

PLANNING COMMITTEE REPORT

Agenda Item 5.2

8 July 2008

**APPLICATION FOR PLANNING PERMIT: TP-2007-1228,
1-39 HOBSON'S ROAD, KENSINGTON, 3031**

Division Sustainability and Regulatory Services

Presenter Shiran Wickramasinghe, Manager Planning and Building

Purpose

1. To advise Committee of an application for planning permission to demolish the existing buildings on site and construct 45 warehouse units and a five-storey office building at 1 - 39 Hobson's Road, Kensington.
2. This report is presented to Committee at the request of Councillor Clarke.

Summary

Application Number: TP-2007-1228

Proposal: To demolish the existing buildings on site and construct 45 single storey warehouse units and a five-storey office building featuring a food and drink premises and reduce the car parking requirement associated with the development.

Applicant: Hobson's Pty. Ltd., C/- Connell Wagner Pty. Ltd.

Zoning: Part Business 3 Zone (B3Z), part Public Use Zone 4 - Transport (PUZ4) and part Public Use Zone 1 - Service and utility (PUZ1)

Overlay: Land Subject to Inundation Overlay (LSIO)
Part Heritage Overlay No. 239 - 1 - 39 Hobson's Road (HO239)

Existing Use: Site currently disused

Number of Objections: None. Given that the application does not comply with the Council's vision for the site as detailed in the Municipal Strategic Statement, it was considered that the application should be refused outright without being advertised.

Recommendation from Management

3. That the Planning Committee:
 - 3.1. note that the permit applicant has appealed against Council's failure to determine the application within the prescribed time and that if Council were in a position to determine the application the Officer would recommend that it be refused.
 - 3.2. endorse the Officer's recommendation that the application would be refused so that Council may advise the Victorian Civil and Administrative Tribunal (VCAT) of its position.

Proposal

4. The 45 proposed warehouse units will be divided across five buildings, two fronting Hobson's Road, one extending along the north-west boundary of the site, one extending along the southern boundary of the site and one in the centre of the site.
5. Though the applicant has defined the warehouse units as 'warehouse and office suites', these units are best described as 'warehouses' only. Each unit will comprise warehouse/showroom space, a loading bay, waste storage area and toilet facilities. Any office space within the units would be ancillary to the warehouse use.
6. Ranging in size from 116 square metres to 311 square metres and standing to an approximate height of 9.5 metres, each warehouse unit will be finished in pre-cast concrete panels and galvanised steel.
7. 155 at grade parking spaces will be constructed off the internal roadway running through the site. These spaces will be allocated to each of the warehouse units and for visitor parking.
8. The proposed office building will be located on the south-east corner of the site adjacent to the Hobson's Road/Kensington Road intersection. This office building will be setback behind an existing easement extending along the southern boundary of the site. An access ramp leading into the building will be constructed on this easement.
9. The office building will have a maximum height of 24.55 metres and include a 54 space car park at basement level, office space, a food and drink premises, a 19 space car park at ground floor level and four levels of office space above. In total, the building will comprise 5,440 square metres of office floor area.
10. At roof level, the building will feature a timber deck, staff recreation area and amenities and service equipment/plant.
11. To accommodate the development, and in accordance with Melbourne Water's requirements, the site will be filled to ensure the finished ground floor level of all buildings is 3.4 metres to Australian Height Datum (AHD). This will ensure 600mm clearance above the applicable flood level. Consequently, Hobson's Road adjacent to the intersection with Balmer Street will also be raised by approximately 1.2 metres. Ramps extending 25 metres along Hobson's Road will be constructed either side of this raised road.

Background

12. The application was referred to the following referral authorities:
 - 12.1. Director of Public Transport;
 - 12.2. VicTrack; and
 - 12.3. Melbourne Water.
13. The application was also referred to the following service providers, easements in favour of which extend across part of the site:
 - 13.1. SP Ausnet;
 - 13.2. City West Water; and
 - 13.3. Alinta Electricity.

14. The comments of each of these referral authorities and service providers follows.

Director of Public Transport

15. The Director of Public Transport did not object to the application subject to conditions limiting the number of parking spaces on site to 232.

VicTrack

16. VicTrack did not object to the application subject to conditions regarding the appropriate discharge of stormwater, all construction works being carried out within the curtilage of the site, the appropriate safety measures being put into place prior to the commencement of building works and the southern boundary of the site being treated so as to limit opportunities to graffiti proposed buildings.

Melbourne Water

17. Melbourne Water did not object to the application subject to conditions requiring the finished ground floor levels of all new buildings being a minimum of 3.4 metres to Australian Height Datum (AHD). This will ensure 600mm clearance above the applicable flood level.

SP Ausnet

18. Though SP Ausnet did not object to the application per se, it did state that warehouse units 20 - 38 should be setback behind the power easement which extends along the southern boundary of the site.
19. SP Ausnet stated that the driveway extending along the southern side of the office building on the easement was however acceptable as this driveway would not impede access to overhead powerlines.

City West Water

20. City West Water did not object to the application subject to conditions requiring the owner of the site to enter into agreements with it for the provision of water and sewerage supplies.
21. City West Water also stated that should the owner wish to build over an easement in favour of City West Water, the owner will need to first seek City West Water's permission.

Alinta Electricity

22. Alinta Electricity did not respond to the Council's request for comments.
23. The general support of external referral authorities/service providers relates to the specific functions of these referral authorities/service providers and does not consider the strategic importance of, or the Council's vision for, the site.
24. In addition to these external referrals, the application was also referred internally to Local Policy, Urban Design, Engineering Services and the Council's Heritage Consultant.
25. The comments received from internal referral parties highlighted a number of concerns. These concerns are discussed later in this report (refer Paragraph 60 onward).
26. In short, internal referral parties queried the relationship of the application to the Municipal Strategic Statement and proposed Amendment C124 to the Melbourne Planning Scheme.

27. Amendment C124 proposes to re-zone the site (except all land within 30 metres of the Maribyrnong River) from part B3Z and part PUZ4 to Mixed Use (MUZ) and apply an Environmental Audit Overlay (EAO) over this part of the site. The amendment also proposes to re-zone all land within 30 metres of the Maribyrnong River from part PUZ4 and part PUZ1 to Urban Floodway Zone (UFZ). In addition to this the amendment also proposes to apply an Incorporated Plan Overlay (IPO) over the site and include this IPO as an incorporated document in the Planning Scheme. This IPO sets out preferred building heights, setbacks and road alignments.
28. On 29 April 2008, the Planning Committee approved Amendment C124 for exhibition. The amendment was subsequently submitted to the Minister on 12 May 2008 seeking authorisation to exhibit (Refer Attachment 3).
29. As of 27 June 2008, the Minister's office had not responded to the Council's request to exhibit the amendment.
30. On 14 May 2008, following the receipt of all comments, officers wrote to the permit applicant advising of the concerns raised by internal referral parties and advising of the options to progress the application. These options were:
 - 30.1. amend the application in accordance with the comments received;
 - 30.2. request that the Council assess the application as proposed; or
 - 30.3. withdraw the application.
31. On 21 May 2008, the permit applicant requested that Council assess the application as proposed.
32. On 13 June 2008, Council received notification from VCAT that the permit applicant had appealed against Council's failure to determine the application.
33. On 30 June 2008, the Council received a copy of a notice sent to the Applicant for Review from VCAT directing that the application be advertised. The notice states that the Applicant for Review is expected to complete the advertising within 30 days of the date of the notice (30 July 2008).

Key Issues

34. The key issues for consideration are:
 - 34.1. the relationship of the application to the Municipal Strategic Statement (MSS);
 - 34.2. the relationship of the development to Clause 19.03 (Design and built form) and Clause 22.17 (Urban design outside the Capital City Zone); and
 - 34.3. the relationship of the application to proposed Amendment C124 to the Melbourne Planning Scheme.

Time Frame

35. Section 79 of the *Planning and Environment Act 1987* states that an applicant for a permit may apply to VCAT for review of the failure of the Council to grant the permit within the prescribed time, being 60 days. Mechanisms exist to extend this time where further information may be required or the application needs to be advertised.
36. The application was lodged on 24 December 2007. Further information was requested on 8 and 18 January 2008. Given these requests were made within 28 days of the date the application was lodged, the number of processing days reset to zero on the date the required information was received.

37. All required information was received by 7 April 2008. The date by which the application was required to be determined was 6 June 2008.

Relation to Council Policy (including Municipal Strategic Statement)

State Planning Policy Framework

38. The following State Planning Policies apply:
- 38.1. Clause 14.01 - Planning for urban settlement;
 - 38.2. Clause 15.01 - Protection of catchments, waterways and groundwater;
 - 38.3. Clause 15.02 - Floodplain management;
 - 38.4. Clause 15.11 – Heritage;
 - 38.5. Clause 17.02 – Business; and
 - 38.6. Clause 19.03 - Design and built form.

Local Planning Policy Framework

39. The vision of the MSS as it relates to Kensington and Flemington and this application is:

“...Kensington continues to thrive as an urban village, accommodating a diverse residential community and mix of uses.

Maintaining and enhancing residential amenity and the heritage characteristics of the area remain a priority for Kensington and Flemington.

Industrial uses continue to be supported; the interface between residential uses and established industrial areas has been managed to protect both residential amenity by ensuring off site impacts from industry have been minimised, and also by protecting industry from the encroachment of residential development.

The cumulative off site impacts of new residential, commercial and industrial development, particularly traffic and parking impacts, have been successfully managed so that the area continues to be a highly amenable pedestrian and living environment, with excellent open space networks and landscaping.”

40. The land use implementation strategies of the MSS as it relates to Kensington and Flemington and this application are:

“Support the conversion of industrial uses to residential/commercial uses on land fronting Hobson’s Road adjacent to Kensington Banks...

Investigate the conversion of land along the Maribyrnong River on Hobson’s Road, adjacent to Kensington Banks for a mix of commercial, recreational and residential uses that is more compatible with the surrounding Kensington Banks development and within the Maribyrnong River corridor.

Ensure development along Maribyrnong River facilitates public access to the river and reflects its increasing recreational role.

Ensure that the scale and built form of any new development on industrial land along Hobson’s Road is compatible with the prevailing built form of Kensington Banks.

Strengthen public space and pedestrian and cycle connections on both sides and across Maribyrnong River and Moonee Ponds Creek.”

41. The following Local Planning Policies apply:
 - 41.1. Clause 22.05 - Heritage places outside the Capital City Zone;
 - 41.2. Clause 22.17 - Urban design outside the Capital City Zone; and
 - 41.3. Clause 22.19 - Environmentally sustainable office buildings.

Consultation

42. Though a development of this scale/nature would ordinarily be advertised, given the application does not reflect Council’s vision for the site it was considered that the application should be refused and as such need not be advertised.
43. As previously noted, the application was referred to a number of external referral authorities/service providers and internal referral parties.

Government Relations

44. VicTrack, as a Government Authority, was notified of the application on 8 January 2008. As previously noted, VicTrack did not, subject to conditions, object to the application.

Finance

45. There are no direct financial implications arising from the recommendations contained in this report.

Legal

46. Ongoing legal advice will be provided as required.

Comments

47. In assessing the application, consideration was given to:
 - 47.1. the Municipal Strategic Statement (MSS);
 - 47.2. the State and Local Planning policies governing the site;
 - 47.3. the views of internal referral parties; and
 - 47.4. Amendment C124.

Municipal Strategic Statement

48. The proposed development does not reflect the Council's vision for the site as detailed in Clause 21.08-10 of the MSS.
49. Figure 21 of the MSS shows that the Council will convert the site from industrial to commercial, recreational and some residential use.
50. Warehouses do not complement either recreational or residential uses as envisaged by the MSS. This vision reflects the redevelopment of surrounding former industrial sites to more sensitive uses, Kensington Banks being an example. The redevelopment of the Kensington Public Housing Estate further emphasises the consolidation (or intensification) of residential uses in the immediate surrounding area.
51. The application also contravenes a number of the aforementioned land use implementation strategies of Clause 21.08-8. To this end, the development does not:
 - 51.1. support the conversion of industrial uses to residential/commercial uses (though the development will accommodate commercial uses, these uses will not complement residential uses);
 - 51.2. accommodate land uses compatible with Kensington Banks. Again, warehouses do not complement residential uses;
 - 51.3. allow for access to the Maribyrnong River. The design/layout of buildings effectively privatises the site. Access to the river may be obtained via a five metre wide pedestrian walkway along the north-western boundary of the site and a pedestrian/cycle path along the southern boundary of the site only. It is considered that these paths do not support the increased recreational role of the Maribyrnong River as required;
 - 51.4. reflect the scale and built form of adjacent residential buildings in Kensington Banks. Though like the proposed warehouse units, many of the adjacent buildings in Kensington Banks stand to an equivalent height of two or three storeys, the warehouse building fronting Hobson's Road will present as one continuous element along the street. This width of building does not reflect the finer grain detailing of adjacent residential buildings; and
 - 51.5. assist in strengthening pedestrian/cycle links along and across the Maribyrnong River. The development allows for limited access only to the river. In order to assist in strengthening pedestrian/cycle links along and across the river, the development must provide greater physical and visual links to it. The development effectively privatises the site and limits access.
52. Whilst the MSS supports industrial uses in Kensington, these uses are encouraged south of the Williamstown/Werribee/Melton/Sydenham rail lines and also further to the east adjoining Moonee Ponds Creek.
53. The physical separation from adjoining residential areas afforded by adjacent rail lines renders these areas suitable for industrial use. The position of the subject site between a residential estate and a river demands more sensitive land uses and building scales/forms which provide direct access to the river. This vision is reflected in the MSS and also proposed Amendment C124 to the Melbourne Planning Scheme.

State and Local policy

54. Though the raising of the site in accordance with Melbourne Water's requirements will ensure the protection of life and property and also the Maribyrnong River in accordance with Clauses 15.02 and 15.01 respectively, the development nevertheless fails to adequately respond to the provisions of Clauses 19.03 (Design and built form) and 22.17 (Urban design outside the Capital City Zone). With regard to these policies, it is considered that the application fails the following standards:

Clause 19.03 (Design and built form)

The public realm

55. The layout of the site does not allow for the enhancement of adjoining public spaces, in particular the adjoining Maribyrnong River. The development of the site should better address the river and allow for increased access to it.

Landmarks, views and vistas

56. This clause states that views/vistas (in this case to the Maribyrnong River) should be enhanced. The design and layout of buildings effectively privatises the site and does not allow for views to the Maribyrnong River.

