PLANNING COMMITTEE REPORT

PLANNING SCHEME AMENDMENT C124, 1-89 HOBSONS ROAD, KENSINGTON

Division: Sustainability and Regulatory Services

Presenter: Robyn Hellman, Acting Manager Strategic Planning and Sustainability

Purpose

1. To report on the outcomes of the public exhibition of Melbourne Planning Scheme Amendment C124 and for the Committee to request the Minister for Planning appoint an Independent Panel to consider the submissions.

Recommendation from Management

2. That the Planning Committee:

   2.1. note the submissions and management’s assessment of the submissions as set out in Attachment 1;

   2.2. request the Minister for Planning appoint an Independent Panel to consider the submissions to Melbourne Planning Scheme Amendment C124; and

   2.3. note that the form of the Amendment to be presented to the Panel be in accordance with Attachment 5 which includes the changes as discussed in the body of this report.

Background

3. The Hobsons Road Precinct is five hectares of land at 1-89 Hobsons Road, Kensington, located between the Kensington Banks Estate, Kensington Road and the Maribyrnong River, and comprising six lots owned by four separate owners. A Location Plan is at Attachment 2.

4. Until 1999 the subject land was in an Industrial Zone. The new format Melbourne Planning Scheme changed this to Business 3 Zone. The Municipal Strategic Statement at that time (City Plan 99) stated that industrial uses along the Maribyrnong River were no longer appropriate and these should be replaced by commercial, recreational and residential uses compatible with the neighbouring Kensington Banks residential estate.

5. On 28 January 2003 all of the property owners within the Hobsons Road Precinct lodged a formal request to amend the planning scheme to rezone the land at 1-89 Hobsons Road to the Mixed Use Zone and apply a Development Plan Overlay (DPO) and an Environmental Audit Overlay (EAO). The proposal was for a staged development for 800-1000 dwellings and some commercial uses. The entire precinct was to be filled, as required by Melbourne Water to mitigate flooding. On 26 February 2004 Council resolved not to support the amendment request because of inadequate supporting information and concern about public access.
6. In November 2005, a request to rezone the land at 1-89 Hobsons Road to a Mixed Use Zone and allow a residential re-development of the site was lodged again by all of the property owners excluding the owner of 65-69 Hobsons Road, Marathon Foods. In March 2006, officers were advised by Marathon Foods that the company did not intend to relocate from their current premises and that they would be objecting to the rezoning. As a result, the rezoning of the land to Mixed Use Zone was not supported by management.

7. In June 2006, a planning permit was issued to Marathon Foods to allow expansion of their cool storage facility on their site at 65-69 Hobsons Road.

8. In December 2006, the Planning Committee responded to a Notice of Motion by resolving to commence the statutory process to rezone the land at 1-89 Hobsons Road to Mixed Use Zone with overlay controls to provide for public access from Hobsons Road to the riverbank and to protect the amenity of future residents from industrial activities.

9. In August 2007 the Minister for Planning authorised Council to exhibit Planning Scheme Amendment C58 and exhibition commenced on 6 December 2007. The amendment proposed to rezone the land at 1-89 Hobsons Road, Kensington from part Business 3 Zone and part Public Use Zone (Transport) to the Mixed Use Zone, introduce a schedule to the Design and Development Overlay (DDO57); and introduce an Environmental Audit Overlay (EAO).

10. On 4 December 2007 Council resolved to put the exhibition on hold and to undertake a study of the potential built form, road layout and open space requirements for the site. Council commissioned planning consultants to do The Hobsons Road Precinct Built Form Review 2008. The review, a copy of which is at Attachment 3 includes a Built Form Framework Plan with a schematic site layout, areas of open space, road linkages and building heights. Indicative sectional views of the built form through the site from the Review are at Attachment 4.

11. The Review informs Planning Scheme Amendment C124, the purpose of which is to introduce controls into the planning scheme to guide the mixed use re-development of the precinct.

**Key Issues**

12. Amendment C124 commenced public exhibition in June 2009. The amendment proposes to:

12.1. rezone the land from part Business 3 and part Public Use Zone (Transport) to the Mixed Use Zone (with the exception of the land within 30 metres of the riverbank);

12.2. rezone the land within 30 metres of the Maribyrnong Riverbank from part Business 3 and part Public Use Zone (Transport) to the Urban Floodway Zone;

12.3. apply the Environmental Audit Overlay over the land included in the proposed Mixed Use Zone;

12.4. introduce an Incorporated Plan Overlay (Schedule 2) over the land to be included in the proposed Mixed Use Zone; and

12.5. include the Hobsons Road Precinct Incorporated Plan-March 2008 as an Incorporated Document.

