clause 1 is suggested.
- It is not clear whether the reference to '*the approved Concept Plan that forms part of the Development Plan*' under Clause 2 Open space is intended to refer to a new plan or the plan that forms part of DPO16. This should be clarified.
- There is some overlap between the Traffic Management Plan and the Integrated Transport Plan and consideration could be given to combining these plans.

2.9.3 Panel recommendations

Delete the qualification 'indicative' from that concept plan in DPO16.

Review the implications of DPO16 on the intended scope of exemptions from permit requirements under the proposed ACZ as part the consideration of Amendment C125.

Review the matters identified in Chapter 2.9.2 of this report under 'Other drafting matters'.

Appendix A Revised Schedule 16 to the Development Plan Overlay from Appendix C of the Delegate Report City Strategy dated 11 September 2013

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SCHEDULE 16 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO16**.

RYCO PRECINCT FOOTSCRAY

This schedule applies to land known as 11-19 Whitehall Street, Footscray. The land is bounded by Whitehall Street to the west, Moreland Street to the east and Bunbury Street to the south.

1.0

Requirements before a permit is granted

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A permit may be granted for the following, before a Development Plan has been approved:

- Any earthworks associated with the remediation of the land in accordance with or for the purpose of obtaining a Certificate or Statement of Environmental Audit under the *Environment Protection Act 1970* provided the works are carried out in accordance with a Construction Management Plan prepared in accordance with this Schedule.
- The construction of that part of any building which is associated with the remediation of the land in accordance with or for the purpose of obtaining a Certificate or Statement of Environmental Audit under the *Environment Protection Act 1970* provided the works are carried out in accordance with a Construction Management Plan prepared in accordance with this Schedule.
- The removal of any building for the purpose of remediation of the land in accordance with or for the purposes of obtaining a Certificate or Statement of Environmental Audit under the *Environment Protection Act 1970* provided the works are carried out in accordance with a Construction Management Plan prepared in accordance with this Schedule.
- Subdivision of the land, provided that the subdivision is the re-subdivision of the land and the number of lots is not increased.
- Removal or creation of easements or restrictions.

2.0

Conditions and Requirements for Permits

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Except for a permit issued as provided for under Clause 1.0, a permit must contain conditions or requirements which give effect to the provisions and requirements of the approved Development Plan.

A permit must also contain the following conditions, where appropriate:

Construction Management Plan

Prior to the commencement of any development on land affected by environmental or historical significance, plans and/or any necessary reports demonstrating how the development will implement the recommendations set out in the Construction Management Plan forming part of the approved Development Plan must be submitted to the satisfaction of the responsible authority, **Public Transport Victoria and Vic Track**. Once approved the plans and/or reports will form part of the permit.

Open Space

All land identified as open areas in the approved Concept Plan that forms part of the approved Development Plan must be managed by a Body Corporate, and managed in accordance with the approved Landscape Concept Plan and does not form part of the public open space contribution.

Integrated Transport Plan

Prior to commencement of the development permitted by this permit, the recommendations set out in the Integrated Transport Plan that forms part of the approved Development Plan must be implemented to the satisfaction of the responsible authority, **Public Transport Victoria and Vic Roads.**

Adverse Amenity Impacts

The development must implement any recommendations set out in the various report(s) prepared pursuant to the requirement at Clause 3.0 (Adverse Amenity Impacts Report) of this Schedule to the satisfaction of the responsible authority **and the Department of Transport, Planning and Local Infrastructure.**

3.0

Requirements for Development Plan

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A Development Plan must be generally in accordance with the Concept Plan forming part of this Schedule to the satisfaction of the responsible authority.

Supporting Information Requirements

The Development Plan must include the following documents, reports, guidelines and plans, prepared to the satisfaction of the responsible authority:

Planning Report

A planning report must be prepared to the satisfaction of the responsible authority that includes:

- How the proposed development plan will meet the requirements of Clause 56 of the Scheme as may be necessary; and
- Demonstrates how the recommendations of the Construction Management Plan, Adverse Amenity Impact Report, Heritage Plan, Integrated Transport Plan, Environmental Audit Report and Ecological Sustainable Design Strategy have been incorporated into the proposed development of the land.

Site Master Plan

A Site Master Plan must be prepared to the satisfaction of the responsible authority that includes:

- Land uses across the site;
- Key access points, including indicative vehicle and pedestrian crossovers;
- Urban design principles;
- Indicative staging plan to identify the proposed sequencing of development;
- Vehicular access points, road infrastructure works and traffic management for each stage of development; and
- Interface/access treatments.