Pedestrian spaces

57. This clause requires buildings to address public spaces. This would be achieved via the creation of visual and access corridors through the site to the Maribyrnong River. The design and layout of buildings does not address adjoining public spaces nor allow for access to and through the site.

Architectural quality

58. This clause states that new buildings should aspire to high standards of architecture and urban design.
59. Whilst the design of the buildings reflects their proposed function, the development does not reflect the Council's vision for the site. This vision includes a mix of residential and complementary commercial uses designed around public space offering direct access to the Maribyrnong River. The development does not accommodate the desired uses or provide for adequate access to the river.

Clause 22.17 (Urban design outside the Capital City Zone)

Large and prominent sites

60. The layout and design of the proposed buildings does not *contribute meaning and positive effect to the public realm* as is required by this clause. The layout and design of buildings does not address or adequately engage with either Hobson's Road or the Maribyrnong River, the primary public interfaces adjoining the site. The proposed buildings create a perimeter around the site and do not allow for sufficient access to adjoining public space.
61. In addition to this, the layout of the site does not encourage pedestrian and through traffic. This is of particular importance given the site adjoins the Maribyrnong River.

Visible facades and blank walls

62. Given all buildings will be visible from the Maribyrnong River, all building frontages should be sensitively designed. This is considered not to be the case. The façade of the warehouse building extending much of the length of the southern boundary will be blank. To this end, this building fails the objectives of this clause.

63. Whilst the buildings fronting Hobson's Road will be better articulated, the design detailing of these buildings still does not reflect the finer grain of adjacent residential buildings. The scale and form of these buildings should better reflect the scale and form of adjacent dwellings.

Pedestrian connection and vehicle access

64. Again, the layout of the site does not allow for public access to and through the site. The urban edge created along Hobson's Road will privatise the site and limit access to the Maribyrnong River.

Access and safety in public spaces

65. The layout of buildings does not allow for access to the Maribyrnong River. This is of particular importance given the site lies between Kensington Banks and the river.
66. Whilst the subject site is located in what has previously (and historically) been an industrial precinct, the Council's vision for the area requires buildings of a higher architectural quality. These buildings should, in accordance with Clauses 19.03 and 22.17, be attractive and complement the scale and built form character of the immediate surrounding area.

Internal referrals

67. The need to comply with the Council's vision for the site was highlighted by both Local Policy and Urban Design, both of which objected to the application.

Local Policy

68. Amendment C124 seeks to implement the Council's vision for the site as set out in the MSS.
69. Local Policy stated that whilst the heights of the proposed buildings generally comply with the IPO of Amendment C124, the alignment of the internal roads and the setbacks of buildings from Maribyrnong River does not comply with the IPO.
70. Like SP Ausnet, Local Policy stated that no buildings/works should be constructed on the easement extending along the southern boundary of the site. As proposed, warehouse units 20 - 38 will be constructed on this easement. Compliance with this limitation would require a wholesale redesign of the development.

Urban Design

71. Urban Design stated that the proposed development is fundamentally at odds with the IPO. To this end, the proposed internal road alignment does not allow for buildings to be constructed in the positions envisaged by the IPO.
72. Urban Design recommended that the processing of the application be suspended until such time as the IPO and the Council's vision for the site is finalised following the exhibition of Amendment C124.

Heritage

73. The Heritage Consultant stated that the existing buildings on site are representative of the city's industrial past and that the demolition of these buildings would adversely affect the cultural significance of the immediate surrounding area.
74. Though the Heritage Consultant has queried why the existing buildings could not be incorporated into the redevelopment of the site, this is not possible given the site will need to be significantly raised to limit flooding. It is considered that this is sufficient justification for demolition of the buildings.

75. With regard to the proposed buildings, the Heritage Consultant stated that the scale/form of these buildings did not reflect the historic character of the area.

Engineering Services

76. Given the quantum of uses, a total of 284 parking spaces are required to be provided on site. 159 spaces are required to accommodate the office component of the development, 101 spaces to accommodate the warehouse component of the development and 24 spaces to accommodate the food and drink component of the development.
77. A total of 228 spaces only will be provided on site. Given this, 56 spaces are required to be waived to accommodate the development.
78. Engineering Services (ESG) stated that the number of parking spaces provided on site was sufficient to accommodate the development. In reaching this conclusion, ESG accepted the permit applicant's contention that a reduced rate for the office component of the development (3 spaces per 100 square metres of floor area as opposed to 3.5 spaces/100 square metres) and food and drink component of the development was appropriate.
79. Though ESG recognise that on-street parking is readily available in the immediate surrounding area, this parking is largely within the bounds of Kensington Banks and should be reserved for local resident parking. ESG recommended that the permit applicant carry out further traffic studies to gauge what impacts the development may have upon access and parking in Kensington Banks.
80. The Director of Public Transport has stated that no more than 232 parking spaces should be provided on site.
81. Whilst it is considered that the number of parking spaces provided on site is sufficient, the design and layout of parking areas must be further resolved. In short, the design and layout of parking areas must comply with Australian Standard 2890.1 - 2004. It is unclear from the plans submitted together with the application if this is the case.
82. In addition, ESG stated that consideration should be given to providing bicycle parking space on site. ESG calculated that a total of 29 bicycle parking spaces should be provided on site.
83. ESG queried the need to raise Hobson's Road to accommodate access to the site. ESG discourages cross junctions (as would be the case opposite Balmer Street) and recommended that access to the site be via a single point opposite Wakefield Street. This does not correspond with the proposed road alignments set out in Amendment C124.

Amendment C124

84. The proposed development does not reflect the Council's vision for the site or the provisions of proposed Amendment C124. This applies to both the proposed uses and building scales/forms.
85. Though the proposed uses are permitted (subject to approval) in a MUZ, the MUZ is primarily a residential zone. To this end, Council envisages the site largely accommodating residential uses in the future, albeit together with a mix of complementary commercial uses.

86. The objectives of the IPO include:

“To facilitate the use and development of the land for residential and commercial purposes generally in accordance with the Incorporated Plan;

To ensure that development is visually compatible with the prevailing scale and height of Kensington Banks.

To ensure that the development of land provides an appropriate built form to the Maribyrnong River.

To achieve adequate setback of buildings to the Maribyrnong River to provide for appropriate flood management of the site.”

87. Though the heights of proposed buildings may generally comply with the heights specified in the IPO, these buildings still fail the key objectives of the IPO as it relates to physical/visual access to the Maribyrnong River.
88. Though the pedestrian/cycle paths along both the north-western and southern boundaries of the site will provide some access to the river, this access is limited and not an adequate substitution for the access envisaged by the IPO.
89. Though the proposed development provides for access points to the site opposite both Balmer and Wakefield Streets, these access points do not extend toward the river. These access points provide direct access to what would be regarded as a privatised space only, not public walkways leading to the river.

Conclusion

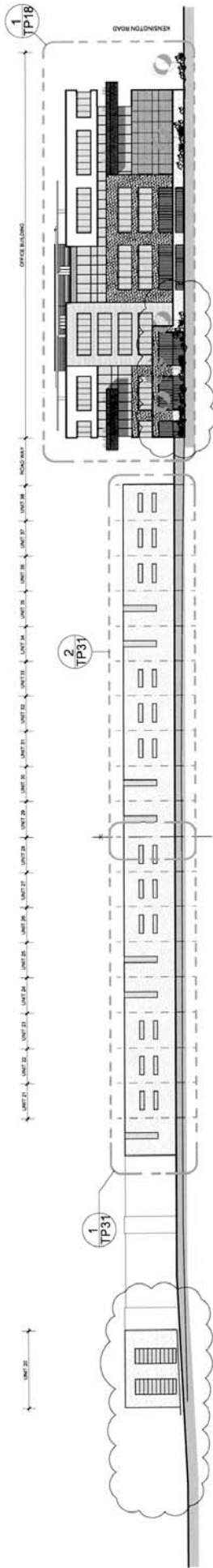
90. The proposed development does not reflect the Council’s vision for the site. This vision seeks to accommodate more sensitive uses on site and provide for increased access to the Maribyrnong River. The design and layout of buildings does not satisfactorily achieve their vision.
91. Aside from this more strategic concern, the application also fails a number of the standards of Clauses 19.03 and 22.17. To this end, the basic scale and design detailing of buildings is inappropriate.
92. It is recommended that the Committee endorse the Officer’s recommendation and reasons for refusal detailed below.

Reasons for refusal

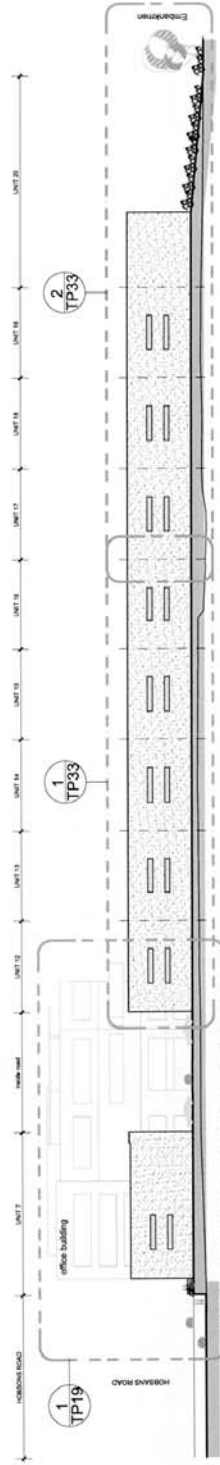
93. The application contravenes the provisions of Clause 21.08-10 (Flemington and Kensington) of the Municipal Strategic Statement of the Melbourne Planning Scheme including a number of the land use implementation strategies of this clause.
94. The application contravenes the provisions of Clause 19.03 (Design and built form) of the Melbourne Planning Scheme including ‘The public realm’, ‘Landmarks, views and vistas’, ‘Pedestrian spaces’ and ‘Architectural quality’.
95. The application contravenes the provisions of Clause 22.17 (Urban design outside the Capital City Zone) including ‘Large and prominent sites’, ‘Visible facades and blank walls’, ‘Pedestrian connection and vehicle access’ and ‘Access and safety in public spaces’.

Attachments:

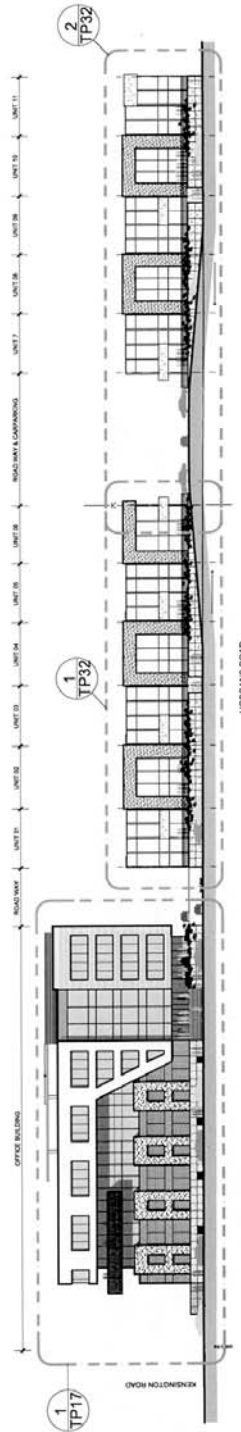
1. Plans of 1-39 Hobson Road
2. Delegated Planning Application Report]
3. Zoning Map, Incorporated Plan Overlay and Road Precinct Plan



10 SOUTH ELEVATION
TP02 SCALE 1:400 EMBANKMENT



11 NORTH WEST ELEVATION
TP02 SCALE 1:400



12 NORTH EAST ELEVATION
TP02 SCALE 1:400 HOBSONS ROAD

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TP02
REV NO. A

STREETSCAPE ELEVATIONS
DRAWING TITLE
DATE: DECEMBER 2007
DRAWN BY: MT, CD
CHECKED: MT
SCALE: 1:100 @ A1
JOB NO: 7242

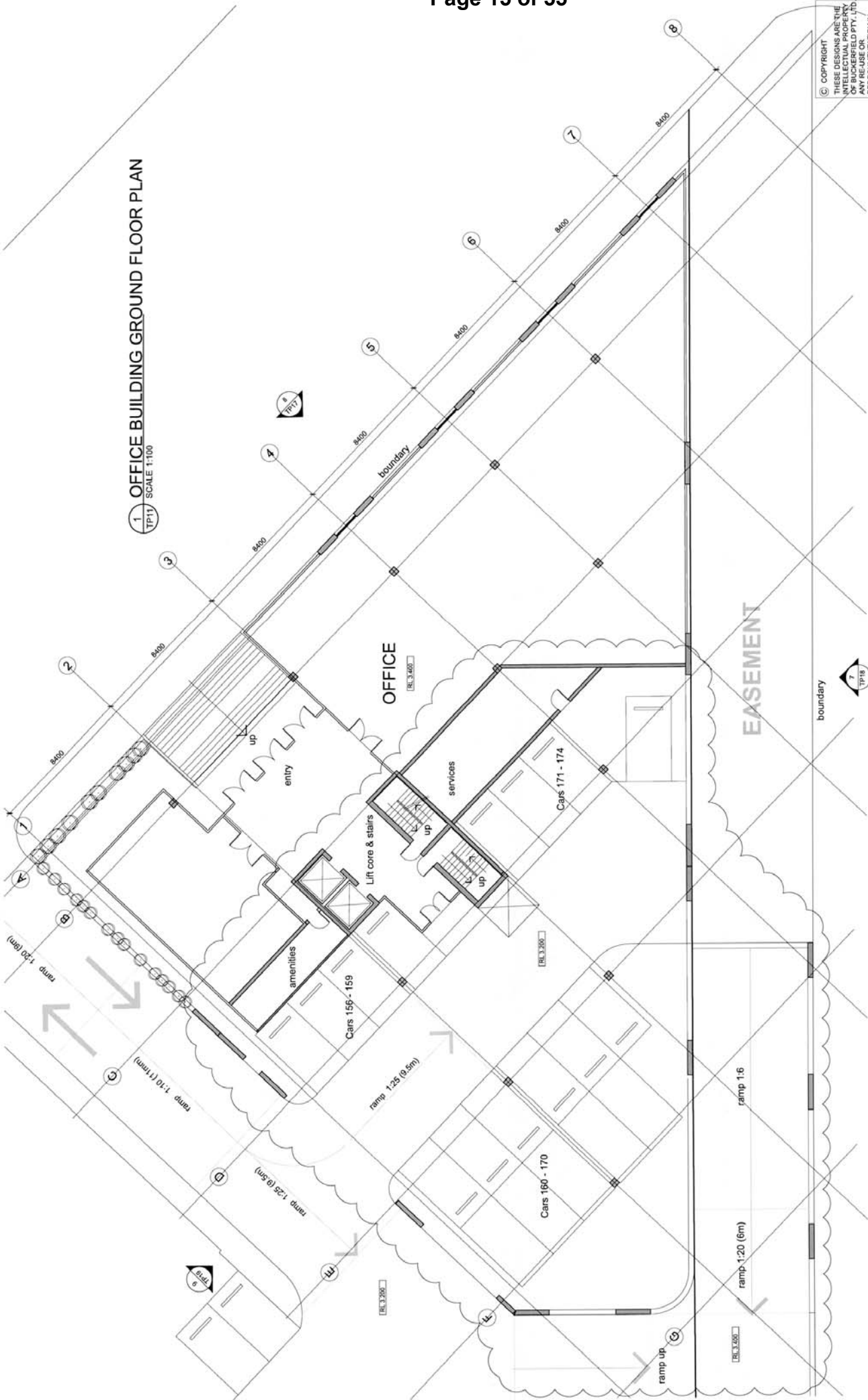


**PROPOSED FACTORY & OFFICE DEVELOPMENT
1 - 39 HOBSONS ROAD, KENSINGTON**
TOWN PLANNING ISSUE ONLY
PLOT DATE: 05 MARCH 08