13. A total of nine written submissions were received from individual Kensington Banks residents, government authorities, and the four Hobsons Road Precinct property owners. A summary of the submissions is at Attachment 2. The major issues raised in the submission are discussed below.
Urban Floodway Zone and Flood Requirements

14. Melbourne Water advised that they require a 30 metre setback (achieved through applying the Urban Floodway Zone) along all major waterways in compliance with State Planning Policy (part 15.01-2) to provide river floodway capacity. No buildings or works, including fencing will be allowed within this zone. The reservation of this land ensures that development does not inhibit the free passage of floodwater and provides for a temporary storage of floodwaters.

15. The submission on behalf of three of the landowners (Submission seven) argues that the application of the Urban Floodway Zone effectively acquires 30 metres of land at their expense. The owners consider that flood mitigation measures such as increasing the amount of fill within 30 metres of the riverbank would be more appropriate. Such a measure however would actually reduce floodway capacity.

16. The Urban Floodway Zone is a condition of the location of the land. The 30 metre strip of land required for the Urban Floodway Zone will also provide a landscaped river bank which will be a significant amenity benefit to the occupiers of the newly developed site and therefore an asset to the development as well as having a public benefit by contributing to the continuous landscape riverbank link along the river. On this issue the submission is not supported.

17. Melbourne Water has requested the words “flood level” be changed to “one per cent ARI flood level” throughout the Amendment documentation. These changes are accepted. In their submission they further request that a requirement for an emergency response plan, and a requirement for entry and exit points from basement car parking be above flood level, be included in the incorporated plan. These changes have been made to the incorporated documents.

Incorporated Plan Overlay

18. The land owners (excluding Marathon Foods) in Submission number seven object to the application of the an Incorporated Plan Overlay (IPO) on the grounds that the IPO is too prescriptive and that more development flexibility is needed for the Hobsons Road Precinct. They recommended instead a Development Plan Overlay over the site to provide more flexibility for the future redevelopment of the precinct. This planning tool would also allow the “Hobsons Road Precinct Built Form Review” report to be included in the planning scheme as a reference document rather than an incorporated document.

19. The key differences between the Incorporated Plan Overlay (IPO) and the Development Plan Overlay (DPO) are that a planning scheme amendment is needed to change a plan under an IPO whereas a plan developed under a DPO can be changed by the Responsible Authority. The planning scheme amendment process enables third parties to be involved in the process of changing the plan whereas with the DPO there is no requirement to exhibit a change to a plan and no formal third party submission process (when the plan is to the satisfaction of the Responsible Authority).

20. As a planning control, the Incorporated Plan Overlay will provide certainty that the design of the future development and use of the land would be in accordance with the prepared “Hobsons Road Precinct Incorporated Development Plan”. The Plan defines the form and conditions to be met by future use and development of the land. This Plan will have been developed with third party input. Once the Plan has been approved, a permit may be granted without third party input. Council and the community can be confident that key urban design principles will be realised in the re-development.

21. When the re-zoned land is redeveloped the entire precinct including Hobsons Road itself will need to be raised by over two metres to the level of Kensington Banks Estate to protect the new uses against flooding. This requirement makes piecemeal development of the precinct on a property by property basis impractical if not impossible. This flood protection requirement will drive a comprehensive redevelopment of the precinct including the raising of Hobsons Road.
22. A comprehensive re-development provides the opportunity for an optimum, best practice urban design site layout for the re-development that integrates the re-developed precinct in terms of walking and bicycle access and view corridors with the adjoining Kensington Banks neighbourhood and with the Maribyrnong River and landscaped banks. The proposed Incorporated Plan sets out these urban design site layout principles.

Existing Site Uses

23. Marathon Foods owns and operates a food processing plant on the site at 61-65 Hobsons Road. The use is permitted under the current Business 3 Zone. Amendment C124 proposes to rezone the entire precinct, including the marathon Foods site to a Mixed Use Zone. Marathon Foods may lawfully continue to operate although the use becomes non-conforming under the Mixed Use Zone. This has implications on Marathon Foods in regard to future plans for buildings or works.