Design Guidelines

Design Guidelines must be prepared to the satisfaction of the responsible authority.

The Design Guidelines must provide the following:

- Indicative building heights and setbacks;
- Shadow diagrams internal and external to the site for the equinox between 10.00am and 3.00pm based on the building envelopes or arrangement shown in the proposed Concept Plan;
- Bicycle parking provision, including an indicative layout of bicycle spaces situated within the site and along public thoroughfares adjacent to the site;
- Car parking provision, including an indicative layout of car parking spaces, and external and internal traffic routes detailing the exit and entry arrangement for vehicles;
- Indicative waste storage and collection points;
- Development concept plans including indicative elevations and cross sections;
- Indicative building materials, treatments, including reflectivity details and architectural styles throughout the site;
- Indicative siting and orientation of buildings having regard to passive energy efficiency techniques and the relevant considerations of Clause 15.01-1 Urban Design and Clause 55 (as appropriate) of the Scheme;
- Indicative treatments for key interface areas (e.g. between open space areas and proposed development, within existing streetscapes, and between residential and non-residential land uses and the proposed development);
- Any particular design measures recommended by the Activity Centre Design Guidelines (DSE 2005), the Design Guidelines for Higher Density Residential Development (DSE 2004) and Safer Design Guidelines Victoria (Crime Prevention Victoria and DSE 2005); and
- Any particular and relevant design measures recommended by the Construction Management Plan, Adverse Amenity Impact Report, Integrated Transport Plan, Heritage Plan, Ecological Sustainable Design Strategy, Environmental Audit Report and the Site Remediation Strategy (as appropriate).
- A written description of how the development will enhance the existing urban realm and minimise any adverse amenity impacts to adjacent or nearby sites. The written description must include the following details:
 - Built Form, with particular regard to the setback and articulation of upper levels to minimise shadow and bulk impacts;
 - Layout, with particular regard to passive surveillance, wind conditions, differentiation of commercial, office and residential uses and opportunity for communal public spaces;
 - Street Frontages, with particular regard to the Footscray Arts Precinct along Moreland Street, existing low scale residential uses adjacent to and abutting the site, and integration of a suitable architectural language and scale along the three street frontages.

The Guidelines must be consistent with the following vision and objectives:

Vision

"To create a vibrant, prosperous and sustainable mixed use precinct within the Footscray Central Activities Area, offering a range of housing, employment uses and activities, and

which seek to achieve high quality built form and public realm, responsive to the site surrounds."

Objectives

- To encourage a mixed use precinct that provides for local employment and services without compromising the amenity of residential areas;
- To provide a range of housing types, catering for different households;
- To ensure the built form and urban realm is designed to a high quality, providing good amenity for residents and other users of the site and surrounds;
- To assist with walking and cycling linkages proximate to the site and to key transport hubs, education, employment and services;
- To capitalise on the site's proximity to the Maribyrnong River and Footscray Community Arts Centre;
- To ensure development respects both the existing and preferred urban form, including buildings, streetscapes and open space areas;
- To ensure new residential development is well protected from traffic noise and adverse amenity impacts;
- To ensure that sensitive land uses are protected from noise, vibration and emissions associated with the use and operation of the Bunbury Street Railway Tunnel and Railway Line;
- To minimise the impact of car parking along street frontages; and
- To support ESD guidelines throughout the construction and design of the development, with particular regard to sustainable and cost effective design of buildings on site.

Integrated Transport Plan

An Integrated Transport Plan (ITP) must be prepared to the satisfaction of the responsible authority, **Public Transport Victoria and Vic Roads**. The Plan must consider and be designed to minimise any adverse social, economic and environmental affects. The Plan must provide the following details:

- The expected demand for travel by people who will live, work or visit the site and target transport mode split to encourage walking, cycling and use of public transport by future residents;

An implementation plan which identifies:

- Existing and proposed public transport routes, stops and infrastructure (e.g. shelters, indented bay/s, signage, pedestrian crossings and potential locations for car sharing facilities) within the site and surrounds;
- Existing and proposed pedestrian and bicycle paths and bicycle parking within the sites and surrounds;
- Details of proposed traffic management and controls works on the land and nearby roads;
- Contributions to be made by the owner to the preparation, monitoring and implementation of the plan including the reasonable cost of works made necessary by the development;
- Contributions to the pedestrian signalisation at the intersection of Moreland Street and Hopkins Street;

- The timing, method and security for payment of any contribution;
- Strategies to promote the safety, health and wellbeing of all users within and surrounding the site, including nearby residents; and
- Provision for ongoing monitoring and review of the implementation of the plan.