NO.	DATE	DESCRIPTION
1	08 MAR 2008	UNIT 25 UPDATED TO SUIT PUBLIC ACQUISITION OVERLAY
2	08 MAR 2008	OFFICE BUILDING LAYOUTS TO SUIT REVISED CAR PARKING LAYOUTS & RAMP

REVISIONS
MT
CD

1 OFFICE BUILDING GROUND FLOOR PLAN
 (TP11) SCALE 1:100



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 TP11
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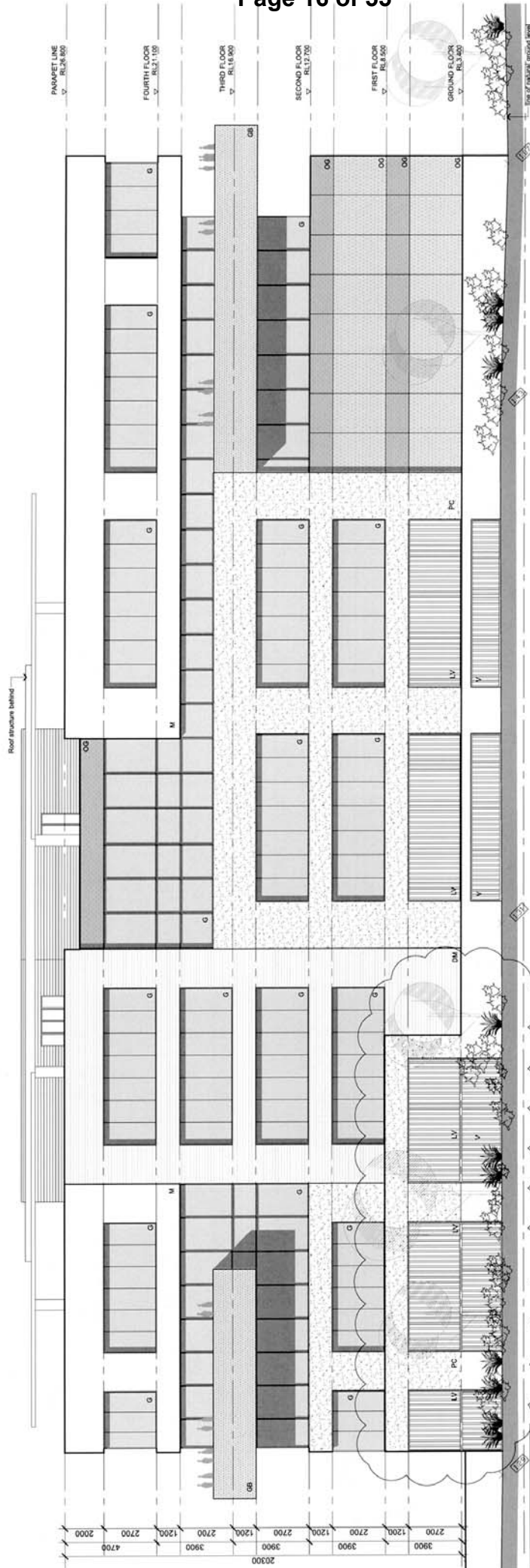
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DRAWING TITLE
**OFFICE BUILDING
 GROUND FLOOR PLAN**
 DATE: 05/03/2017
 DRAWN BY: MT, CD
 CHECKED: MT
 SCALE: 1:100 @ A1
 JOB NO: TP11



PROJECT TITLE
**PROPOSED FACTORY & OFFICE DEVELOPMENT
 1 - 39 HOBSONS ROAD, KENSINGTON**
 TOWN PLANNING ISSUE ONLY
 PLOT DATE: 05 MARCH 08

REVISIONS	DATE	BY	DESCRIPTION
A	05 MARCH 08	MT	CAMPING LAYOUT REWROTE TO SUIT TRAFFIC ENGINEERING ASSESSMENT LEVELS UPDATED TO SUIT MELBOURNE WATER FLOOD LEVEL REQUIREMENTS



- G GLAZING WITH NATURAL ANODIZED ALUMINIUM FRAME
- OG OPAQUE GLAZING TO A MIN HEIGHT OF 100MM
- GB GLASS BALUSTRADE
- M METAL CLADDING
- V VENT
- LS LANDSCAPING
- LV LOUVRE SCREENING
- PC PRECAST CONCRETE NATURAL FINISH
- DM DEEP REB METAL CLADDING
- S SEM-OPAQUE POLY CARBONATE CLADDING
- LW LIGHTWEIGHT CLADDING

ELEVATION - 7
SCALE 1:100

REVISIONS

NO.	DATE	DESCRIPTION
1	05 MARCH 08	ISSUED TO CLIENT REVISIONS DRAWING LAYOUT AS PER TRAFFIC ENGINEERING ASSESSMENT, LEVELS UPDATED TO SUIT MELBOURNE WATER FLOOD LEVELS REQUIREMENTS

PROJECT TITLE
**PROPOSED FACTORY & OFFICE DEVELOPMENT
1 - 39 HOBSONS ROAD, KENSINGTON**

TOWN PLANNING ISSUE ONLY
PLOT DATE: 05 MARCH 08

DRAWING TITLE
**ELEVATION 7
OFFICE BUILDING**

DATE: DECEMBER 2007
DRAWN BY: [Name]
CHECKED BY: [Name]

SCALE: 1:200 (R.A.)
JOB NO: 714

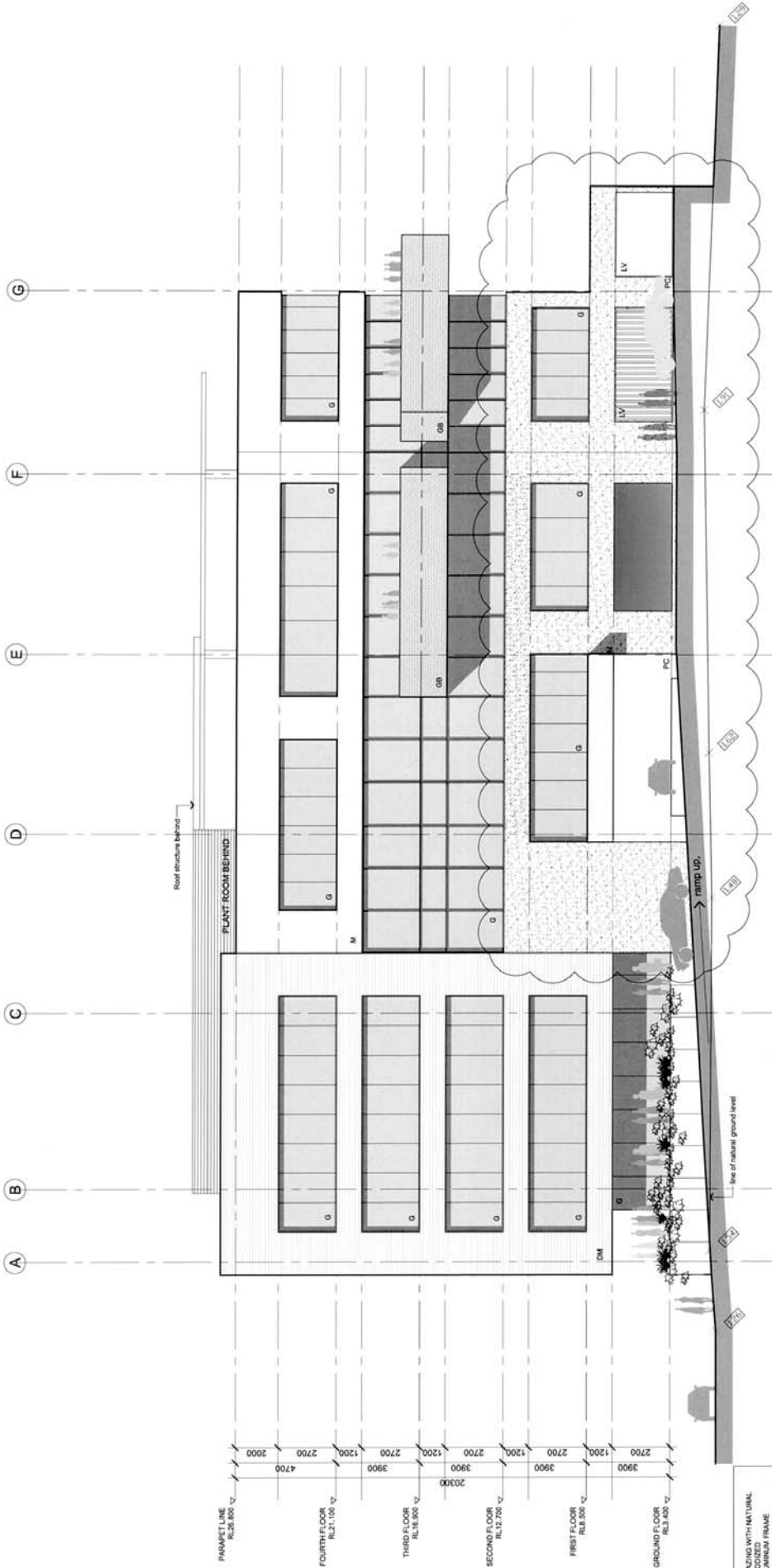
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TP18
A

REV NO



G	GLAZING WITH NATURAL ANODIZED ALUMINUM FRAME
OG	OPACQUE GLAZING TO A FIN HEIGHT OF 1700MM
OB	OPACQUE BALUSTRADE
M	METAL CLADDING
V	VENT.
LS	LANDSCAPING
LV	LOWRE SCREENING
PC	PRE-CAST CONCRETE NATURAL FINISH
DM	DEEP REB METAL CLADDING
S	STEEL CLADDING
SD	SDM - OPACQUE POLY CARBONATE CLADDING
LW	LIGHTWEIGHT GLAZING

ELEVATION - 9 (PART C)
SCALE 1/8"

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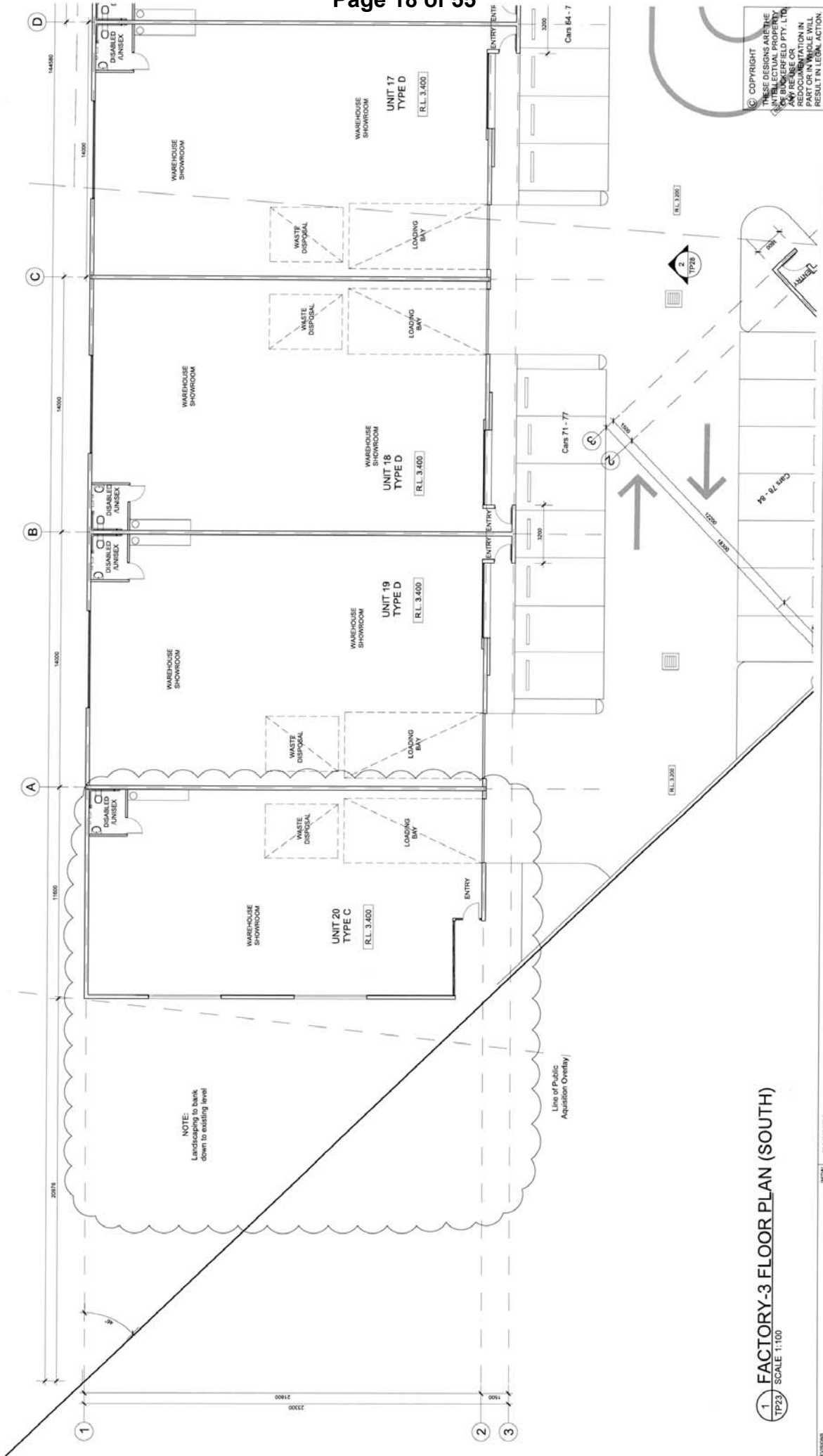
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DRAWING TITLE
**ELEVATION 9
 OFFICE BUILDING**