24. Submission No. 8 from Trevor Huggard, on behalf of Marathon Foods objected that the amendment effectively prohibits the current use of the their site and asserted that the amendment seeks to terminate the business on this site despite a history of approvals for various incremental changes to the establishment.

25. Hobsons Road Precinct has been identified in the Melbourne Planning Scheme as an area of transition since 1999. Council’s vision for the precinct since that date has flagged the conversion from industry uses to commercial, recreational and residential uses. Council’s approvals for various incremental changes to the Marathon Foods establishment over that time have been done within the prevailing statutory framework where Marathon has a right to operate. They do not amount to a different or changed strategic direction. On that basis the submission is not supported.

Traffic

26. Council recently introduced a Local Area Traffic Management Plan for the Kensington Banks Estate to reduce through traffic. This has been implemented through the installation of speed humps, turn bans, traffic lights, road closures and changes to the frequency of traffic signals.

27. Submission 4 from Vincent Huang, resident in the Estate, raised issue of the potential increase of traffic into the Kensington Banks Estate if the Hobsons Road Precinct is allowed to be re-developed for residential use.

28. The current traffic management measures have significantly reduced through traffic into the Kensington Banks Estate from both Smithfield Road and Kensington Road. The proposed controls for the Hobsons Road Precinct will require a Traffic Management Plan to avoid the proposed development having an adverse impact on local traffic conditions in the Kensington Banks Estate.

Gas Pipeline

29. The Department of Primary Industries has requested a change to the incorporated document to show the location of the gas pipeline easement and to restrict excavation and construction within three metres of the easement. This is a standard requirement and therefore accepted.

Time Frame

30. Following the exhibition of the amendment and receipt of submissions, the Council is required to consider all submissions received and, in doing so, the Council may either change the amendment, request the Minister for Planning to appoint an Independent Panel to consider the submissions or abandon the amendment. Amendment C124 will lapse on 11 June 2011 unless the Council adopts the amendment prior to that date.
Relation to Council Policy

31. The Municipal Strategic Statement supports the conversion of industrial land uses on Hobsons Road to a mix of industrial and commercial land uses. However it also raises the possibility of uses other then commercial uses including residential uses:

“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.”

Consultation

32. The Amendment was exhibited between 11 June and 16 July 2009 pursuant to Section 19(1) of the Planning and Environment Act 1987. Public notices were placed in the Moonee Valley Leader and the Melbourne Leader and the Government Gazette. The amendment and supporting documentation were available at the Council office and the Department of Planning and Community Development Sustainability and the Council’s websites. Notice of the amendment was sent to State Government Ministers, relevant authorities, the Kensington Association as well as key stakeholders. Notices were also sent directly to owners and occupiers of properties affected by this amendment and properties in the adjoining Kensington Banks Estate.

Finance

33. Council will incur the cost of a Panel Hearing. These costs will include panel member expenses, expert witness and legal costs, which are estimated at $30,000 and will be met from the Strategic Planning and Sustainability Branch’s 2009/2010 Operating Budget.

Conflict of Interest

34. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

Legal

35. Division 1 of Part 3 of the Planning and Environment Act 1987 sets out the relevant provisions in relation the exhibition and notification of proposed planning scheme amendments as well as the process for public submissions and the consideration of those submissions by the planning authority or an appointed panel.

Attachments:
1. Table of Submissions
2. Location Plan
3. Built Form Framework Plan
4. Concept Sections
5. Planning Scheme Amendment Documents (Amended with Accepted Changes)
### AMENDMENT C124 – HOBSONS ROAD PRECINCT