Traffic Management Plan

A Traffic Management Plan (TMP) must be prepared to the satisfaction of the responsible authority and VicRoads. The Plan must provide the following details:

- The likely traffic generation of the proposed development;
- The likely traffic impacts of the proposed development on the site and the broader road, pedestrian and bicycle network;
- The likely traffic impacts of the proposed development along Bunbury Street, Whitehall Street, Moreland Street and Wingfield Street;
- The likely traffic impacts of the proposed development on car parking along nearby streets; and
- A road safety audit of the design and proposed traffic management measures and incorporating:
 - Recommended car and bicycle parking rates;
 - Road layout, road widths and reserves and site access;
 - The design of the footpaths, bicycle paths and shared pathways network;
 - Internal and external intersections, performance and treatments;
 - Traffic management measures and signalisation as may be appropriate;
 - Public transport routes and stops within the site and surrounds; and
 - The means of vehicular ingress and egress from the site to surrounding roads.

Landscape Concept Plan

A Landscape Concept Plan must be prepared to the satisfaction of the responsible authority. The Landscape Concept Plan must provide the following details:

- An overall landscape master plan for the site and adjacent areas, including a street tree master plan for the site and for the streets immediately fronting the site;
- A plant and materials schedule;
- A written description of the management of all reserves, landscaping areas and water sensitive urban design treatments;
- Proposed use, management and landscape plan for public open spaces;
- Typical cross sections for Bunbury Street, Whitehall Street and Moreland Street; and
- Details of how the Landscape Concept Plan addresses any requirements of the Site Remediation Strategy for the land and any other relevant requirements of the Development Plan.

Heritage Assessment Plan

Prior to the commencement of proposed buildings and works on the land, a suitably qualified person(s) shall prepare a further heritage assessment report which responds to the recommendations of the Biosis Heritage Assessment (2012). The assessment should address and consider:

- The Heritage Inventory listing for the site; and
- the delivery of future development options, including the possible retention or reinterpretation of pre-existing building materials on site.

Ecological Sustainable Design Strategy

An Ecological Sustainable Design Strategy and Action Plan (ESD Strategy Plan) must be prepared in consultation with, and to the satisfaction of the Responsible Authority which responds to the recommendations of the Hampton Sustainability Environmental Management Plan (2012).

The ESD Strategy Plan must address the major components of the proposed development and construction processes and:

- Demonstrate best practice and the use of recognised technologies;
- Compliance with all statutory obligations in environmental sustainability;
- Identify the level of sustainability performance standards to be adopted; and
- Demonstrate the means by which the agreed level of sustainable performance standards will be achieved.

The ESD Strategy Plan must be based upon the following principles:

- Energy conservation, with the objective of contributing in a significant way to local, national and international efforts to reduce energy usage and green house gas emissions;
- Water conservation, ensuring that water resources are managed in a sustainable way;
- Water sensitive urban design and reducing the impacts of stormwater on bays and catchments. Adopt the principles as detailed in the "Urban Stormwater Best Practice Environmental Management Guidelines"(Melbourne Water);
- Building design and layout must provide good solar access and daylight opportunities;
- Transport planning with the aim to encourage walking, cycling and use of public transport;
- Land-use and transport planning and infrastructure provision to contribute to improved air quality;
- Options to reduce the amount of waste generated and encourage increased reuse and recycling of waste materials;
- Building materials conservation, including consideration of their environmental impact and where practical, an accredited material will be specified;
- Sustainability options in demolition and construction practices, including seeking to reduce the amount of construction materials required through designing to standard dimensions, double backed units and where practical and feasible, items such as bathrooms and kitchens to be pre-fabricated offsite;
- Landscaping considering the provision of habitat, green spaces, climate control and reducing the 'urban heat island' effect; and
- Indoor environmental quality and healthy internal environments.

The ESD Strategy Plan must have regard to the following:

- If considered appropriate, the preparation of individual plans dealing with different aspects of the use and development;
- Specify when individual plans must be prepared;
- Identify responsibilities and detail an implementation and staging strategy;
- A strategy for review, maintenance and monitoring; and
- New resident awareness and education to promote the objectives of sustainability.