**PROPOSED FACTORY & OFFICE DEVELOPMENT
 1 - 39 HOBSONS ROAD, KENSINGTON**

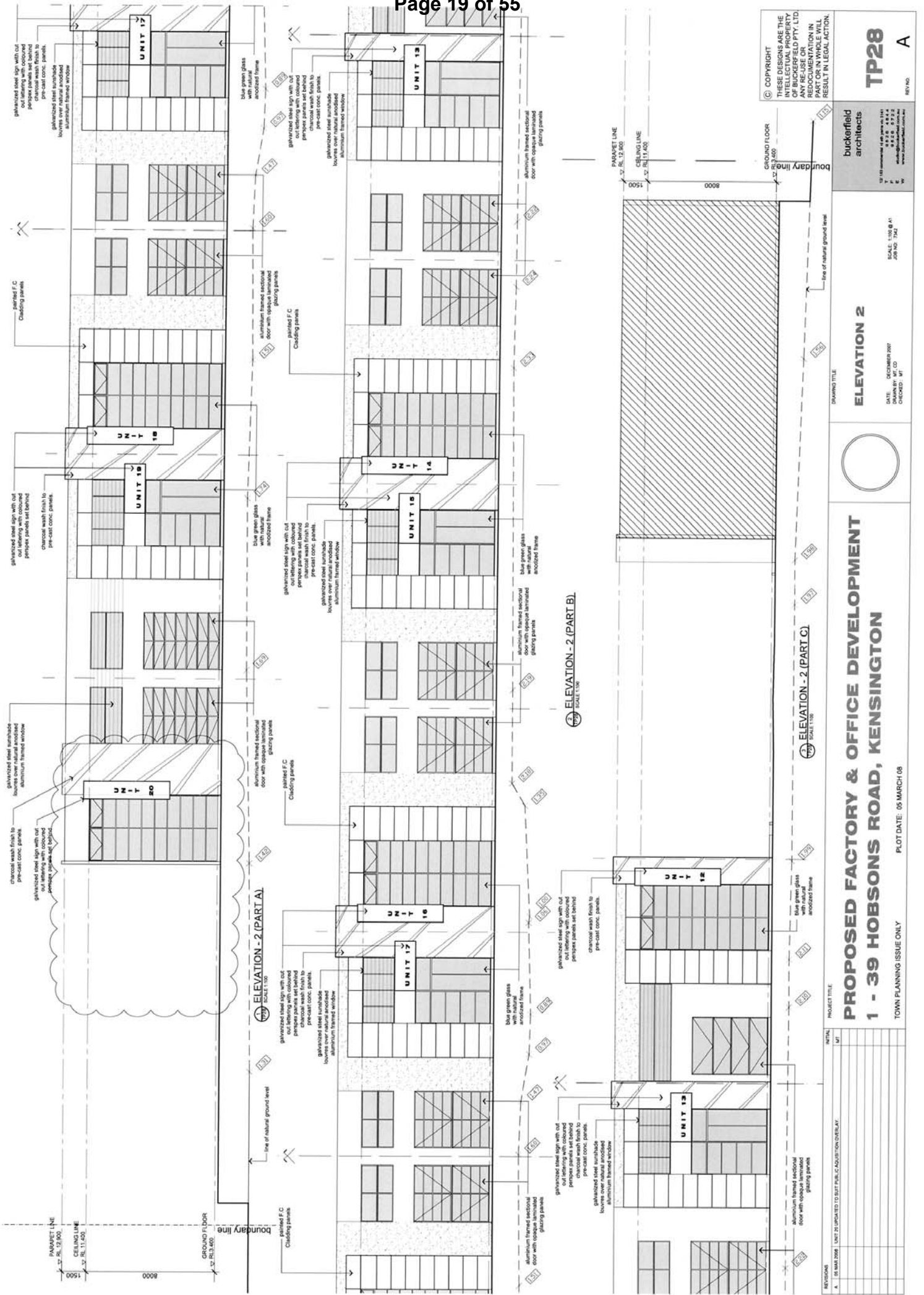
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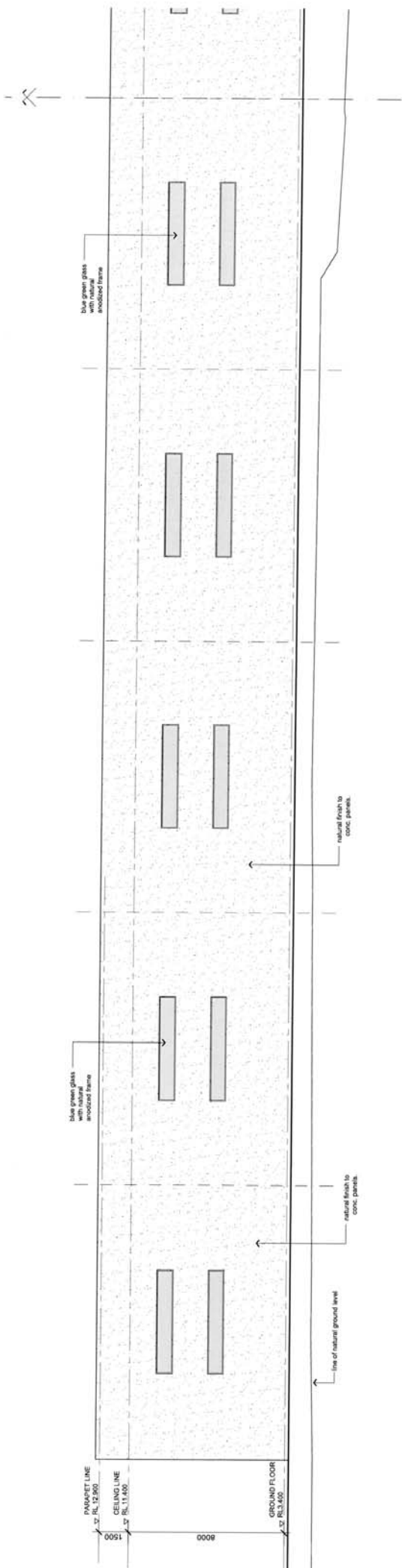
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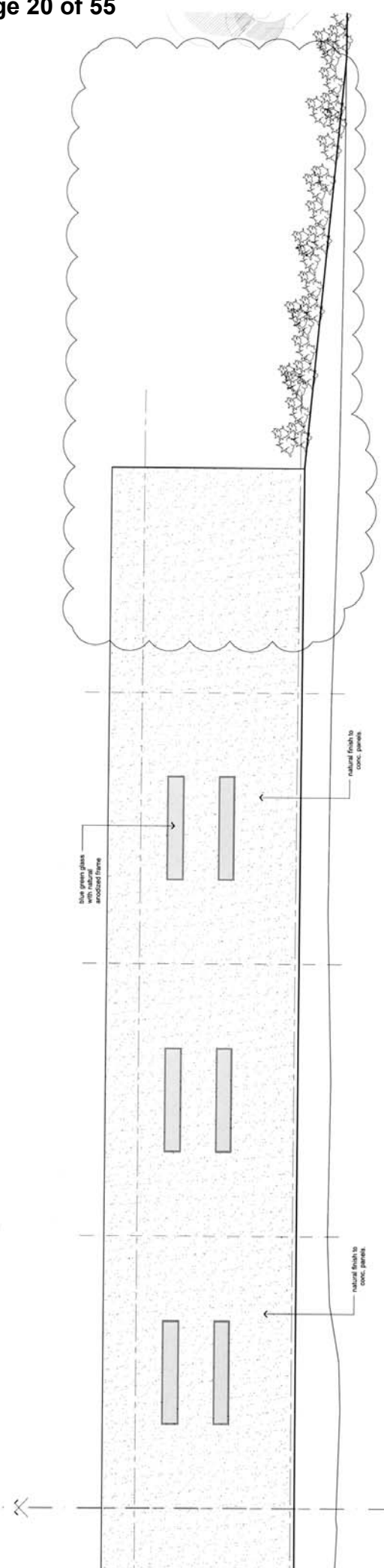
1 FACTORY-3 FLOOR PLAN (SOUTH)
TP23 SCALE 1:100

REVISIONS A. 05 MAR 2008 UNIT 20 (REVISED TO MEET PUBLIC ACQUISITION OVERLAY)	INITIAL	PROJECT TITLE	DRAWING TITLE	buckfield architects 13 Hill Commercial Drive, Suite 104 Westport, CT 06896 Tel: 860.439.8888 Fax: 860.439.8889 www.buckfield.com info@buckfield.com	TP23 A
	MT	PROPOSED FACTORY & OFFICE DEVELOPMENT 1 - 39 HOBSONS ROAD, KENSINGTON	FACTORY-3 FLOOR PLAN (SOUTH)		
TOWN PLANNING ISSUE ONLY		DATE: 05 MARCH 08 DRAWN BY: J. W. CO. JOB NO. 7342	SCALE: 1:100 @ A1 JOB NO. 7342	COPYRIGHT THESE DESIGNS ARE THE INTELLECTUAL PROPERTY OF BUCKFIELD ARCHITECTS, LTD. ANY REUSE OR REDOCUMENTATION IN PART OR IN WHOLE WILL RESULT IN LEGAL ACTION.	





ELEVATION - 10 (PART A)
SCALE 1:100



ELEVATION - 10 (PART B)
SCALE 1:100

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JOB NO: 1000

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DATE: 05 MARCH 2007
DRAWN BY: M. CO
CHECKED: M. CO



PROPOSED FACTORY & OFFICE DEVELOPMENT
1 - 39 HOBSONS ROAD, KENSINGTON

TOWN PLANNING ISSUE ONLY
PLOT DATE: 05 MARCH 08

REVISIONS	DATE	BY	DESCRIPTION
A.	05 MAR 2008	UNT	REVISED TO SUIT PUBLIC ACQUISITION OVERLAY

TP33
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DELEGATED PLANNING APPLICATION REPORT

APPLICATION NO:	TP-2007-1228
APPLICANT:	Hobsons Pty. Ltd.
ADDRESS:	1-39 Hobsons Road, Kensington 3031
PROPOSAL:	Demolition of existing buildings and the construction of 45 warehouse and office suites, a five-storey office building featuring a food and drink premises and the reduction in the car parking requirement associated with the uses.
DATE OF APPLICATION:	24 December 2007
RESPONSIBLE OFFICER:	Connor Perrott

1. SUBJECT SITE AND SURROUNDS

The subject site is located on the south-western corner of the Hobson's Road/Kensington Road intersection. The Williamstown, Werribee, Melton and Sydenham rail lines extend along the southern boundary of the site. These rail lines extend to the central city to the south-east. The Maribyrnong River flows along the western boundary of the site to the Yarra River and Port Philip Bay to the south.

The development site (1 - 39 Hobson's Road) comprise two separate lots which together measure approximately 19,650 square metres. Both sites previously formed part of a larger industrial precinct encompassing 1 - 89 Hobson's Road. This precinct was developed during the late nineteenth century when the site was used to process animal parts.

The remaining, now vacant buildings on site are C-graded. These buildings are amongst the few remaining remnants of the city's noxious industries so vital to the State's economy in the nineteenth century.

To the north-east of the site stands Kensington Banks. This estate was once an abattoir which operated in association with the subject site.

To the north of the site, across Smithfield Road, lies Flemington Racecourse. A pedestrian/bicycle path extends along the western boundary of the site adjacent to the Maribyrnong River. This path extends to the racecourse and beyond to the north and to Footscray Road and beyond to the south.

Vehicular access to the site may be obtained via Hobson's Road only.

2. BACKGROUND AND HISTORY**Pre-application discussions**

There is no record on file of the applicant having requested a pre-application meeting with Council.

Amendments during the process

The application was amended during the assessment process in response to the comments of the Council's Local Policy and Urban Design departments (refer 11. Internal Referrals overleaf).

Planning Application History

The subject site, together with 41 - 89 Hobson's Road, has been the subject of a number of previous development applications.

The most recent of these applications, TP-2007-174, proposed to demolish a number of the former industrial buildings on site. Approval was given for this on 13 April 2007.

An amended permit (TP-2007-174/A) was issued on 18 July 2007. This permit allowed the demolition of two additional buildings on site.

These approvals together permitted the demolition of the buildings within the centre of the site (Buildings 7 - 19). Buildings 1 - 6 (along the Hobson's Road frontage of the site) and Buildings 20 - 24 (at the western end of the site) remain.

A number of other permits have also previously been issued on site. These applications have permitted the use of the site, or part thereof, as a workshop/storeroom (Permit CM-17047 issued 9 May 1991), for industrial purposes (Permit TP-1997-771 issued 6 October 1997), as a church (Permit TP-2001-539 issued 18 July 2001) and for car sales (Permit TP-2002-949 issued 25 October 2002).

Permit CM-12617 was also issued on 13 May 1988. This permit allowed the painting of a former hotel on site.

An application to relocate an existing factory on site was refused on 19 May 1988 (refer Refusal CM-12933).

3. PROPOSAL

The application, as amended following comments from both internal and external parties (refer overleaf), proposes the demolition of the remaining buildings on site and the construction of 45 warehouse and office suites and a five-storey office building. The application also proposes to waive part of the car parking requirement associated with the proposed uses.

The 45 warehouse/office suites will be divided across five buildings, two fronting Hobson's Road, one extending along the north-west boundary of the site, one extending along the southern boundary of the site and one in the centre of the site. These buildings will be divided by an internal roadway, access to which may be obtained via Hobson's Road and off the north-west boundary of the site. This access point and adjoining roadway is setback behind a five metre easement which extends along the north-western boundary of the site.

155 at grade parking spaces will be constructed off the internal roadway. These spaces will be divided across the site and allocated to each of the warehouse/office suites and for visitor parking.

Ranging in size from 116 square metres to 311 square metres and standing to an approximate height of 9.5 metres, each warehouse suite will comprise a warehouse/showroom space, loading bay, waste storage area and toilet facilities. All warehouses will be finished in pre-cast concrete panels and galvanised steel.

The proposed office building will be located on the south-east corner of the site adjacent to the Hobson’s Road/Kensington Road intersection. This building will be setback behind an existing easement extending along the southern boundary of the site. An access ramp leading into the building will be constructed over the easement.