#### SUBMISSIONS FROM PUBLIC EXHIBITION

<table>
<thead>
<tr>
<th>No</th>
<th>Submitter Details</th>
<th>Land</th>
<th>Support/Against</th>
<th>Details of Submission</th>
<th>Council Response</th>
</tr>
</thead>
</table>
| 1  | Neil McLeod       | High Voltage Powerline Authority | Support | • No objection to the amendment.  
• Identified a 220KV transmission easement traversing the southern portion of the site.  
Advised that any future development within 60 metres of the easement must be referred to SPI Powernet for approval. | Comment only.  
**No change recommended to Amendment C124.** |
| 2  | Dolores Calle     | Local Resident | Support | • Supports the amendment to allow residential development in the Hobsons Road Precinct.  
• Considers that Marathon Food factory is not compatible with residential and should be moved to a more appropriate area.  
• In the last three years has registered a number of complaints relating to noise from Marathon Foods.  
• Concerned that large delivery trucks to and from Marathon Foods continue to cause a noise disturbance between midnight and 6.00am as well as loud noises from the opening and closing of gates and the arrival of staff. | Comment supports the intended outcome of the proposed amendment.  
**No change recommended to Amendment C124.** |
|   | Rodney Warwick  
|   | 20 Kirk Street  
|   | Kensington Banks   3031 | Local Resident | Support | Comment supports the intended outcome of the proposed amendment  
|   |   |   |   | **No change recommended to Amendment C124.** |

- Supports the rezoning of the precinct to a Mixed Use Zone.
- Supports a mix of residential and commercial uses which would compliment Kensington Banks with its parkland, bicycle trails along the river and the stock route.
- Considers the area to be inappropriate for Marathon Foods which is a manufacturing facility.
- Has experienced considerable noise disturbance from large trucks entering and leaving the site throughout the night.
- Concerned about the dilapidated condition of the disused buildings and the possible threat of asbestos.
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<thead>
<tr>
<th>No</th>
<th>Name</th>
<th>Against</th>
<th>Remarks</th>
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<tbody>
<tr>
<td>4</td>
<td>Vincent Huang</td>
<td>Concerned about allowing a residential use into the area.</td>
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<td></td>
<td>44 Bateman Road</td>
<td>Concerned there is a strong possibility of multiple residential units being constructed which will result in additional residents and associated traffic volumes from motor vehicle traffic. The volume of traffic will not lessen with this proposal.</td>
<td></td>
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<tr>
<td></td>
<td>Kensington 3031</td>
<td>Highlighted the already significant vehicle traffic along Bateman Road. This road is used a primary link between Kensington Road and Smithfield Road. There have been numerous occasions where the drivers have not obeyed the road rules.</td>
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<td>Raised the issue of congestion from more people living in the area and questioned how issues will be addressed such as the environment, pollution, and general congestion.</td>
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<td></td>
<td>Supports the current Business 3 Zone.</td>
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</table>

Council’s Traffic Engineering Team introduced a Local Area Traffic Management Plan for the Kensington Banks Development to reduce through traffic throughout the development. There has been a progressive implementation of the Plan through the installation of speed humps, turn bans, traffic lights, road closures and changes to the frequency of traffic signals. These measures have significantly reduced through traffic coming into the estate from both Smithfield Road and Kensington Road.

Given the effectiveness of the above measures, it is not anticipated that redevelopment of the precinct for residential will result in additional traffic through Kensington Banks.

**No change recommended to Amendment C124.**
| 5 | Kerrie Homan  
Land Development  
Melbourne Water  
P O Box 4342  
Melbourne 3001  
Ph 9235 2241 | - | Support |
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<td></td>
<td>Requests that references to “flood level” throughout the document be amended to refer to 1% ARI flood level.</td>
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<td></td>
<td>Seeks two additional Flood Mitigation requirements to the proposed Schedule to the Incorporated Plan Overlay:</td>
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<td></td>
<td></td>
<td></td>
<td>1. An Emergency Response Plan (ERP) should be prepared in consultation with an appropriately accredited risk management firm. The ERP is to consider flood risks, and the future management of the site in relation to the flood risks. The landowner should register the Emergency Response Plan on title through the creation of a 173 agreement.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2. Basements including basement entry and exists points for carparking should be designed to prevent flooding through the construction of a flood proof apex, a minimum of 600mm above the applicable 1%ARI flood level.</td>
</tr>
</tbody>
</table>
| 6 | Emily Bissland  
Planning Officer-Earth  
Resources Regulation Department of Primary Industries  
GPO Box 4440  
Melbourne 3001  
Ph 9658 4434 | - | Support |
|  |  |  | Advised that pipeline licence PL203 runs through the land affected by the amendment. |
|  |  |  | Requested that the Gas Pipeline Easement be identified in the Constraints section of the Hobsons Road Precinct Incorporated Plan. |
|  |  |  | Offers no objection subject to the following advice in relation to the PL203: |
|  |  |  | 1. A person cannot excavate within 3 metres of a pipeline without permission. |
|  |  |  | 2. A person cannot construct a building so that any part of it is situated less than 3 metres from a pipeline without permission. |

Requested changes do not impact on the intent of the amendment.