Site Remediation Strategy

Before a Development Plan is approved, a Site Remediation Strategy must be submitted to the responsible authority that addresses and makes recommendations in relation to the:

- Options and a preferred approach to the remediation of soil and groundwater;
- Targeted condition of the site as specified by the Environmental Auditor to suit the range of land uses;
- Locations across the site of proposed clean up work;
- Options for remediation technologies taking into account logistics, technology availability, estimated cost, and likely effectiveness;
- A schedule of remediation activities;
- Expected pattern/staging and indicative timeframes for signed Certificates and Statements of Environmental Audit across the site following the clean up of the site;
- Indicative site management and monitoring controls that will be necessary following each clean up activity; and
- Identifying the parties responsible for key activities and for subsequent site management and monitoring.

The Site Remediation Strategy may be prepared in stages where the development is prepared in stages and must be to the satisfaction of the responsible authority (and Environmental Auditor if required).

Adverse Amenity Impacts Report

An Adverse Amenity Impacts Report(s) must be prepared by a suitably qualified person(s) to the satisfaction of the responsible authority and the Department of Transport, Planning and Local Infrastructure. The report must identify all potential adverse amenity impacts from nearby uses and consider:

- Whether the proposed use and development is likely to be affected by activity on any adjacent properties;
- Noise, vibration and air pollution impacts from adjacent areas, having regard to the type of industrial activity in the area and prevailing wind direction;
- Use and operation of the Bunbury Street Railway Tunnel and Railway Line; and
- Any natural environmental conditions on and surrounding the site.

If the report identifies that the proposed use and/or development may be adversely affected, specific recommendations must be provided with the report for appropriate measures to ensure the proposed use and/or development is not adversely affected by the identified impacts.

Dwelling Diversity & Affordable Housing Report

A Housing Report must be prepared to the satisfaction of the responsible authority. The report must provide:

- A demographic analysis of the types of people and households anticipated to live within the development;
- Demonstrate how the development will support the existing and future population of the Footscray Community;
- Proposed dwelling typologies for the development; and
- Demonstrate how the development proposes to provide 5% of the overall housing stock as affordable housing. The report must also include criteria for determining affordable housing stock.

Construction Management Plan

A Construction Management Plan (CMP) must be provided prior to any works including site remediation and demolition. The CMP must detail how the development of the land will be managed to ensure that the amenity of the nearby area is not detrimentally affected. The CMP must address; demolition, site remediation, bulk excavation, management of the construction site, land disturbance, hours of construction, noise, control of dust, public safety, construction vehicle road routes and traffic management, soiling and cleaning of roadways, discharge of any polluted water and stormwater, security fencing, disposal of site waste, and any potentially contaminated materials, location of cranes, location of site offices, parking for construction staff vehicles and heavy construction vehicles, storage of plant and equipment, redirection of any above or underground services, protection of nominated trees, and site lighting during any night works.

The CMP must also address methods for responding to complaints associated with the construction works and provide site manager contact details.

The CMP must satisfy the requirements of Public Transport Victoria and Vic Track to ensure that any development of the land (including site works, excavation and earthworks) do not have any impact on the Bunbury Street Railway Tunnel, Railway Line and associated infrastructure.

Services and Infrastructure Report

A Services and Infrastructure Report must be provided to identify all existing and proposed infrastructure requirements and easements (Water, Sewerage, Gas, Electricity, Telecommunications, Drainage, Storm Water overland flow points and Water Sensitive Urban Design) to service the proposed development. The report must also consider any impacts on sub-grade infrastructure of the adjacent Bunbury Street Railway Tunnel.

Public Realm Precinct Plan

A Public Realm and Arts Precinct Plan must be prepared to the satisfaction of the responsible authority. The Plan must detail how the development will contribute towards improving the public realm adjacent to the site, with particular regard to the Bunbury Street Public Art Walk. The plan must demonstrate how the development will:

- Contribute to the Bunbury Street Public Art Walk;
- Promote inviting, pedestrian-friendly public spaces which encourage social interaction and activities;
- Encourage safe and functional access for pedestrians, cyclists, public transport users and drivers; and
- Support a range of community uses and spaces, including the Footscray Community Arts Centre and Maribyrnong River.

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Indicative Concept Plan

INDICATIVE CONCEPT PLAN