Standing to a height of 24.55 metres, the building will comprise a 54-space car park at basement level (access to which may be obtained via the internal roadway), office space, a food and drink premises and 19-space car park at ground floor level and four levels of office space above. In total, the building will comprise 5,440 square metres of office space.

At roof level, the building will feature a timber deck, staff recreational area and amenities and service equipment/plant.

The building will be finished in pre-cast concrete and clad in semi-opaque carbonate and steel sheeting.

To accommodate entry to the site, Hobson’s Road, adjacent to the intersection with Balmer Street, will be raised by approximately 1.2 metres. Ramps extending 25 metres along Hobson’s Road will be constructed either side of this raised road.

4. STATUTORY CONTROLS

- Zone:** Business 3 Zone (B3Z)
 Public Use Zone 1 (PUZ4). South-west corner only.
 Public Use Zone 1 (PUZ1). South-west extremity of site only.

- Overlays:** Heritage Overlay No. 239 - 1 - 39 Hobson’s Road, Kensington (HO239)
 Land Subject to Inundation Overlay (LSIO)

Planning approval is required for the proposed use/development as follows:

Clause	Permit Trigger
34.03 - Table of uses	<p>This clause states that planning approval is not required to operate a office or warehouse in a B3Z. Importantly, warehouses within certain distances of residential uses must not accommodate the uses/processes specified in Clause 52.10 - Uses with adverse amenity potential.</p> <p>The particular uses/processes to be accommodated on site have not yet been specified.</p> <p>This clause also states that approval is required to operate a retail premises in a B3Z. A food and drink premises is included within the definition of retail premises.</p>
34.03-4 - Buildings and works	<p>This clause states that approval is required to construct a building or construct or carry out works in a B3Z</p> <p>This clause also states that an application to construct a building/carry out works is exempt from the notice and review requirements of the Planning and Environment Act 1987. This exemption applies only where buildings/works will be carried out more than 30 metres from a residential zone, Business 5 Zone (B5Z), a hospital or school or land in a Public Acquisition Overlay (PAO) to be acquired for a hospital or school.</p>

	The site is located within 30 metres of these zones/land uses.
36.01-1 - Table of uses	As previously noted, PUZ4 applies to the south-west corner of the site only. No office space or the food and drink premises will be located in PUZ4. PUZ1 applies to the south-west extremity of the site only. No office space, warehouses or the food and drink premises will be located in PUZ1. This clause states that planning approval is not required for any use associated with the purposes of PUZ4 (Transport) or PUZ1 (Service and utility). Given the proposed warehouses in PUZ4 are not transport-related, planning approval is required for their use.
36.01-2 - Permit requirement	This clause states that planning approval is required to construct a building/carry out works associated with a use which requires planning approval.
43.01-1 - Permit requirement	The HO applies to all but the south-west corner of the site. This clause states that approval is required to demolish and construct a building/carry out works in a HO. The schedule to the HO states that external paint controls also apply in HO239.
44.04-1 - Buildings and works	This clause states that a permit is required to construct a building/carry out works in a LSIO.
44.04-6 - Referral of applications	This clause states that an application must be referred to the relevant flood plain management authority (in this case Melbourne Water) for comment. The comments of Melbourne Water follow.

5. STRATEGIC FRAMEWORK

State Planning Policy Framework

The following State Planning Policies apply:

Clause 14.01 - Planning for urban settlement

The objectives of this clause are:

- *To ensure a sufficient supply of land is available for residential, commercial, industrial, recreational, institutional and other public uses.*
- *To facilitate the orderly development of urban areas.*

Clause 15.01 - Protection of catchments, waterways and groundwater

The objective of this clause is:

- *To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.*

Clause 15.02 - Floodplain management

The objective of this clause is:

- *To assist the protection of:*
 - *Life, property and community infrastructure from flood hazard;*
 - *The natural flood carrying capacity of rivers, streams and floodways;*
 - *Floodplain areas of environmental significance.*

Clause 15.11 - Heritage

The objective of this clause is:

- *To assist the conservation of places that have natural, environmental, aesthetic, historic, cultural, scientific or social significance or other special value important for scientific and research purposes, as a means of understanding our past, as well as maintaining and enhancing Victoria's image and making a contribution to the economic and cultural growth of the state.*

Clause 17.02 - Business

The objective of this clause is:

- *To encourage developments which meet the community's needs for retail, entertainment, office and other commercial services and provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

Clause 19.03 - Design and built form

The objective of this clause is:

- *To achieve high quality urban design and architecture that:*
 - *Reflects the particular characteristics, aspirations and cultural identity of the community;*
 - *Enhances liveability, diversity, amenity and safety of the public realm;*
 - *Promotes attractiveness of towns and cities within broader strategic contexts.*

Local Planning Policy Framework (Municipal Strategic Statement)

The subject site is located in the Flemington and Kensington precinct as defined by Clause 21.08-10 of the Municipal Strategic Statement (MSS).

The vision of the MSS as it relates to Flemington and Kensington and this application is:

...Kensington continues to thrive as an urban village, accommodating a diverse residential community and mix of uses.

Maintaining and enhancing residential amenity and the heritage characteristics of the area remain a priority for Kensington and Flemington.

Industrial uses continue to be supported; the interface between residential uses and established industrial areas has been managed to protect both residential amenity by ensuring off site impacts from industry have been minimised, and also by protecting industry from the encroachment of residential development.

The cumulative off site impacts of new residential, commercial and industrial development, particularly traffic and parking impacts, have been successfully managed so that the area continues to be a highly amenable pedestrian and living environment, with excellent open space networks and landscaping.

Figure 21 of Clause 21.08-10 states that in the area immediately surrounding the subject site the Council will *investigate ...conversion from industrial to commercial, recreational and some residential uses.* In addition to this, the Council will *support the conversion of industrial uses on the Maribyrnong River to commercial uses.*

The following land use implementations strategies of Clause 21.08-10 also apply to this application:

- *Support the conversion of industrial uses to residential/commercial uses on land fronting Hobson's Road adjacent to Kensington Banks...*
- *Investigate the conversion of land along the Maribyrnong River on Hobson's Road, adjacent to Kensington Banks for a mix of commercial, recreational and residential uses that is more compatible with the surrounding Kensington Banks development and within the Maribyrnong River corridor.*
- *Ensure development along Maribyrnong River facilitates public access to the river and reflects its increasing recreational role.*
- *Ensure that the scale and built form of any new development on industrial land along Hobson's Road is compatible with the prevailing built form of Kensington Banks.*
- *Strengthen public space and pedestrian and cycle connections on both sides and across Maribyrnong River and Moonee Ponds Creek.*

Local Planning Policy Framework (Local Policies)

The following Local Planning Policies apply:

Clause 22.05 - Heritage places outside the Capital City Zone

The objectives of this clause include:

- *To conserve all parts of buildings of historic, social or architectural interest which contribute to the significance, character and appearance of the building, streetscape or area.*
- *To ensure that new development and the construction or external alteration of buildings, make a positive contribution to the built form and amenity of the area and are respectful to the architectural, social or historic character and appearance of the streetscape and the area.*

Clause 22.17 - Urban design outside the Capital City Zone

The objectives of this clause include:

- *To ensure that the scale, siting, massing and bulk of development complements the scale, siting, massing and bulk of adjoining and nearby built form.*

- *To ensure that the height of buildings relates to the prevailing patterns of height and scale of existing development in the surrounding area.*
- *To reduce unacceptable bulk in new development.*
- *To ensure that buildings on prominent sites are designed to achieve a high standard of design which reflects the importance of their location and extent of their visibility.*
- *To ensure that development includes architecturally integrated building tops.*
- *To ensure that development uses design and detail to ensure all visible facades (including the rear and sides of buildings) provide a rich and positive contribution to the public realm.*
- *To ensure that development avoids ambiguity and conflict in the design of fronts and backs of buildings.*
- *To ensure that development contributes to a pedestrian and vehicular network which ensures pedestrian movement and amenity is a priority and strengthens networks of pedestrian pathways through an area.*
- *To ensure that development promotes building forms that minimise the adverse impacts of wind in surrounding public spaces and provide weather protection where appropriate.*
- *To ensure that development creates and maintains a high quality landscape setting.*

Clause 22.19 - Environmentally sustainable office buildings

The objectives of this clause include:

Greenhouse gas reduction and energy efficiency -

- *To minimise greenhouse gas emissions by:*
 - *Improving the energy efficiency of new and existing buildings.*
 - *Collecting and using renewable energy*

Water efficiency -

- *To encourage new developments to minimise stormwater run-off by reusing rainwater and recycling waste water.*

Waste management -

- *To encourage provision of purpose built storage areas for recyclable waste, wherever practical.*

Innovation -

- *To encourage innovative technology, design and processes in all development, which positively influence the sustainability of buildings.*

The development will comprise a total of 5,440 square metres of office space. This clause states that an office building measuring between 2,500 and 5,000 square metres should be designed to achieve a 4.5 star building rating (Australian Buildings Greenhouse Rating Scheme).

6. OTHER RELEVANT DOCUMENTS

Amendment C124

On 29 April 2008 Council approved Amendment C124 and authorised its submission to the Minister for exhibition. Amendment C124 proposes to:

- Re-zone the site, except all land within 30 metres of the Maribyrnong River, from part B3Z and part PUZ4 to Mixed Use (MUZ);
- Re-zone all land within 30 metres of the Maribyrnong River from part PUZ4 and part PUZ1 to Urban Floodway Zone (UFZ);
- Apply an Environmental Audit Overlay (EAO) over the land to be re-zoned MUZ;
- Apply an Incorporated Plan Overlay (IPO) over the site and include this IPO as an incorporated document in the planning scheme. The IPO details preferred building heights, setbacks and road alignments. Any development on site should generally comply with this IPO.

As of 19 June 2008, the Minister's office had not responded to the Council's request to authorise the exhibition Amendment C124.

7. PARTICULAR/ GENERAL PROVISIONS

Particular Provisions

Clause 52.06 - car parking

The objectives of this clause include:

- *To ensure the provision of an appropriate number of car spaces having regard to the activities on the land and the nature of the locality.*

This clause specifies, by use, the number of car parking spaces required on site.

This clause states that 3.5 car parking spaces are required on site for every 100 square metres of office floor space (net).

Given the development will comprise 4,550 square metres of office space (net), a total of 159 parking spaces are required on site to accommodate this component of the development.

This clause also states that 1.5 car parking spaces are required on site for every 100 square metres of warehouse floor space.

Given the development will comprise 6,723 square metres of warehouse space (excluding loading/unloading bays), a total of 101 parking spaces are required on site to accommodate this component of the development.

Whilst this clause does not specify a parking rate for food and drink premises, it does specify a rate for restaurants, which, in accordance with Clause 75.11 - Retail premises group, is defined alongside food and drink premises.

The parking rate required for a restaurant is 0.6 spaces per seat available to the public.

The traffic impact assessment report submitted together with the application states that the food and drink premises will comprise 40 seats. Given this, a total of 24 parking spaces are required on site to accommodate this component of the development.

A total of 284 spaces are required to be provided on site.

A total of 229 spaces only will be provided on site. Given this, 55 spaces are required to be waived to accommodate the use/development.

Importantly, the Director of Public Transport has stated that no more than 232 parking spaces should be provided on site (refer 10. External referrals, overleaf).

Clause 52.07 - Loading and unloading of vehicles

The objective of this clause is:

- *To set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic and road safety.*

This clause states that *no buildings or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless:*

- *Space is provided on the land for loading and unloading vehicles...*
- *The driveway to the loading bay is at least 3.6 metres wide. If a driveway changes direction or intersects another driveway, the internal radius at the change of direction or intersection must be at least six metres.*
- *The road that provides access to the loading bay is at least 3.6 metres wide.*

This clause also specifies minimum sizes for loading/unloading bays.

Where a building measures less than 2,600 square metres (as does each warehouse suite) a loading/unloading bay must be a minimum of:

- 27 square metres;
- 7.6 metres in length;
- 3.6 metres in width; and
- Feature a 4.0 metre minimum clearance.

Clause 52.10 - Uses with adverse amenity potential

The objectives of this clause include:

- *To define those types of industries and warehouses which if not appropriately designed and located may cause offence or unacceptable risk to the neighbourhood.*

This clause specifies, by use/process, the threshold distances certain industrial uses must be from residential zones, Business 5 Zones (B5Z), the Capital City Zone (CCZ), Docklands Zone (DZ), hospitals and schools and land to be acquired for these uses.

The uses/processes to be carried out on site have not been specified.

8. PUBLIC NOTIFICATION

Given the application does not reflect the Council's vision for the site (as detailed in the MSS), it was considered that the application should be refused and as such it need not be advertised.

9. OBJECTIONS

No objections were received in response to the application.

10. EXTERNAL REFERRALS

The application was required to be referred to the following external authorities for comment:

- Director of Public Transport
- VicTrack
- Melbourne Water
- SP Ausnet

- City West Water
- Alinta Electricity

Director of Public Transport

The Director of Public Transport did not object to the application subject to conditions limiting the number of parking spaces on site to 232.

VicTrack

VicTrack also did not object to the application subject to conditions relating to the appropriate discharge of stormwater, all construction works being carried out within the curtilage of the site, the appropriate safety measures being put into place prior to the commencement of building works and the southern boundary of the site being treated so as to limit opportunities to graffiti buildings.

Melbourne Water

Melbourne Water also did not object to the application subject to conditions requiring the finished ground floor levels of all new buildings being a minimum of 3.4 metres to Australian Height Datum (AHD). Such height finished floor levels would provide 600mm clearance above the applicable flood level.

SP Ausnet

Though SP Ausnet did not object to the application per se, it did state that Warehouse Suites 20 - 38 should be setback behind the power easement which extends along the southern boundary of the site. These warehouse suites will be constructed over this easement.

City West Water

City West Water did not object to the application subject to conditions requiring the owner of the site to enter into agreements with it for the provision of water and sewerage supplies.

City West Water also stated that should the owner wish to build over an easement in favour of it, the owner will need to first seek City West Water's permission.

Alinta Electricity

Alinta Electricity did not respond to the Council's request for comments.

11. INTERNAL REFERRALS

The application was referred internally to the following parties:

- Engineering Services
- Urban Design
- Heritage
- Local Policy

Engineering Services

Engineering Services (ESG) stated that the number of parking spaces provided on site (228) was sufficient

In reaching this conclusion, ESG accepted the applicant's contention that a reduced rate for the office component of the development (three spaces per 100 square metres of floor area) and food and drink component of the development was acceptable.