Accept changes as detailed in the submission.

**Recommend change to Amendment C124**
<table>
<thead>
<tr>
<th>Against</th>
<th>Owners of: 1-39 Hobsons Rd 41-45 Hobsons Rd 71-89 Hobsons Rd</th>
</tr>
</thead>
</table>
| • Supports the change in zoning to a Mixed use Zone in order to facilitate the future redevelopment of the Hobsons Road Precinct.  
• In principle support for the outcomes that are sought by the plan. |

**Urban Floodway Zone**

• Objects to the application of the Urban Floodway Zone.

  • Considers that the 30 metres setback from the Maribyrnong River effectively acquires land at the expense of land owners. This view is supported by a recently approved planning permit.  
  • A condition from Melbourne Water to fill the site to an applicable level establishes a precedent for position.  
  • Considers that other flood mitigation measures such as increasing fill within 30 metres of the river are more appropriate to the future development of the site.

**Incorporated Plan Overlay**

• Objects to the application of the Incorporated Plan Overlay (IPO).

  • Considers that the prescriptive requirements associated with the IPO fail to provide the development flexibility required for the Hobsons Road Precinct.  
  • Recommends the application of a Development Plan Overlay which would allow for a level of flexibility for the future redevelopment of the precinct.

**Incorporated Plan**

• *Hobsons Road Precinct Built Form Review* need not be incorporated into the Melbourne Planning Scheme but rather included as a reference document for any future development of the precinct.

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**Urban Floodway Zone**

Zone introduced at the request of Melbourne Water. Their approach is consistent with Melbourne Water FloodPlain Management Policy to limit buildings and works, including fencing within 30 metres of the river frontage.

**Incorporated Plan Overlay**

The Incorporated Plan Overlay (IPO) has been selected as the appropriate mechanism to implement the Site Development Plan (consisting of built form principles and a site map) as it provides a level of certainty in terms of development and use outcomes as it may only be changed by a planning scheme amendment.

The IPO will ensure that the future use and development of the land is carried out in accordance with the Plan. The IPO

**No change recommended to Amendment C124.**
| 8 | Trevor Huggard  
Trevor Huggard and Associates  
On behalf of Marathon Foods  
114 Munnering Lane  
Princes Hill 3054  
Ph 9380 2325 | Marathon Foods  
Hobsons Rd | Against |
|---|---|---|---|
| • Detailed extensive negotiations that took place with the Federal Government, State Government and the Melbourne City Council.  
• As part of those discussions, Marathon Foods were encouraged to locate at their current location at a cost of around $40 million (cost of building the processing plant).  
• Discussions included an assurance that the Saleyards Residential Development would not compromise the rights of Marathon Foods to continue to operate which is a major inner city activity that is not an offensive industry.  
• Highlighted that continued support for the use is evident as the City of Melbourne sold its vacant land at 65-69 Hobsons Road (adjacent to Marathon Foods) to Marathon Foods to allow the use to expand and consolidate the business in 1999.  
• Frustrated by the amendment as it seeks to terminate the existence of the business on this site even after approvals for each stage of purchase, construction and permits, welcoming public access connections to the river, supporting neighbourhood residential development and contributing to the local community.  
• Does not oppose the inclusion of residential in its zone but the does oppose the intention of the amendment to prohibit the current use of the site. This by definition would not be “mixed use zone”. | Hobsons Road Precinct has been identified in the Melbourne Planning Scheme as an area of transition since 1999. Council’s vision for the precinct since that date has flagged the conversion from industry uses to commercial, recreational and residential uses.  

**No change recommended to Amendment C124.** |
<table>
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<tr>
<th>#</th>
<th>Support</th>
<th>Site contamination</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td></td>
<td>Advises that the site has had past industrial uses and may be contaminated. Supports the application of the Environmental Audit Overlay.</td>
</tr>
</tbody>
</table>

**Noise**
- Recommends the inclusion of a requirement for an expert acoustic expert assessment in the land use and development requirements for residential buildings to ensure that the impact of railway noise is acceptable.