ESG also stated that excluding the loading/unloading areas in the warehouse/office suites is acceptable when calculating parking rates. To this end, the number of parking spaces provided on site to accommodate the warehouse component of the development is sufficient.

Though ESG recognise that on-street parking is readily available in the immediate surrounding area, this parking is largely within the bounds of Kensington Banks and should be reserved for local resident parking. Importantly, ESG recommend that the permit applicant carry out further traffic studies to gauge what impacts the use/development may have upon access and parking in Kensington Banks.

ESG has stated that an Advisory Committee appointed by the Minister to review parking rates has recommended that the existing rate for offices (3.5 spaces for every 100 square metres of floor space) and warehouses (1.5 spaces for every 100 square metres of floor area) should continue to apply. The Advisory Committee has however recommended that a new rate be applied for food and drink premises. This rate is four spaces for every 100 square metres of floor space. The application of such a rate here would generate a need for eight on-site parking spaces.

Importantly, the number of spaces provided on site is less than the maximum number of spaces considered acceptable by the Director of Transport (232).

Whilst it is considered that the number of parking spaces provided on site is sufficient, the design and layout of parking areas must be further resolved. The design and layout of parking areas must comply with Australian Standard 2890.1 - 2004.

ESG query the need to raise Hobson's Road to accommodate access to the site. ESG discourages cross junctions (as would be the case here opposite Balmer Street) and recommends that access to the site be via a single point opposite Wakefield Street.

ESG has stated that the loading/unloading bays and waste storage/collection points of each warehouse suite is satisfactory.

In addition to this, ESG stated that a total of 29 bicycle parking spaces should be provided on site. These spaces should be provided across the site and be secure and undercover. ESG stated that shower/change facilities should be provided commensurate with bicycle parking spaces.

Urban Design

Urban Design stated that the proposed development is fundamentally at odds with the IPO introduced by Amendment C124 and that the development should be redesigned in accordance with this IPO.

Urban Design stated that it may be best to suspend the application until such time as the IPO and the Council's vision for the site is finalised.

Heritage

The Council's Heritage Consultant stated that the existing buildings on site are representative of the city's industrial past. The Heritage Consultant stated that the demolition of these buildings would adversely affect the cultural significance of the immediate surrounding area and as such contravenes the provisions of Clause 22.05.

Though the Heritage Consultant has queried why the existing buildings could not be incorporated into the redevelopment of the site, this is not possible given the site will need to

be significantly raised to prevent flooding. It is considered that this is justification enough for the demolition of the existing buildings on site.

With regard to the proposed buildings, the Heritage Consultant stated that the scale/form of these buildings did not reflect the historic character of the area.

Local Policy

Local Policy stated that whilst the heights of the proposed buildings generally comply with the proposed IPO, the alignment of the internal roads and the setbacks of buildings from Maribyrnong River does not comply with this IPO.

Though Local Policy stated that the development does not comply flood mitigation requirements, the amended plans submitted in response to referral authority/party comments show that the site will be raised to 3.4 metres AHD in accordance with Melbourne Water's recommendations.

Like SP Ausnet, Local Policy has confirmed that no buildings/works should be constructed over the easement extending along the southern boundary of the site.

Similarly, like ESG, Local Policy has stated that a traffic impact assessment report detailing how the use/development will impact upon Kensington Banks is also required.

12. ASSESSMENT

In assessing this application, consideration must be given to:

- The relationship of the development to the MSS;
- The relevant State and Local Planning policies governing the site;
- The views of internal and external referral authorities; and
- The relationship of the development to Amendment C124.

Relationship with MSS

The proposed development does not reflect the Council's vision for the site as detailed in Clause 21.08-10 of the MSS. Figure 21 of the MSS shows that the Council wishes to *convert the site from industrial to commercial, recreational and some residential use*. Whilst the office component of the development may reflect this vision, the warehouse component does not.

Warehouse uses do not complement either recreational or residential uses as envisaged by the MSS. This vision reflects the shift of surrounding former industrial sites to more sensitive uses, Kensington Banks being an example of this. The redevelopment of the Kensington Public Housing Estate further emphasises the consolidation (or intensification) of residential uses in the immediate surrounding area.

The aforementioned land use implementation strategies of the MSS reinforce the Council's vision for the site. The application contravenes a number of these strategies. To this end, the development:

- Does not support the conversion of industrial uses to residential/commercial uses. (Though the development will accommodate commercial uses, these uses must compliment residential uses. Warehouse uses do not compliment residential uses. Importantly, warehouses often accommodate the storage/processing of dangerous goods/materials. The storage/processing of such goods/materials should not be carried out within certain distances of residential uses (as specified by Clause 52.10 - Uses

with adverse amenity potential). The permit applicant has not specified what goods/materials may be stored/processed on site.)

- Does not accommodate land uses compatible with Kensington Banks. Again, warehouses are not considered to be complimentary.
- Does not allow for access to the Maribyrnong River. The design/layout of buildings effectively privatises the site. Access to the Maribyrnong River may be obtained via a five metre wide pedestrian walkway along the north-western boundary of the site only. This will not accommodate the increasing recreational role of the Maribyrnong River.
- Does not reflect the scale and built form of adjacent residential buildings in Kensington Banks. Though like the proposed warehouse units, many of the adjacent buildings in Kensington Banks stand to an equivalent height of two and three storeys, the warehouse building fronting Hobson's Road will present as one continuous element along the street. This width of building does not reflect the finer grain detailing of adjacent residential buildings in Kensington Banks.
- Does not assist in strengthening pedestrian/cycle links along and across Maribyrnong River. As previously noted, the development allows only limited access to Maribyrnong River. In order to assist in strengthening pedestrian/cycle links along and across Maribyrnong River, the development must provide greater physical and visual links to the along the river. As previously noted, the development effectively privatises the site and limits access to the river.

Importantly, the redevelopment of the site to accommodate residential/complimentary commercial uses forms part of a larger effort to revitalise former industrial land in Kensington, this included the redevelopment of the former adjoining abattoir into a residential estate (now Kensington Banks).

Whilst indeed the MSS advocates industrial uses in Kensington, these uses are encouraged south of the Williamstown/Werribee/Melton/Sydenham rail line and also further to the east adjoining Moonee Ponds Creek.

The physical separation from adjoining residential areas afforded by adjacent rail lines renders these areas suitable for industrial use. The position of the subject site between a residential estate and a river and linear park demands more sensitive land uses and building scales/forms which provide direct access to the river. This vision is reflected in the MSS and also proposed Amendment C124 to the Melbourne Planning Scheme.

State and local policy

Though the raising of the site in accordance with Melbourne Water's requirements will ensure the protection of life and property and, conversely, the Maribyrnong River in accordance with Clauses 15.02 and 15.01 respectively, the development nevertheless fails to adequately respond to the provisions of Clauses 19.03 and 22.17.

With regard to these policies, it is considered the application fails the following standards:

Clause 19.03

The public realm

The layout of the site does not allow for the enhancement of adjoining public spaces, in particular the adjoining Maribyrnong River. The development of the site should better address the river and allow for increased access to it.

Landmarks, views and vistas

This clause states that views/vistas (in this case to Maribyrnong River) should be enhanced. As previously noted, the design and layout of buildings effectively privatises the site and does not allow for views to Maribyrnong River.

Pedestrian spaces

This clause requires buildings to address public spaces. This could be achieved via the creation of visual and access corridors through the site to the Maribyrnong River.

Again, the design and layout of buildings does not address adjoining public spaces nor allow for access to and through the site.

Architectural quality

This clause states that new buildings should aspire to high standards of architecture and urban design.

Whilst the design of the buildings reflects their proposed function and the existing character of this former industrial site, the development does not reflect the Council's aspirations for the site. This vision includes a mix of residential and complimentary commercial uses designed around public spaces offering direct access to Maribyrnong River. The development does not accommodate the desired uses or provide for adequate access to the river.

Clause 22.17

Large and prominent sites

The layout and design of the proposed buildings does not *contribute meaning and positive effect to the public realm* as is required by this clause. The layout of buildings does not adequately address either Hobson's Road or the Maribyrnong River, the primary public interfaces adjoining the site.

In addition to this, the layout of the site does not encourage pedestrian and through traffic. This is of particular importance here given the site adjoins Maribyrnong River.

Visible facades and blank walls

Given all buildings will be visible from Maribyrnong River, all building frontages should be sensitively designed. This is considered not to be the case.

As previously stated, the façade of the warehouse building extending much of the length of the southern boundary will be blank. To this end, this building fails the objectives of this clause.

Whilst the buildings fronting Hobson's Road will be better articulated, the design detailing of these buildings still does not reflect the finer grain of adjacent residential buildings. The scale and form of these buildings should better reflect that human scale of adjacent dwellings.

Pedestrian connection and vehicle access

The layout of the site does not allow for public access to and through the site. The urban edge created along Hobson's Road will, in effect, privatise the site and limit access to Maribyrnong River.

Access and safety in public spaces

Again, the layout of buildings does not allow for access to Maribyrnong River. This is of particular importance given the site lies between Kensington Banks and the river.

Whilst the subject site is located in what has previously (and historically) been an industrial precinct, the Council's vision for the area requires buildings of a higher architectural quality. These buildings should, in accordance with Clauses 19.03 and 22.17, be attractive and complement the scale and built form character of the immediate surrounding area.

Views of referral authorities/parties

Most referral authorities have not, subject to conditions, objected to the application.

This general support is based upon detailed matters relevant to the specific functions of referral authorities and does not consider the strategic importance of, or the Council's vision for, the site.

This vision has been reiterated by the Council's Urban Design and Local Policy departments who have objected to the application.

Relationship to Amendment C124

In short, Amendment C124 seeks to implement the Council's vision for the site as detailed in Clause 21.08-10 of the MSS.

As previously noted, the development does not reflect the Council's vision for the site or the provisions of proposed Amendment C124. This applies to both the proposed land uses and building scales/forms.

Though the proposed uses are permitted (subject to approval) in a MUZ, the MUZ is primarily a residential zone. To this end, the Council envisages the site largely accommodating residential uses in the future, albeit together with a mix of complementary commercial uses. The application of a EAO over the site further reinforces the Council's preference to provide residential uses here. The application of a EAO will ensure the site is appropriately treated prior to the commencement of a sensitive use.

The objectives of the IPO include:

- *To facilitate the use and development of the land for residential and commercial purposes generally in accordance with the Incorporated Plan.*
- *To ensure that development is visually compatible with the prevailing scale and height of Kensington Banks.*
- *To ensure that the development of land provides an appropriate built form to the Maribyrnong River.*
- *To achieve adequate setback of buildings to the Maribyrnong River to provide for appropriate flood management of the site.*

These objectives are the physical representation of the Council's vision for the site as set out in the MSS.

Though the heights of proposed buildings may generally comply with the heights specified in the IPO, these buildings still fail the key objectives of the IPO as it relates to access to the Maribyrnong River.

Though the pedestrian/cycle path along the southern boundary of the site will provide access to the river, this access is limited and not an adequate substitution for the access advocated by the IPO.

The IPO seeks to provide a number of corridors to the river (from 1 - 89 Hobson's Road). These corridors extend across the site. Two corridors extend through 1 - 39 Hobson's Road, one opposite Balmer Street and one opposite Wakefield Street. These two corridors intersect toward the rear of the site and continue toward the river.

Though the proposed development provides for access points to the site opposite both Balmer and Wakefield Streets, these access points do not extend to the river. These access points provide direct access to what would be regarded as a privatised space only, not communal walkways leading to the river.

13. COMMENTS

The proposed development simply does not comply with the Council's vision for the site. This vision seeks to accommodate more sensitive uses on site and provide access to Maribyrnong River. The design and layout of buildings does not allow for this, instead privatising the site for commercial use.

Aside from this more strategic issue, the application also fails a number of the standards of Clauses 19.03 and 22.17. To this end, the basic scale and design detailing of buildings is inappropriate.

14. DECISION

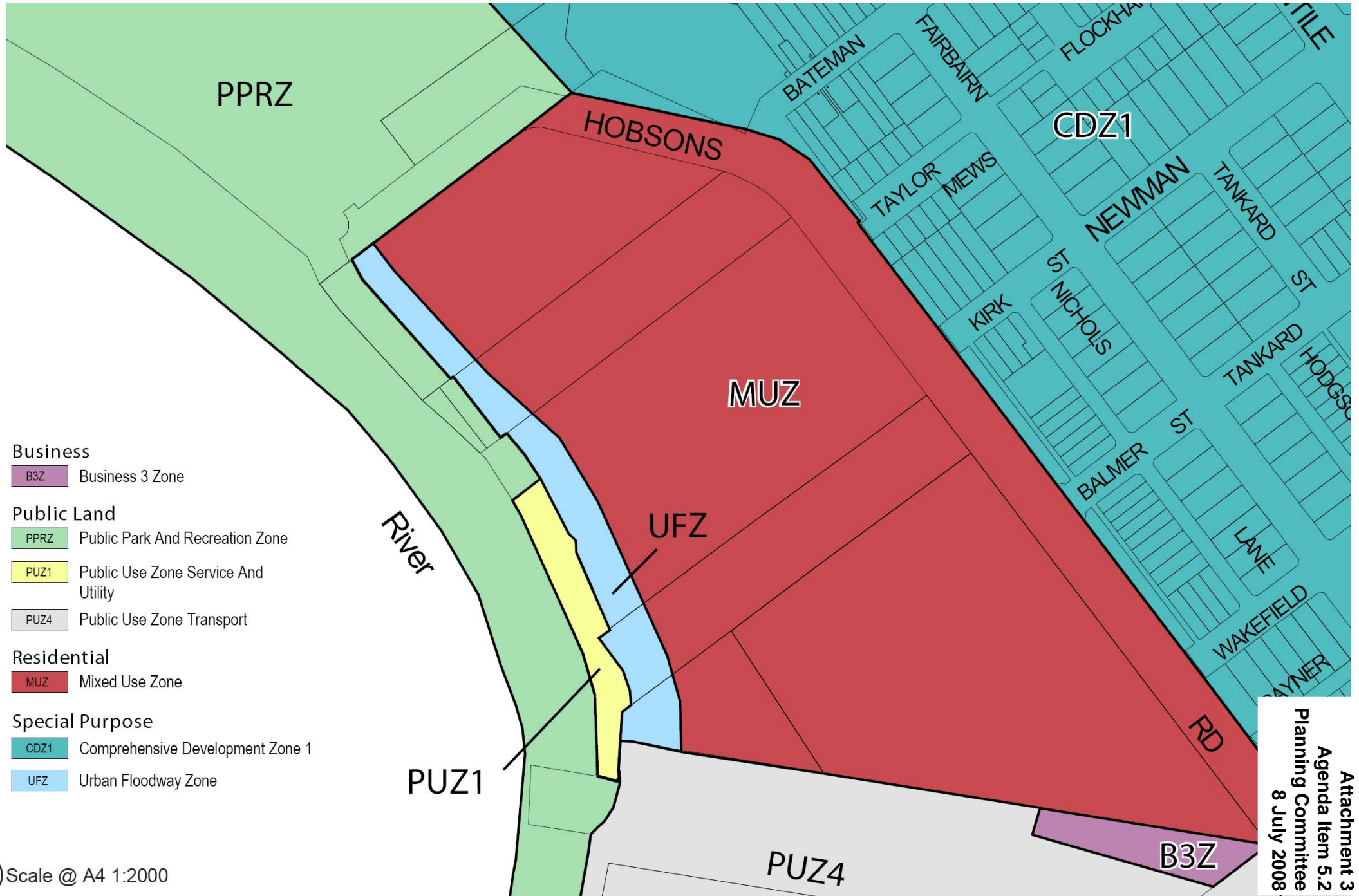
It is considered that the proposed development does not comply with the aforementioned provisions of the Melbourne Planning Scheme and as such should be refused.