**Complaint History**
- Confirms that no complaints have been received since January 2006.

Requested changes do not impact on the intent of the amendment.

**Recommend change to Amendment C124.**
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

An application to subdivide land, construct a 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

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

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, convenience shop, or community facility 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

<table>
<thead>
<tr>
<th>Height Control Area</th>
<th>Column 1-Height</th>
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</thead>
<tbody>
<tr>
<td>A</td>
<td>10.5 metres</td>
</tr>
<tr>
<td>B</td>
<td>18 metres</td>
</tr>
<tr>
<td>C</td>
<td>22 metres</td>
</tr>
</tbody>
</table>

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.

Traffic and Carparking

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

The Traffic Management Plan should also take account of the following:

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 to and approved by the Responsible Authority.

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 vehicular, 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 via the public roadways. Where a contribution is required under Clause 52.1 of the Melbourne Planning Scheme, the area of land provided for open space (to show compliance with the provisions of the Urban Floodway Zone) shall be considered to have met that requirement.

Landscaping

A landscape plan designed by a suitable qualified person must be submitted to and approved by the Responsible Authority. 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 following requirements of Melbourne Water to ensure that development is protected from flooding from the Maribyrnong River:

- To ensure compliance with the requirements of Melbourne Water, the owners of the land are required to fill the land at least to the applicable 1% ARI flood level.
- All buildings are to attain a finished floor level of a minimum of 600mm above the applicable 1% ARI flood level. The owners of the land are to provide safe pedestrian and vehicular access from the development during a peak flood event by raising the height if Hobsons Road to a minimum level no lower than 350mm below the applicable 1% ARI flood level.
- An Emergency Response Plan (ERP) should be prepared in consultation with an appropriately accredited risk management firm. The ERP is to consider flood risks, and the future management of the site in relation to the flood risks. The landowner should register the ERP on title through the creation of a 173 agreement.
- Basement, including entry and exit points for carparking should be designed to prevent flooding through the construction of a flood proof apex, a minimum of 600mm above the applicable 1% ARI flood level.
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 to and approved by the Responsible Authority.

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

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.
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.
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 1% ARI 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.
- Gas Pipeline Licence PL203 runs underneath Hobsons Road, Kensington. A person cannot excavate within 3 metres of a pipeline or construct a building less than 3 metres from a pipeline without permission.
- 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.
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.
- 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.
- 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.
- 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 (as per the requirements of Melbourne Water) above the applicable flood level.
- The provision of safe pedestrian and vehicular access from the developed sites during a peak flood, by raising the level of Hobsons Road.
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 ensure that floor levels are at least 600mm above the applicable 1% ARI flood levels.
- The owners of the land must provide safe pedestrian and vehicular access from the development site during a peak flood by raising the height of Hobsons Road to a minimum level no lower than 350mm below the applicable 1% ARI flood level.
- 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 30 metre setback along the Maribyrnong River 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

PLANNING SCHEME AMENDMENT C124, 1-89 HOBSONS ROAD, KENSINGTON

The recommendation will result in some costs associated with independent panel hearing, which include panel member expenses, expert witness and legal costs. This is estimated at $30,000 and will be met from within the existing 2009/10 operational budget of Strategic Planning and Sustainability branch.

Phu Nguyen  
Acting Manager Financial Services
PLANNING SCHEME AMENDMENT C124, 1-89 HOBSONS ROAD, KENSINGTON

Division 1 of Part 3 of the Planning and Environment Act 1987 (“the Act”) sets out the relevant provisions in relation the exhibition and notification of proposed planning scheme amendments as well as the process for public submissions and the consideration of those submissions by the planning authority or an appointed panel.

Section 23 of the Act provides that after considering a submission which requests a change to the amendment, the planning authority must either change the amendment in the manner requested, abandon the amendment or part of the amendment or it can refer the submissions to a panel appointed in accordance with Part 8 of the Act.

Amongst other things, under Part 8 of the Act the Minister must appoint a panel which may consist of one or more persons. The Minister also has the power under the Act to require additional notice and the consideration of additional submissions after the amendment is submitted.

Pursuant to section 27(1) of the Act, the planning authority must consider the panel’s report before deciding whether or not to adopt the amendment.

Kim Wood
Manager Legal Services