Connor Perrott
Senior Planning Officer

19 June 2008

1. The application contravenes the provisions of Clause 21.08-10 (Flemington and Kensington) of the Municipal Strategic Statement of the Melbourne Planning Scheme including a number of the land use implementation strategies of this clause.
2. The application contravenes the provisions of Clause 19.03 (Design and built form) of the Melbourne Planning Scheme including 'The public realm', 'Landmarks, views and vistas', 'Pedestrian spaces' and 'Architectural quality'.
3. The application contravenes the provisions of Clause 22.17 (Urban design outside the Capital City Zone) including 'Large and prominent sites', 'Visible facades and blank walls', 'Pedestrian connection and vehicle access' and 'Access and safety in public spaces'.

PROPOSED PLANNING SCHEME ZONES



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SCHEDULE 2 TO THE INCORPORATED PLAN OVERLAY

Shown on the planning scheme map as **IPO2**

HOBSONS ROAD MIXED USE PRECINCT

1.0 *Purpose*

To facilitate the use and development of the land for residential and commercial purposes generally in accordance with the Incorporated Plan.

To ensure that development is visually compatible with the prevailing scale and height of Kensington Banks.

To ensure that the development of the land provides an appropriate built form to the Maribyrnong River.

To ensure that the development provides visual and access corridors through the site to link Kensington Banks with the Maribyrnong River.

To achieve an adequate setback of buildings to the Maribyrnong River to provide for appropriate flood management of the site.

2.0 **Requirement before a permit is granted**

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An application to subdivide land, construct building or construct or carry out works must be accompanied by detail plans and accompanying report that demonstrates how the development will comply with the relevant requirements of the Hobsons Road Incorporated Plan March 2008 and this Schedule to the satisfaction of the Responsible Authority.

3.0 ***Permits not generally in accordance with incorporated plan***

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A permit may be granted for a development that does not comply with the Incorporated Plan to allow for architectural features and building services, the screening of plant and equipment at the roof level, the slope of roofs or to ensure an exceptional design outcome

4.0 ***Conditions and requirements for permits***

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Applications for a planning permit must comply with the following requirements:

Incorporated Plan

The development must generally be in accordance with the Incorporated Plan title "Hobsons Road Incorporated Plan-March 2008"

Use

The mix of commercial and residential uses on the site must be to the satisfaction of the Responsible Authority.

Use of the precinct should be a mix of residential densities and types and some commercial across the site, commercial office development close to the power lines and a café and /or convenience shop located adjacent to the Maribyrnong River close to the power line easement (identified as a key site on the "Hobsons Road Built Form Framework Plan").

Building Heights

In areas marked Height Control Areas A, B or C on the “Hobsons Road Precinct Built Form Framework Plan March 2008”, buildings should not be constructed above the heights listed in Column 1 of Table 1.

Table 1 to Schedule 1

Height Control Area	Column 1 Height
A	10.5 metres
B	15 metres
C	22 metres

Built Form

Building design should complement but not mimic the scale and form of the existing development within Kensington Banks.

Buildings must be designed to achieve an exceptional level of design that reduces the impacts of their visibility and dominance.

The development of blank walls, fencing and screening at the ground level is discouraged. Buildings should address Hobsons Road and the River frontage through direct relationship of ground level entries, casual surveillance, windows facing public areas and minimal setbacks.

Buildings located adjacent to open space should be designed to provide casual surveillance of those areas.

In the location indicated as a key site on the “Hobsons Road Precinct Built Form Framework Plan March 2008” at the corner of Hobsons Road and Kensington Roads, a landmark building which displays a distinct architectural style may be constructed. This building should not exceed the Height Controls in Column 1.

Traffic and Carparking

A Traffic Management Plan by a suitable qualified must be submitted. This must include a report on the traffic generated by the proposal and whether it is likely to require special traffic management or controls in the neighbourhood.

The development of the land should not have an adverse impact on local traffic conditions in neighbouring Kensington Banks.

Traffic generated from the Hobsons Road precinct should use Kensington road to access and egress the area.

The provision of adequate and convenient on street visitor car parking is encouraged.

Vehicle crossings over pedestrian footpaths are discouraged and where provided should be aggregated.

Vehicular access must be designed to ensure that access to garages in dwellings is from rear lanes.

Residents and tenants car parking should be located below the new ground level in basement or semi basement car parking.

Permeability and Circulation

A plan showing the location of vehicle, bicycle and pedestrian access points and linkages must be submitted.

New streets should be located as indicated on the “Hobsons Road Precinct Built Form Framework Plan March 2008” and as per the widths shown on that plan.

Public roadways should be designed and developed to standards prescribed by the City of Melbourne and should be provided to ensure traffic circulation throughout the site.

New streets should provide quality and accessible pedestrian and bicycle through links between Hobsons Road and Maribyrnong River.

Open Space

The development should provide safe, accessible and convenient public open space.

Provision should be made for pedestrian and cycling paths which link the precinct to regional paths.

Provision should be made for a bike and pedestrian link to the Maribyrnong River along the railway embankment.

The open space setback required by Melbourne Water to address flooding should be appropriately landscaped and publicly accessible.

Landscaping

A landscape plan designed by a suitable qualified person must be submitted. This must include a written response of how the landscape plan achieves the integration of the development with the areas of open space adjacent to the river.

Flood Mitigation

Buildings and works must meet the requirements of Melbourne Water to ensure that floor levels are at least 600 mm above the flood levels.

To ensure compliance with the requirements of Melbourne Water, the owners of the land should fill the land to 2.8 metres above the current ground level and raise the height of Hobsons Road by 2.4 metres to ensure vehicle access in peak flood events.

Heritage

The retention of the chimney of the former glue factory at 1-39 Hobsons Road, Kensington is encouraged where possible.

A report recording the architectural and historical character of the heritage buildings presently on the land must be submitted.

Sustainability

An application for a planning permit should be supported by an Environmental Sustainable Development report identifying the environmental features to be included in the development.

New development should incorporate core sustainability features addressing water management, greenhouse gas emissions, solar access and waste management.

5.0 Decision guidelines

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In deciding on an application for subdivision, use or buildings and works the responsible authority must consider as appropriate:

- Whether the development contributes to a positive riverfront experience.
- Whether the development along Hobsons Road is compatible in scale to prevailing building heights in Kensington Banks.
- Whether the design includes appropriate measures to minimise noise levels generated from the railway line.
- The layout and appearance of areas set aside for car parking, access and egress and the location of any proposed car parking.
- Energy efficiency, waste management and water sensitive urban design initiatives.
- Whether public and private open spaces will be suitable landscaped.
- Whether the extent of shadows cast by any new buildings has an unreasonable impact on public open space areas.

6.0 Requirements for incorporated plan

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The Incorporated Plan comprises a Building Framework Plan showing:

- Building heights for each portion of the site
- Minimum setbacks
- Pedestrian and vehicle access points

INCORPORATED DOCUMENT

**HOBSONS ROAD PRECINCT INCORPORATED PLAN -
MARCH 2008**

Land at 1-89 Hobsons Road, Kensington

**This document is an incorporated document in the Melbourne Planning Scheme
pursuant to Section 6(2)(j) of the Planning and Environment Act 1987.**

Incorporated Document:
“Hobsons Road Precinct Incorporated Plan-March 2008”

INTRODUCTION

This document is an incorporated document in the Schedule to Clause 52.03 and Clause 81 of the Melbourne Planning Scheme.

Pursuant to Clause 52.03 of the Scheme, the land identified in this document may be developed and used in accordance with the specific provisions of this document. If there is any inconsistency between the specific controls and the general provisions of the Scheme, the specific controls will apply.

LAND DESCRIPTION

This Incorporated Plan applies to land described as Nos 1 to 89 Hobsons Road, Kensington Banks, generally bounded by Hobsons Road, the Maribyrnong River, the South Kensington railway line and Kensington Road, Kensington Banks. The land as described above comprises 5 individual lots and is referred to as the “Hobsons Road Precinct”.

SITE CONTEXT

The Hobsons Road Precinct is a residual industrial area located between the Kensington Banks residential development and the Maribyrnong River in Kensington. It has an area of 5 hectares and was formerly used for industries mainly associated with meat processing. Activity within the Precinct is changing from industrial activities to a mix of uses. Marathon Foods, a foods manufacturer are the only remaining industrial use within the precinct. Other activities in the Precinct include the use of buildings for horse stables, several professional offices and a community church. No 1-39 Hobsons Road, a former glue factory is largely vacant and many of the existing buildings have been damaged by fire.

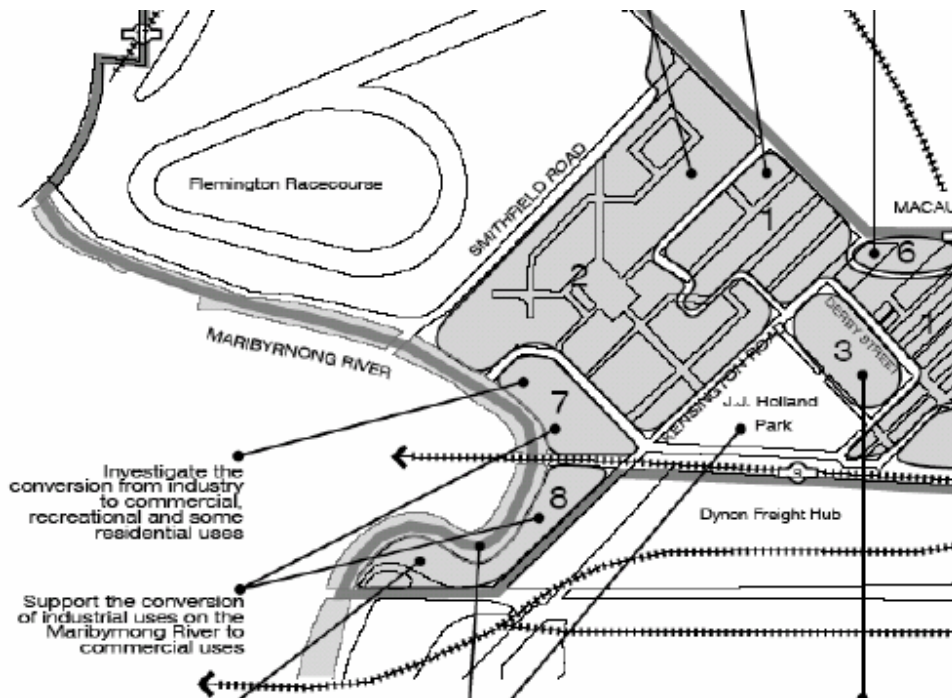
LOCAL PLANNING POLICY FRAMEWORK

The Local Planning Policy Framework comprises of the Municipal Strategic Statement (MSS) and local policies. The Municipal Strategic Statement provides the strategic directions on the future use and development of land within the municipality.

The MSS envisages the relocation of the current industrial uses over time and their replacement with predominately residential and commercial uses that will have less impact on the nearby Kensington Banks residential development. Specifically, the proposed rezoning to Mixed Use Zone will facilitate the following land use objectives:

“Investigate opportunities for the future use of land along the Maribyrnong River on Hobsons Road adjacent to Kensington Banks for a mix of commercial, recreation and residential uses that is more compatible with the surrounding Kensington Banks development and within the Maribyrnong River corridor.”

Support the conversion of industrial uses to residential /commercial uses on land fronting Hobsons Road adjacent to Kensington Banks (identified as [7] in Figure 21)



The application of the Incorporated Plan Overlay (Schedule 2) will meet the following built form strategies:

Ensure that the scale and built form of any new development on industrial land along Hobsons Road (identified as [7] in Figure 21) is compatible with the prevailing built form of Kensington Banks; and

Strengthen public space and pedestrian and cycle connections on both sides and across the Maribyrnong River and Moonee Ponds Creek.

A range of other policies in the Melbourne Planning Scheme give guidance on built form issues, notably the Heritage and the Urban Design Outside the Capital City Zone Policies.

SITE ANALYSIS

The opportunities presented by the site analysis are summarised as follows:

Opportunities

The Precinct has significant opportunities that should be enhanced. These include:

- Its proximity adjacent to the Maribyrnong River provides it with unique views and access to a major recreation asset.
- Distant views of Melbourne's CBD and Footscray are available and the precinct abuts several regional cycle routes.
- Proximity to Flemington Racecourse and Kensington Banks makes the precinct a highly desirable residential or office location.
- There is a major opportunity to provide visual and pedestrian links between Kensington Banks and the river which are presently unavailable due to the existing industrial buildings.

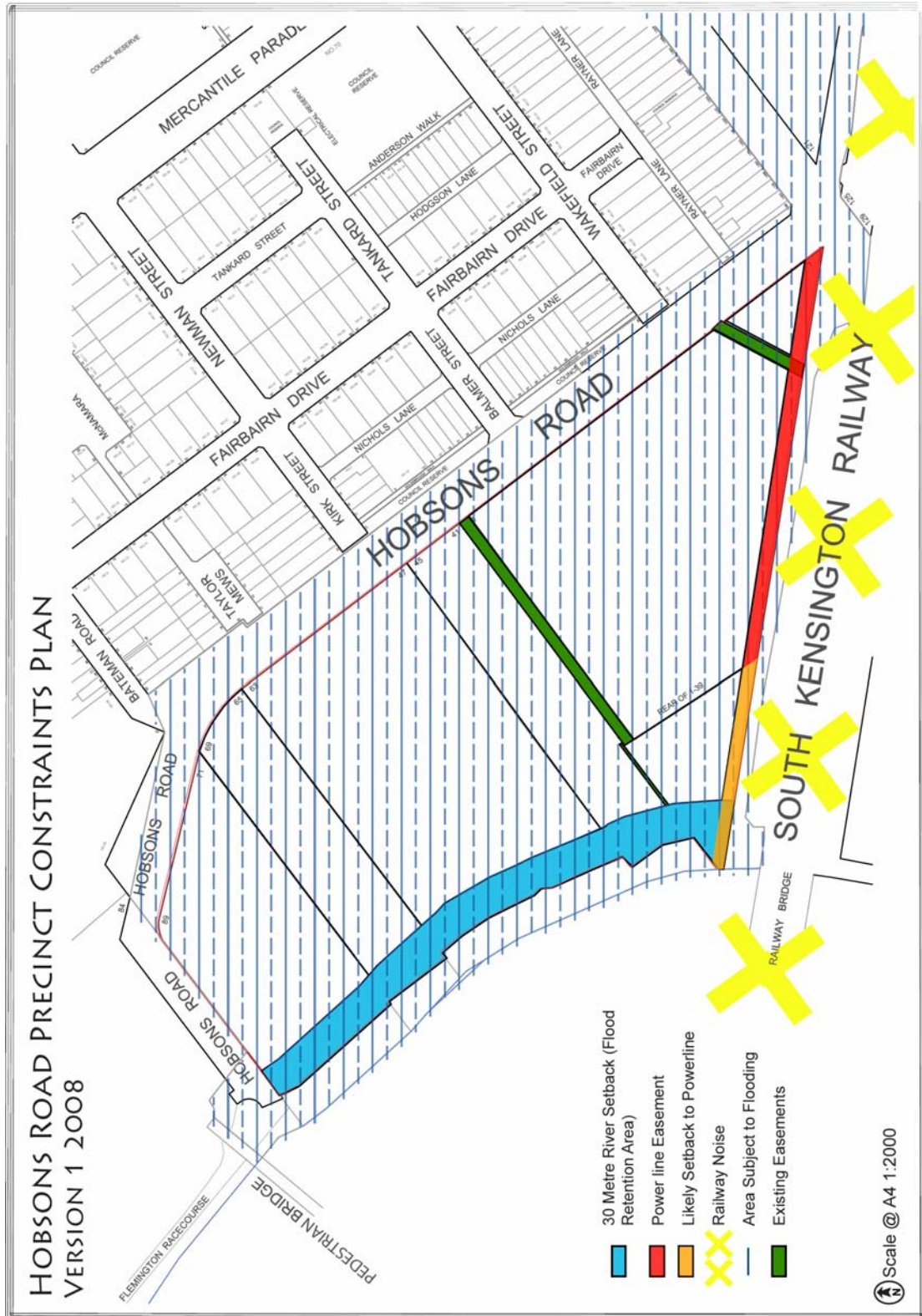
Constraints

Redevelopment of the precinct must also respond to several significant constraints that are shown on the Constraints Plan and include:

- The precinct is subject to flooding and Melbourne Water advises that the land must be filled to ensure that the floor levels are at least 600mm above the flood level. Hobsons Road will also need to be raised to ensure vehicle access in peak flood events.
- Melbourne Water also requires that development be setback at least 30 metres from the River to provide stormwater storage capacity and to ensure a suitable interface to the river.
- If the land is filled, the heritage buildings will be rendered unusable and the mature vegetation is unlikely to survive.
- The national rail line abutting the land to the south generates significant noise.
- A high voltage power line runs adjacent to the train line and the land below is affected by a 10 metres wide easement. No development will be permitted within that easement and additional building setbacks from the easement may be required.
- The Precinct contains drainage pipeline and carriageway easements that will limit development of several lots.
- The land is likely to be contaminated by its former industrial uses.
- The land is owned by 5 separate owners and the Precinct is likely to be redeveloped in stages.
- The main access to the precinct is from Kensington Road, and it is important that ensure that traffic generated by new development does not worsen the current traffic levels through Kensington Banks to the detriment of the quality of life in that area.

The opportunities and constraints are identified on the following maps.

Constraints Plan



LAND USE AND DESIGN RESPONSE

Based on an analysis of the opportunities and constraints which characterise the site, the following land use and design responses have been developed:

The preferred long term outcomes for the Hobsons Road Precinct are:

- A predominantly residential development providing a range of dwellings, complemented by some commercial offices, cafes and convenience stores serving both the local community and users of the regional cycle trails along the River and the rail line.
- That the built form and building heights adjacent to Hobsons Road reflect and complement the form, scale and massing of Kensington Banks.
- A built form adjacent to the River edge should not dominate or intrude upon the River and enhances its enjoyment.
- Development along the railway line should create an acoustic barrier to the rail noise and should be used for both commercial offices and dwellings.
- Development through the central part of the precinct can comprise a mix of dwelling types and have a higher built form than on the edges of the Precinct.
- Land abutting the public open space along River, near the powerlines and railway line should be developed as a focal point for residents of the area, as well as people using the regional trails on the River. Development could include a small civic space with a café / convenience shop, within a mixed use building.
- A setback from the River in the order of 30 metres which can remain subject to flooding, and can be used for passive purposes, but cannot have any permanent structures that would impede flood flows and storage.
- The development of the Precinct should include direct visual and pedestrian links that reconnect Kensington Banks to the river by the extension of Balmer Street, Bateman Road and Kirk Street to the River.
- All the built form should be highly articulated and designed to minimise mass, scale and building bulk.
- Enhancement of the local road network around Kensington Banks to ensure that it has the capacity to carry the traffic without unreasonable delays.
- The land be filled to at least 2.8 metres above the current ground level to prevent flooding.
- The progressive raising of Hobsons Road as sites are filled and developed, so that it be passable in the 1:100 year flood event.

LAND USE AND DEVELOPMENT REQUIREMENTS

Proposals to use land or construct works within the Hobsons Road Precinct should be in accordance with the following land use and development requirements:

Land Use

- A mix of residential densities and types.
- The provision for mixed use buildings with some commercial office development on the ground floor and dwellings above.
- The provision of a community focal point use located adjacent to the Maribyrnong River, close to the powerline easement.

Building Height and Setbacks

Building heights and setbacks should generally be in accordance with the requirements as specified in the Hobsons Road Precinct Built Form Framework Plan-March 2008.

Built Form

- Building design should complement but not mimic the scale and form of the existing development within Kensington Banks
- High quality contemporary building designs are encouraged.
- Buildings must be designed to achieve an exceptional level of design that reduces the impacts of their visibility and dominance.
- The development of blank walls, fencing and screening at the ground level is discouraged.
- Buildings should address Hobsons Road and the River frontage through direct relationship of ground level entries, casual surveillance, windows facing public areas and minimal setbacks.
- Buildings located adjacent to open space should be designed to provide casual surveillance of those areas.

Permeability and Circulation

The location and widths of pedestrian and vehicle access points should be generally in accordance with the “Hobsons Road Precinct Built Form Framework Plan-March 2008 and the following:

- Adequate provision shall be made for both vehicles and pedestrians along public roadways.
- New streets should provide quality and accessible pedestrian and bicycle through links between Hobsons Road and the Maribyrnong River.
- An internal public roadway system must be provided to provide for internal vehicle and pedestrian circulation.
- Streets shall have a road reserve of 12 to 14 metres width.

Traffic and car parking

- Development should not have an adverse impact on local traffic conditions. A traffic management plan will be required to be provided with any development proposal.
- Traffic generated from the Hobsons Road precinct shall be encouraged to use Kensington Road to access and egress the area.
- Access to garages in dwellings is encouraged to be from rear lanes.
- Developments are expected to meet the requirements of Clause 52.06. Visitor car parking requirements may be provided on the local streets within the Precinct. Applications to waive car parking requirements shall demonstrate that it will not cause excessive on street car parking.
- Vehicle crossings over pedestrian footpaths are discouraged and where provided should be aggregated. The owner of land shall remove all vehicle crossings not required for the development of the land.

Open Space and Community Facilities

- The development should provide safe, accessible and convenient public open space generally located adjacent to the Maribyrnong River towards the railway bridge.
- The public open space designed to facilitate informal social interaction amongst local residents and casual surveillance of the River frontage.
- Pedestrian and cycling paths through the precinct shall be linked to regional paths.
- Private open space within developments shall not be used a thoroughfares.

Flood Mitigation

- All the land shall be filled to 2.8 metres above current ground level to ensure that floor levels are at least 600mm above the flow levels.
- The part of Hobsons Road adjacent to the land proposed to be developed shall be raised to 2.4 metres above current ground levels prior to the commencement of the use of the land.
- Basements, including basement car parking shall be designed to prevent flooding in peak flood events.

Environmentally Sustainable Design

The design of dwellings shall where possible:

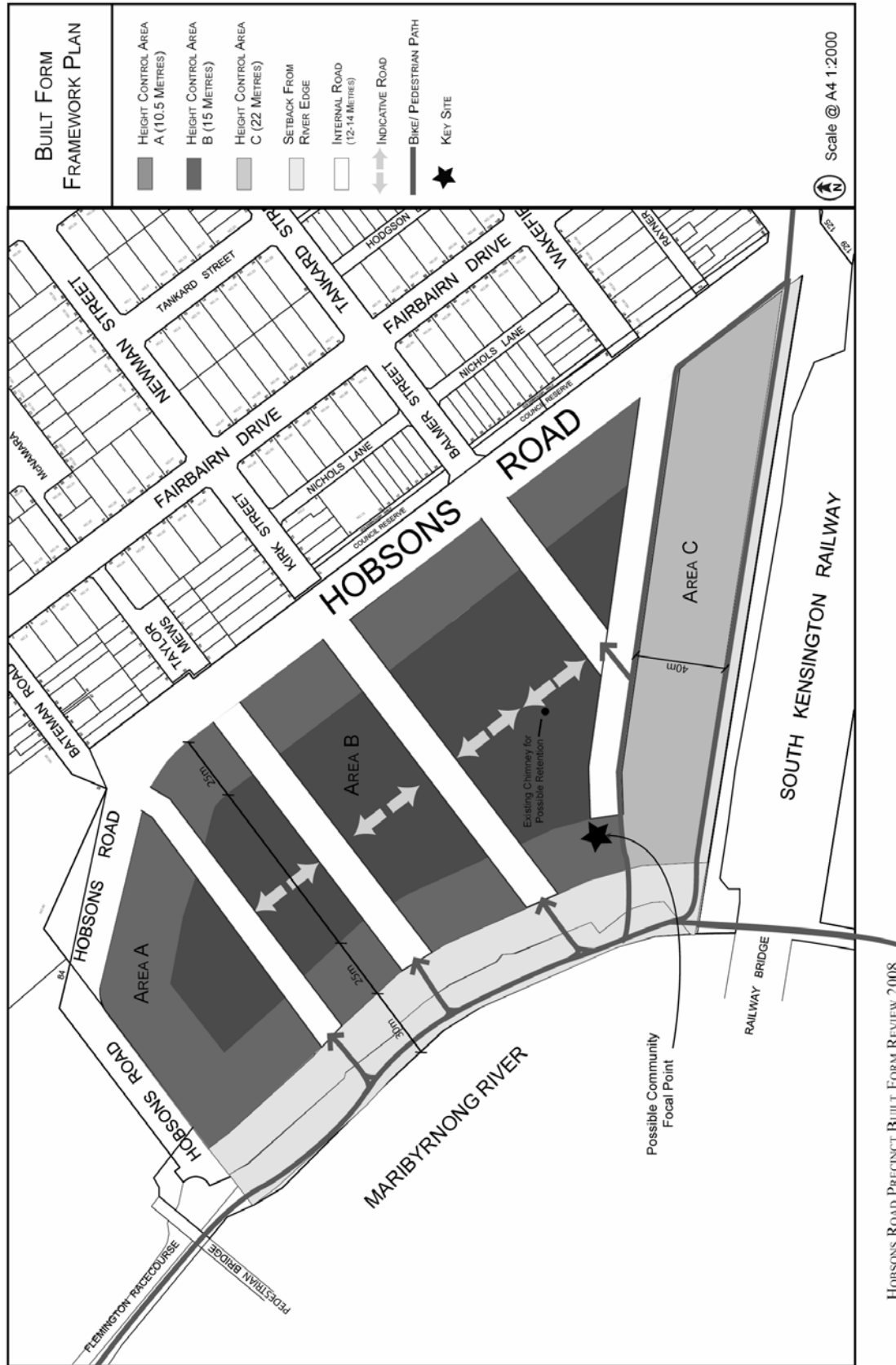
- Make use of solar energy throughout the year and reduce heat loss in winter.
- Protect windows and habitable rooms from direct summer sun and allow access to winter sun.
- Maximise north facing windows and minimise west facing windows.
- Consider the thermal performance of building materials and colours.
- Consider the inclusion of gathering rainwater and solar energy where possible, and locate such technologies appropriately within the design of new buildings to minimise their visual dominance.

Other Requirements

Proposals to redevelop land within the Hobsons Road Precinct shall provide the following:

- The recognition of the heritage features of the land.
- Suitable landscaping of the flood waters storage area to the satisfaction of Melbourne Water.
- Landscaping themes and plantings consistent with Kensington Banks and the River and.
- The storage of garbage and waste materials out of view from the public realm.

Hobsons Road Precinct Built Form Framework Plan March 2008



FINANCE ATTACHMENT

**APPLICATION FOR PLANNING PERMIT: TP-2007-1228, 1-39 HOBSON'S ROAD,
KENSINGTON, 3031**

There are no direct financial implications arising from the recommendations contained in this report.

Joe Groher
Manager Financial Services

LEGAL ATTACHMENT

**APPLICATION FOR PLANNING PERMIT: TP-2007-1228, 1-39 HOBSON'S ROAD,
KENSINGTON, 3031**

The *Planning and Environment Act 1987* ("the Act") and the regulations made under the Act prescribe various time limits in which the Responsible Authority must decide applications for planning permits.

The operation of section 79 of the Act is accurately set out in the report.

Section 84 of the Act provides that the Responsible Authority may decide on an application for a permit at any time after an appeal has been lodged for failure of the Responsible Authority to grant the permit, however, the Responsible Authority must not issue or give a permit, a notice of decision or a notice of refusal after the appeal has been lodged.

Ongoing legal advice will be provided as required.

Kim Wood
Manager Legal Services